

# UNCORRECTED PROOF ISSUE

Wednesday 5 June 2019 - Estimates Committee B (Archer)

## LEGISLATIVE COUNCIL

### ESTIMATES COMMITTEE B

Wednesday 5 June 2019

#### MEMBERS

Mr Armstrong  
Ms Armitage  
Mr Dean  
Ms Howlett  
Ms Rattray (Chair)  
Ms Siejka  
Mr Willie

#### 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  
**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, 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)

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

### **DIVISION 6**

(Department of Justice)

#### **Output Group 1**

#### **Administration of Justice**

##### **1.1 Supreme Court Services -**

**CHAIR** (Ms Rattray) - Good morning, Attorney-General and thank you very much for attending our Estimates hearing today. I believe it is your first day, so there will be an opportunity for members hopefully to ask a question before it is asked from some other place.

Our intention is to start with the Supreme Court and go down the list. Then we will do Corrections, Environment, Arts and Racing. We will see how that pans out. We have no idea what

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time we will conclude but we will see if we can get through all our line items. That is our normal process.

The members of the committee are the honourable Josh Willie, Jo Siejka, Ivan Dean, myself Tania Rattray, Rosemary Armitage, Jane Howlett and Robert Armstrong. Please introduce your team at the table and as people join you through the course of the hearings, so Hansard knows who you have joining you.

We will invite you to provide an overview and then we will kick off, thank you.

**Ms ARCHER** - I will do some introductions. I would normally have the Secretary of the Department of Justice, Ms Kathrine Morgan-Wicks, with me but she is on another committee for an hour, so I have Kristy Bourne, Deputy Secretary of Department of Justice, and also Dale Webster, Deputy Secretary of Department of Justice, who will ably fill those shoes at the table with me. As you said, as people join me, I will certainly introduce them as and when required.

In relation to an overview, Chair, as I said last year, it is an honour and a privilege to be before this committee but this year as Attorney-General as well as Minister for Justice. I am proud to progress what the Government has had on its agenda for some time now and its many new initiatives.

Over the past 12 months in Justice, reform has been quite significant. As we go through the various outputs, that will become evident.

As members would be aware, the Justice portfolio is diverse and it includes the courts, various tribunals, legislative reform and policy development, Crown Law, Births, Deaths and Marriages, monetary penalties, enforcement service and a number of independent agencies, which you have allocated some time for as well.

It is challenging work across a range of complex issues and I acknowledge the professionalism and dedication of all the people working in these areas and thank them for their time today because they are all very busy people.

Access to justice is a priority for our Government. I am pleased that the state Budget supports a number of key initiatives in this portfolio and additional funding in that regard, including prioritising a package of initiatives aimed at reducing criminal court case backlogs.

The Budget continues the additional funding for the Legal Aid Commission of Tasmania and community legal centres to make up the shortfall in funding from the National Partnership Agreement. I am 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. In our Budget we have certainly funded that shortfall of \$1.3 million.

The Budget also includes funding for an additional full-time magistrate in the north-west and in Hobart, and provides funding to continue three acting judges in the Supreme Court. It also provides funding for Legal Aid and the Office of the Director of Public Prosecutions to ensure that they are appropriately resourced to meet that extra demand as well. As has been heard, I have also received funding for the appointment of a seventh judge. Members will be well aware that has been called for some time.

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An amount of \$10.5 million has been set aside for these initiatives in the Budget, which are critical to address, not only backlogs in the supreme and magistrates courts. In addition, a number of initiatives for legislative procedural reform are being undertaken by both courts as well.

There is a heavy legislative agenda again. I can just work through a few: One-punch, persistent family violence offenders, electoral reform, criminal and general division of the Magistrates Court, bail laws and our cyberbullying reform as well. There is ongoing funding to the tune of \$24.5 million for Justice Connect - and we can go through that too - for the courts and corrections in the area of modernising system. The design and development will commence in mid-2020. This is a really important project and I am pleased I have also secured that funding.

The department will also reprioritise existing retained revenues and recurrent retained revenue sources to maintain the Eligible Persons Register, and there will be additional resources within the Guardianship and Administration Board to address service demand over the next four years. In addition to Justice Connect, we have a capital program for the Burnie Court Complex, up to \$15 million, to ensure that court can also continue to operate during that time.

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

Finally, the Office of the Ombudsman will also receive additional funding in this Budget of \$245 000 per annum, which I expect will be for two additional staff members to review the Right to Information matters referred to that office. Again, I am very pleased to be able to confirm that funding in this year's Budget.

**CHAIR** - Thank you very much, Attorney-General. Now, I will hand straight over to Mr Dean who is going to ask the first lot of questions.

**Mr DEAN** - Perhaps just on the overview, Justice Connect that you referred to is modernising, the whole processes within the Justice Department? Is that what that is about?

**Ms ARCHER** - Yes and across agencies. Eventually that will be not only within the courts and correction system, but it is also envisaged across police as well. The intent is for three stages. The first will be the delivery of criminal justice. Then -

**Mr DEAN** - What changes will we see in this area? What are the changes we are likely to see that will impact?

**Ms ARCHER** - Quite significant changes. In the Magistrates Court, in particular, everything is still operated by paper. Justice Connect will be all electronic. It will streamline a lot of the processes. It will reduce human error, which we have seen on a number of occasions, inadvertently. Some of those errors will be reduced. It will ensure there is an access point across agencies as well for information. It will also be significant for the collection of data. As we appear before this committee, as we know, sometimes it is difficult to ascertain data. We do take a lot on notice and sometimes it takes some time to turn up that data, because it is collected all by the way of a paper trail. Justice Connect will enable the streamlining of that process because it will be all computerised.

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**Mr DEAN** - How foolproof will this system be? Other systems that go electronic, like aircraft reservations, go down - and it goes down every month and nobody can fly as we found recently. How foolproof is this system? Has it been tested?

**Ms ARCHER** - I might throw that question to Mr Webster who can give you some background on the work in relation to this.

**Mr WEBSTER** - Part of developing this will be to look at our recovery processes. If it is down for five minutes, if power is down in central Hobart, and the process of how we deal and recover if the systems is not running.

A number of the processes currently are manual and that puts us in a unique situation - we could probably have those as our backup and still survive.

The idea of this is an end-to-end process so there will be a number of entry points and connections into the system. In the worst case scenario, when the whole of Hobart's NBN and power goes off, it probably stops many things from operating anyway. In all other circumstances, we will be mapping what is our recovery point if there is a downtime, from five minutes through to two days. If I use the example of our home detention system where there was a recent power outage in the centre of Hobart, as back up, we operated that system from Rosny.

**Mr DEAN** - As a result of this, will we see decreases in employment in these areas? When electronic changes are made, staff positions change. Is a decrease likely to occur as a result of Justice Connect and the cost of the whole program?

**Ms ARCHER** - I am not envisaging any staff reductions because of the positions of people. They are currently completing the data by way of paper form. It is going to be no different to preparing those documents by way of a computerised mechanism. It is more about the entry, what goes into that system, to streamline the process and help reduce backlogs, that type of issue. It is actually going to speed up the court process, currently slowed down by the fact everything is done manually. It will create efficiencies.

**Mr DEAN** - I take it the Supreme Court additional judge will be full-time?

**Ms ARCHER** - Yes.

**Mr DEAN** - And what does that do in relation to the current acting judges? Will they continue to operate? Will there be availability of the courts to handle the extra judge and those relieving judges if those positions continue?

**Ms ARCHER** - We currently have three judges, and there is funding for the acting judges for a further two years. The funding takes it up to when the seventh judge will commence. As indicated, I am quite fluid in looking at whether or not any acting judges are needed beyond that. I have spoken to the Chief Justice about conflict situations and we can always obtain judges from other jurisdictions.

The seventh judge is something the court has been calling for since the 1990s. That is the court's preference and what this delivers. The acting judges will take us up to the point where the seventh judge will commence.

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**Mr DEAN** - Two years before the new judge.

**Ms ARCHER** - There needs to be transition. There also needs to be a transition to put the support around the seventh judge by way of staffing and other needs. It is not only the cost of the judge, it is the support required. You can't just insert a judge, you need a judge's associate and other staff.

**Mr DEAN** - That brings me to the next question. If we look at the blowout in cases and the cases on hand, it continues to increase. We had pending cases older than 12 months - in 2017-18, it was 35.3; the target to the end of this year, 2018-19, is 29. I would like the figures to be put in numbers of cases because percentages really mean nothing. Are you on target for this year, 2018-19, to reach only 29 per cent of outstanding cases older than 12 months? I would be very surprised if you are. It would be good if you are.

**Ms ARCHER** - While we are turning up those figures, I will say that in relation to the seventh judge, the funding also extends to some additional funding for the DPP and the legal aid around that issue.

In relation to backlog, I will get figures for you.

**Mr DEAN** - There will be questions on that later when it comes into that line item.

**Ms ARCHER** - You will recall last year I reported to this committee that a number of mechanisms were being put in place, particularly around the court and how the court is dealing with that. I must stress that I can't tell the court exactly what to do in that regard. That is entirely the Chief Justice's domain - separation of powers and all of that. We do have discussions about this, of course. We do provide support and some of those discussions have now led to the seventh judge in particular, and also legislative reform in recognising that there is this significant backlog in criminal cases.

I think it remains much the same, despite the intensive period we had last year. I am quite happy for the figures to be announced by Mr Webster so that we can figures correct.

**Mr DEAN** - The number of pending cases over 12 months, not percentages, and whether that is blowing out or remains similar. Are you on target for this year?

**Mr WEBSTER** - It is increasing slightly. As at 16 May it is 201 -

**Mr DEAN** - That's 201 cases older than 12 months?

**Mr WEBSTER** - That is right. The question that comes that is: how many of the offenders or alleged offenders remain in custody as a result of those outstanding cases for 12 months and older and those on bail?

**Ms ARCHER** - We have to go to Corrections to find that because they are currently in the corrections system, where Justice Connect would be utilised.

Also we need to recognise when we are talking about raw statistics, that there are a lot of different types of cases. I know there has been not only an intense period looking at clearing backlogs of criminal cases, but the court is looking at types of cases. There has been a concentrated

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effort on getting rid of some of the most tragic cases - child sexual abuse type cases. Notoriously the ones that remain in a backlog are the ones that become difficult to prosecute because of the computer fraud and the enormous amount of evidence it takes for the DPP to put together a prosecution of those cases. When we look at the types of cases that remain in backlog, sometimes that also gives us a fairer indication of why they might be still pending as well. Statistics are all well and good, but some of them remain in the system for very good reasons.

We have some remand figures for the Supreme Court. As of 4 April this year, there were 112 prisoners being held on remand from the Supreme Court; 27 of these had some sentence time as part of their current episode, but had since reverted to remand only. The median or middle length of time on remand for the 112 prisoners was 88 days. The mean length of time on remand for the 112 prisoners is estimated to be around 148 days, noting this is impacted by a number of longstanding murder trials, which is again what I was just referring to - the types of cases. The longest time on remand among these prisoners was 854 days. I presume that was one of the more complex cases. It wasn't a murder case.

**Mr DEAN** - So the number in custody for longer than 12 months, what was that again?

**Ms ARCHER** - It was 201, I believe, as at 16 May.

**Mr DEAN** - So 201 have been in custody for longer than 12 months awaiting trial?

**Ms ARCHER** - Not necessarily in custody.

**Mr DEAN** - That's what my question was. How many?

**Ms ARCHER** - That was your follow-up question. Your initial question was how many cases were pending in numbers.

**Mr DEAN** - My question then was: how many of those cases are alleged offenders being held in custody?

**Ms ARCHER** - Well, we'd have to take that on notice as to how many of the 201, because the best I've been able to turn up is a date to 4 April.

**Mr DEAN** - If I can just ask the question, how -

**Ms ARCHER** - Or ask it again in Corrections. We may have more up-to-date information in our Corrections output.

**Mr DEAN** - Those cases, I think you're saying the complexity of some of them is the reason for it. Obviously, that's not the reason for all of the cases. Is it because we don't have sufficient judges or sufficient facilities for all those trials to continue?

**Ms ARCHER** - As I've said, to fix it there's no one silver bullet, because there's no one single cause. The figure can also be distorted by our unique preliminary proceedings procedures that operate in Tasmania to transfer cases into the Supreme Court from the Magistrates Court, so that's another area of reform we're currently looking at in relation to the streamlining of preliminary proceedings, because at the moment we can even have the situation where they can go back and forth between courts.

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I've been in discussion with both chiefs, both courts, in relation to how we can better streamline that process. Of course those discussions need to also be with the DPP as to how we might best serve those proceedings. That's another complicating factor.

I recognise there's a backlog. I recognised that last year. But there is no one single cause.

**Mr DEAN** - We raised this, and the lawyers raise it as well, and that was one of the positions in bringing in the judges, to simply call them in to prosecute cases and so on, wasn't it? That was to decrease that list, the temporary judges. It obviously hasn't done that. So how will one judge, one extra judge, likely improve the situation?

**Ms ARCHER** - Well, it will. The Chief Justice believes it will. I don't want to speak for him, but it is something the Supreme Court and indeed the Chief has been requesting for some time. I'm not going to speak on his behalf. I shouldn't and can't. I can't believe I'm actually getting this question, because there's been so much criticism over so many years for not funding a seventh judge, that it will go a long way to assisting with the backlog.

Can I just explain some of the other factors? There are changes in lodgement volumes; there's also been an increase in case lodgements, which is up 12.3 per cent on last financial year. There are the changes to the case mix, which I mentioned, so a higher volume of longer and more complex criminal trials. There is greater reliance by the Crown on coincidence and tendency evidence, resulting in lengthy disputes as to the admissibility of such evidence, so that's an evidentiary matter. An increased amount of surveillance device evidence and forensic account analysis of financial records.

They are those four types of posts I was talking about. Evidentiary rules relating to consent in sexual offence matters, with the requirement to seek leave to cross-examine on certain issues. It is more applications made during the course of trials, pursuant to sections under the Evidence Act, particularly section 38 where a witness can be declared unfavourable. Introduction of special hearings to prerecord evidence of witnesses declared as special witnesses. That is under the Evidence Children's Special Witnesses Act, and applications for children to give evidence in court in some cases rather than remotely from the protected witness room. That is starting to occur more frequently now. The availability of witnesses and the availability of Crown resources to prepare cases for trial, for which again I have put some funding in there. The availability of prosecution and defence counsel; that is notoriously difficult all over the state, if they need to be one area of the state. The availability of legal aid - again that's something I have sought to address with additional funding - and an increase in miscellaneous applications in some areas.

There are a number of factors, so in addressing backlogs we need to look at a number of different measures. A seventh judge is one.

Additional funding that goes with that to the DPP, which is increasing over the outer years as well, and the Legal Aid Commission for the work it does in defence of cases. It is a whole-system approach, and when Justice Connect is fully operational, that will help significantly in the streamlining of cases and courts talking to each other.

**Mr DEAN** - As Attorney-General, are you satisfied, with these people being held for 12 months or longer, that is a reasonable and fair situation to have? Is that not, as Michael Hodgman

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would have said, a denial of natural justice not to hear these matters within a reasonable period of time? How do you feel?

**Ms ARCHER** - I am not going to reflect on what Michael Hodgman might have said. What I will say is, as Attorney-General, and on behalf of the Government, we are doing everything possible in discussing with the courts as to how the court can better manage cases. I am in discussions with the DPP as to how he and his incredibly hardworking office -

**Mr DEAN** - I am sure we will have questions for him about this.

**Ms ARCHER** - Yes - deal with these matters as well. Legal Aid, the \$24.5 million in relation to Justice Connect, the seventh judge, the funding for Legal Aid, the funding for DPP. Let's not forget the significant legislative reform, and specifically what will be tabled this year is the Magistrates Court package. That has been a very complex piece of work, needing a lot of consultation, and even now we are still consulting on what we hope will be the final draft. That has been something that has been worked on for 17 years. I am not the only attorney-general, but I will be the Attorney-General to table that and debate it. I have welcomed input from a variety of stakeholders in that regard.

This is a system which is receiving funding. It is a system which is receiving legislative reform. It is a system that is receiving the technology; quite frankly, what we currently rely on in the registries is out of date. We recognise that and it will require a cultural shift as well. It is quite significant.

**Mr DEAN** - What is the position with security around the Supreme Court? I can probably ask the question at the same time of the supreme and magistrates courts? Security issues arising in the last 12 months, and what changes have we had to make to ensure the safety of all those people participating in those processes?

**Ms ARCHER** - Parliament enacted the Court Security Act, which commenced on 1 July last year. That act replaced the Admissions to Court Act 1916 so it was due for an update. That consolidated the law governing security and good order in all the courts and tribunals in Tasmania. It covers the traditional powers and duties of security officers as well as new areas such as the use of electronic devices in courtrooms and searches of the person, belongings and vehicles, which were not specifically dealt with before because that legislation didn't contemplate the technology we have today. That was as a result of a statewide review. I'm sure you're aware, Mr Dean, of security infrastructure and procedures following incidents that occurred in Hobart and Launceston criminal courts in November 2015. We had an unfortunate incident in which a Crown prosecutor and Corrections officer were assaulted.

**Mr DEAN** - Yes.

**Ms ARCHER** - I'm not sure if you want me to run through the security enhancements as a result, but we have -

**Mr DEAN** - I'd just like to know how security has changed and whether there were any security breaches in the last 12 months and in this current financial year of 2018-19? Are they working -

**Ms ARCHER** - I'm getting the nod that there haven't been any security breaches since the new measures have been in place.

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**Mr DEAN** - I accept there is confidentiality around some of these issues. Are we, the courts and judges satisfied -

**Ms ARCHER** - Yes. I have regular meetings with the Chief Justice and security has never been raised as a concern. We have better perimeter security and criminal courtroom security as a result of modifications. There are perspex barriers on the dock, there's a perimeter between the public gallery and there are necessary measures to impede unauthorised access in zones in the court. There's a separate access for jurors empanelled in Court 7, which is typically a smaller court. To avoid the intersection of jurors and accused persons and their families in the public foyer, the security gate across the driveway leading to the holding cells and basement garage is under -

**Mr DEAN** - Interference with jurors is one that comes up and we had a breach this year. There was one not long ago in the Launceston Supreme Court. Threats were made to a juror, from memory.

**Ms ARCHER** - I'll introduce Brendan McManus, Deputy Registrar of the Supreme Court.

**Mr McMANUS** - Charges arose out of that incident and that was dealt with, which led to a number of changes in the Launceston Supreme Court that were completed this financial year.

**Mr DEAN** - Yes. That happened this year, didn't it?

**Mr McMANUS** - My understanding it was late last year.

**Mr DEAN** - Yes, late last year, in this financial year. They -

**Ms ARCHER** - Okay. So, we'll correct that. There has been one.

**Mr McMANUS** - I don't have the exact date but the ramifications for that were to improve security in Launceston to make sure jurors were going in a different direction to the accused. The incident you're talking about occurred outside Civic Square and it was brought to attention of the victim. It was literally outside the police station in Launceston. Charges arose and were dealt with.

**Ms ARCHER** - It highlighted the issue and we then looked at the route between jurors and -

**Mr McMANUS** - That was an ongoing issue. The most recent issue was outside the court precinct.

**Mr WEBSTER** - Mr McManus has reminded us that we did an upgrade in this financial year, of security including additional perspex barriers around docks and looking at different ways of taking accused through the building of the Supreme Court building in Launceston. That work also included upgrading the cells at Launceston Supreme Court.

**Ms ARMITAGE** - I was looking at reports from February 2019, with the Law Society of Tasmania saying that, 'Defendants charged with indictable crimes will wait at least 18 months before standing trial...'. How many would have to wait 18 months before trial? If it is an indictable crime, would they be in custody?

**Ms ARCHER** - I am trying to find those figures for you.

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**Ms ARMITAGE** - The Law Society points out the effect on people as well as witnesses.

**Ms ARCHER** - Mr Webster has reminded that an indictable offence is a crime so it is charged under the Criminal Code Act, but that doesn't automatically mean -

**Ms ARMITAGE** - They may not be in custody?

**Ms ARCHER** - No, they may have bail and not be remanded into custody.

**Ms ARMITAGE** - It makes it harder for witnesses and the prosecution, not occurring for another 18 months to two years.

**Ms ARCHER** - Yes, and that was one of the factors I said is part of, not the only, cause of backlogs - the fact that witness availability is always going to be an issue. One of the reasons the court has taken the view that it will deal with child sexual abuse cases as a priority at the moment is because some of the offences occurred a long time ago and they are very distressing and bring back the trauma of the offence and witness recall can also be an issue. Part of the reason behind looking at these factors, as part of how we deal with the backlog, is to prioritise those cases that are notoriously difficult. Witness availability and recall are all relevant factors. I recognise that there are delays and our intention is to reduce it as much as we possibly can. This is why we're spending the money, to streamline these processes. Some of these matters cross portfolios, once someone goes into custody it becomes a Corrections issue.

**Ms ARMITAGE** - Yes, I understand that. Do you have some judges who specifically hear certain cases, such as child sexual offences?

**Ms ARCHER** - I believe the Chief Justice may have discussions with various judges about that. For example, there is one justice who has experience to deal with child sexual abuse matters but judges also go on circuit. They all do spend some time around the state because we have supreme courts across the state, as members know. They spend time in other jurisdictions and a lot of the justices like that because turns up a caseload that can be quite varied. There will be judges, due either to their experience in practice or as a judge, who develop a skill set but it's entirely a matter for the Chief Justice as to how he allocates cases. He or she, in future.

**Ms ARMITAGE** - How many of our judges are from interstate?

**Ms ARCHER** - Do you mean our acting judges?

**Ms ARMITAGE** - Yes. Acting and permanent.

**Ms ARCHER** - Our current judges were all from the Tasmanian profession and two of the acting judges are from interstate.

**Ms ARMITAGE** - We had five interim judges on two-year terms who were finishing -

**Ms ARCHER** - We did have five. I have discussed this with the Chief Justice and we reappointed three. The Honourable Brian Martin AO QC is a former chief justice of the Supreme Court of the Northern Territory; the Honourable Shane Marshall, who is a former Justice of the Federal Court of Australia and the Supreme Court of the ACT; and the Honourable David Porter

QC, a former Justice of the Supreme Court of Tasmania. It is a nice mix to have with acting judges from other jurisdictions because as I said they can step in when there might be conflict for a judge and in a small jurisdiction like ours we tend to know each other. I say 'we' because I was obviously practising as well.

The legal profession does tend to be quite close-knit and we know each other. Conflicts do arise where judges have to recuse themselves from sitting at a trial and there is the availability of those acting judges to step in. Also, when the Chief Justice needs to form a full court, again for the same reason, we can call on some acting judges if other justices have commitments with single judge trials. It has given us that flexibility and that is why I say at the time we appoint the seventh judge, I am still quite flexible and everyone wants flexibility looking at other solutions. Whether or not we can continue to additionally fund is another matter but that is two years away. As we know, we always look at these things afresh each budget.

**Ms ARMITAGE** - Thank you. So you will take that on notice?

**Ms ARCHER** - We only have remand figures. That is what I read out before. I think we would have to take that on notice.

**Ms ARMITAGE** - I am happy to take it on notice. How many defendants with indictable crimes have been waiting for 18 months or longer?

**CHAIR** - Do you have a full number, the entire number of people who are waiting?

**Mr DEAN** - Total number of cases?

**Ms ARCHER** - That was the 201 wasn't it? No, sorry.

**CHAIR** - That was more than 12 months.

**Ms ARCHER** - Mr Webster has the figure.

**Mr DEAN** - And for the civil jurisdiction as well?

**Mr WEBSTER** - Starting with the criminal jurisdiction, through you, Attorney-General, the total as at 31 March 2019 is 544. I would say that is an increase of 20 over the financial year from 524 at the end of 2018.

The number of new criminal cases lodged with the court has increased by 12.3 per cent from 512 to 575 in the last two financial years. The backlog has increased despite the number of cases finalised during the reporting year increasing from 437 to 493. We are doing more cases because of the acting judges but the number being lodged has also increased.

**CHAIR** - Is there a particular area that is bringing this number up?

**Ms ARCHER** - This increase has been in illicit drug trafficking cases and crimes of violence which I do not think members look surprised at. We know as a community those crimes are on the increase, which is why our Government - this is not by output, but I will make the observation, that we have more police on the beat; we have more police resourcing so more are being caught. That can explain that. Again, it is just another factor but one of the factors is that we are able to

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investigate, charge and then prosecute more, which is good from a community safety perspective and a law and order perspective. Ramifications can be that there is more strain in the criminal justice system, which again is the need for looking at this across the system and from a resourcing perspective as well. There are a number of factors but those crimes are the ones accounting for the increase. Despite that, you will recall I went through in detail last year the intensive effort the court was making in relation to extra sittings to deal with the backlog.

**Mr DEAN** - Can I just ask the question following on from the Chair's question? The growth area, and we know that it is, what about the regions? I will be surprised if the greater growth is not in the north of the state. It would be good if it were not, but I suspect it might be. Which is the area?

**Ms ARCHER** - I do not think we have that.

**CHAIR** - You do not do it region by region?

**Ms ARCHER** - No.

**Mr DEAN** - The DPP might be able to give us those figures.

**Ms ARCHER** - They may. By all means ask, but we will also take that on notice.

**Mr DEAN** - I am asking because we have the figures on the north of the state. It is becoming the crime capital. If we can get that on notice, it would be good.

**Ms ARCHER** - That has been reported in the media but I do not know which to rely on.

**Mr DEAN** - The other question was the civil jurisdiction. How many cases have we got on hand in the civil jurisdiction?

**Ms ARCHER** - I am pretty sure I can be pleased to report that civil remains quite constant and there is no backlog but I will just turn that up for you.

Ms Bourne will explain the figures.

**Ms BOURNE** - The Supreme Court has no delays in civil cases awaiting trial. They can usually be listed before a judge within three months of being certified ready for trial. Our statistics in this space are well within national averages, or targets I should say, compared to other jurisdictions in Australia. Some other jurisdictions have delays of 18 months or more. In this jurisdiction the pace is often driven by parties and their representatives as well. One factor that probably contributes to the low backlog in the civil space is the effective use of mediation in facilitating negotiated settlements. Approximately 65 per cent of cases are settled before they reach trial.

**Mr DEAN** - How many cases before the Supreme Court?

**Ms BOURNE** - In 2017-18, the total pending case load for civil matters was 675. Those older than 12 months only 265, relatively speaking I should say.

**Ms ARCHER** - Civil can go on for many, many years, Mr Dean. I used to practice in that area and six years was not unusual back when I was practising.

**Mr DEAN** - I was involved myself and I think it went for eight years, eight or 10 years or something.

**Ms BOURNE** - Generally listed within three months.

**Mr DEAN** - There is a total of 675 currently on.

**Ms BOURNE** - That is in the 2017-18 year.

**Mr DEAN** - What is it now 2018-19 year?

**Ms BOURNE** - I do not have the data to date.

**Mr DEAN** - Is it decreasing, can we get those figures?

**Ms BOURNE** - I am advised that it is down.

**Ms ARCHER** - It is a good result and I think the late Peter Underwood when he was chief justice was responsible for the intensive case management rules the Supreme Court now operates under. The impact of that has been, as Ms Bourne just said, a reduction in the number of matters proceeding to trial.

It was not unusual certainly 20 plus years ago to have, as a civil litigation practitioner, at least three to four major civil trials a year. Now you would be lucky to have one. A majority of them settle and there is that intensive case management where you are constantly appearing before the associate judge for case management which they have tried to mirror in our criminal jurisdiction. As I have been saying, as we have better legislative reform around our other procedures and our preliminary procedures, I hope that will have an impact on backlogs in our criminal area as well. It just shows the impact of case management.

**CHAIR** - Thank you very much. We will move now to 1.2, Magisterial Court Services.

## **1. 2 Magisterial Court Services**

**Mr DEAN** - We have the new magistrate for the south. Has that position commenced yet?

**Ms ARCHER** - The new magistrate for the south is a new announcement in this Budget. We have recently appointed a north-west magistrate full time. Previously, Magistrate Chandler in the Coronial Division was only 0.8 FTE and we have made that a full-time position. Also, Magistrate Leanne Topfer is appointed in the north-west.

**Mr DEAN** - An increase for Magistrate Chandler's position to full time, plus this new position of Leanne Topfer.

**Ms ARCHER** - No, I am taking you back so you have a good picture of Magistrates Court - 0.8 to full-time is Magistrate Topfer replacing Chandler but that is now full-time. In addition, we

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have announced a new magistrate, all together with the support around that I am hoping that magistrate can commence early next year.

In addition, Magistrate Mullard has retired. A very long-serving magistrate. I would like to take this opportunity to thank Magistrate Mullard for his significant service to the state and indeed just to Justice. The department is currently undertaking interviews for a replacement magistrate in that role. There has been significant interest in all positions and expect there will be for the new magistrate. It is entirely a matter for the Chief Magistrate to where the new magistrate might practice, although it will might typically be based in the south as the other one is now in the north-west. It will give the court the flexibility when magistrate goes on leave from anywhere in the state there is the additional magistrate available. The Chief Magistrate is very pleased with the additional resource. Again, something requested for a number of years and I am very pleased to be able to deliver.

**CHAIR** - Is the recruitment process done within the Justice system or is done externally and what is the cost?

**Ms ARCHER** - I will hand to Ms Bourne who does our recruitment.

**Ms BOURNE** - There is an official judicial appointment protocol available on our website we follow in judicial appointments of this nature. Essentially internally resourced and ordinarily, the secretary of the department, Ms Kathrine Morgan-Wicks, will chair the process with independent representatives that form a panel and undertake the process.

**CHAIR** - We do not pay external recruitment agencies?

**Ms BOURNE** - No.

**CHAIR** - Do we have consultants and is there a cost for consultants in the agency?

**Ms ARCHER** - When we have reports we commission KPMG.

**CHAIR** - Can we have for the last financial year?

**Ms ARCHER** - Ms Bourne will deal with that.

**Ms BOURNE** - The total cost of consultancies over \$10 000 for 1 July 2018 to 31 March 2019; whereas \$1.5 million, specifically \$1 599 132, a significant proportion was Tasmanian consultants of just over \$1 million and \$216 886 for non-Tasmanian consultants. They are split between building and construction-related consultancies and goods and services consultancies. I have that split across agency. In the appointment, it is ordinarily all done in-house.

**Ms ARCHER** - People are asked to be on the selection panel. If a conflict arises, instead of three people, there may be a fourth because they may know an applicant. That is formed usually between the secretary, deputy secretary and someone independent from outside.

**Mr DEAN** - I was going to follow up on the efficiencies required to be met across all departments this year. Where is that going in the Department of Justice? With the increases in the positions we are seeing with the extra magistrate and judge, where is the department likely to see some efficiencies?

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**Ms ARCHER** - As the Treasurer has been very clear, Treasury will work with the department to identify savings. There will be a strong focus on minimising the impact on service delivery but looking at expenditure such as consultants, travel, advertising, together with targeted vacancy control and natural employee attrition, without affecting frontline services, as well as reviewing returns from all government businesses. Justice the agency will work with Treasury to identify things that have minimal impact on essential services.

**Ms ARMITAGE** - I have a few questions on the Magistrates Court. I have been looking at the figures for the annual report and wanted some comments, Attorney-General, on how the Government is looking to address some of the issues with the breaches of family violence orders. They have risen by 73 per cent in four years, according to the most recent Magistrates Court figures. Family violence orders in the Magistrates Court are up by 10.8 per cent in 2017-18 to 1172 orders; there were 803 breaches of family violence orders in the past financial year compared to 760, and there were 438 in 2013-14. All these things are rising greatly and going to the Magistrates Court. How is the Government looking to address this?

**Ms ARCHER** - Because you have identified breaching of family violence and other orders, the breach issue is a police matter, as members may or may not be aware. This is in Corrections, but I am very happy to answer that now.

We have home detention monitoring in place now as a result of there being that alternative sentencing option available to magistrates and judges. As part of that service, the home detention monitoring unit is also monitoring family violence order perpetrators; voluntarily, victims can also have an electronic device so they can be monitored. I have seen it in operation. It means that if a victim unknowingly comes within a certain distance of their known perpetrator, it can be identified. It is an electronic system, an alarm will go off and the victim will be contacted by the unit.

**Ms ARMITAGE** - It doesn't trigger if the victim doesn't know, it doesn't trigger with them?

**Ms ARCHER** - The victim has to be notified. My belief is they have a safety plan and if it is very close they may be advised by the unit 'you may wish to go to your safe place'.

**Ms ARMITAGE** - It might be better if they could have an indication from an alarm going off within their person in case they can't be notified or they don't have their phone. It seems to me to put that extra little layer in there if there was some way the device could buzz or go off.

**Ms ARCHER** - I have seen the system in operation and it is quite impressive.

**Ms ARMITAGE** - Provided you can be reached, that is all I am saying, if someone else has to reach you. I would have thought with electronics and things the way they are, they could have had a device that lets you know that you're too close.

**Ms ARCHER** - The police are also notified, but I will let Mr Webster explain the process far better than me.

**Mr WEBSTER** - The system works on the 4G network. If the person can't be contacted because they have gone out of reach of their phone -

**Ms ARMITAGE** - If their phone is somewhere in the car.

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**Mr WEBSTER** - Yes, exactly. What the police do is actually brief the victim who chooses to be part of the scheme. They are actually briefed on what the protocols are, so they know they need to charge their bracelet, anklet or band, or they may in fact not have their band on their body - they may have it in a handbag, backpack or something like that.

Basically, they get a briefing and we say to them, 'This is what will happen if you come within'. The other thing to point out is that the safety zone is quite wide, so the initial contact is not when we are in the same room together.

**Ms ARMITAGE** - What would the distance be? Is there a set distance, or does it vary?

**Mr WEBSTER** - It will vary. As an indicator, if I am here as the perpetrator and the victim is in the mall, probably our circles will overlap and that is the first indicator.

**Ms ARMITAGE** - That close?

**Mr WEBSTER** -No. As soon as my 100-metre zone connects to their 100-metre zone, that is the sort of thing that happens. You set that, at maybe a kilometre, in which case as soon as the kilometre-circle and the kilometre-circle intersect, the warning goes off.

**Ms ARMITAGE** - In Scottsdale, you could have a problem, member. Might not be able to be in the same town? In small towns you might have a problem.

**Ms ARCHER** - That is something for the court to determine, what conditions are set. It is not up to the monitoring unit.

**Ms ARMITAGE** - Looking at the other issues, apart from the family violence, I note as well the question will arise that in court, crimes against a person were up 15.7 per cent; drugs offences, up 26.8 per cent; and property and deception offences, up 18.9 per cent. With youth, drug offences were up 38.5 per cent compared to the previous year.

The concern is that overall for the Magistrates Court, while there were 18 187 criminal lodgements, there were 18 047 finalisations in the Magistrates Court. What are we actually doing, because they're not really getting ahead, are they? If you are getting a few more in each year, then it is almost staying static.

**Ms ARCHER** - Are you talking about the backlog issue for magistrates?

**Ms ARMITAGE** - Well, it is a backlog.

**Ms ARCHER** - Again, I think an additional magistrate will have substantial impact on that. As I said, we are introducing the Magistrate' Court package this year in relation not only to streamlining procedures, but also providing a legislative framework that is up to date, so it will replace the old Justices Act. When Justice Connect comes on line, again I imagine Magistrates Court procedures will be greatly enhanced.

**Ms ARMITAGE** - I guess the real difficulty is the fact that everything is going up, all the crimes, and going up significantly, particularly drug offences.

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**Ms ARCHER** - They are, and we are responding to that. As we always see, you can throw money at something, but you've got to have a strategic plan around it. What we've got is that strategic plan, so it's a multi-pronged approach, from additional resources for the magistrate, the Supreme Court judge, the Legal Aid Commission, the DPP, the legislative framework. It is something that, in conjunction with my department and in conjunction with discussions with the court, the DPP and Legal Aid, we have taken a very comprehensive view of the whole of the system.

**Ms ARMITAGE** - I am not sure whether this actually comes under Magistrates Court, and it may not, and you will tell me if it doesn't, but with youth drug offences rising by 38.5 per cent compared to the previous year, the ability the magistrates have to provide -

**Ms ARCHER** - Can I just correct you on something?

**Ms ARMITAGE** - All right. I am going from the media, so they could be wrong.

**Ms ARCHER** - What I will say is criminal lodgements in the Magistrates Court remain high over the last five years. However, the criminal clearance rate reached a five-year high in 2017-18, to over 100 per cent, driven by both an increase in throughput, due to the court having a full complement of magistrates for the full financial year, and an increase in the number of older, inactive matters being listed before the court for dismissal.

Reflecting this, after several years of increase, the number of pending criminal cases in the Magistrates Court decreased slightly in 2017-18, and this decrease has continued in the current financial year to date. I am hoping that trend continues, with another additional magistrate, because the clearance rates will go up.

**Ms ARMITAGE** - And the trend you really need to change is the trend of people coming into the Magistrates Court, unfortunately.

**Ms ARCHER** - Absolutely, and that's across a few agencies. Of course, when we are dealing with youth justice, that doesn't come under me.

**Ms ARMITAGE** - And that was the part about the magistrates - the ability of where they can send them, or what they can actually do in the Magistrates Court when you've got drug offences rising by a significant amount.

**Ms ARCHER** - Yes, I was about to mention the CMD. I just had that whispered and I had the same thought as Ms Bourne, so court-mandated drug programs.

**Ms ARMITAGE** - Yes, they were the ones I was trying to think of.

**Ms ARCHER** - And members will know that we increased the places available from 80 to 120. We are not at the full complement at the moment. Again, that's in the Corrections portfolio, so we can go back to that in relation to any statistics, but it is a highly successful program. I have seen the results of it. I have been to graduations, and it is so pleasing to see. Often repeat offenders who started off in the youth justice system - they have drug and other issues - they undertake this program, their sentence of course is deferred throughout that, and at the end, if they successfully complete it, then they don't have to carry out a period of imprisonment. They're released and it's really good seeing them get their lives back on track.

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**Ms ARMITAGE** - You'd hope they're not reoffenders.

**Ms ARCHER** - Yes, they're the programs. That particular program is the one that is targeting those particular types of cases, and indeed individuals, and having great success. They've got to be assessed as being right for the program, they've got to want to do it, it is absolutely tough, there is rigorous testing that they have to complete, they have to remain drug-free or alcohol-free if that is the case as well; there are all these conditions attached. If they do successfully complete it and get their lives back on track, it is quite an amazing -

**Ms ARMITAGE** - Because a high percentage of the Magistrates Court cases, I am assuming, would be to do with drug offences?

**Ms ARCHER** - I would be guessing and hypothetically saying. I have the Deputy Registrar here, who looks like he may know something.

**Ms ARMITAGE** - Perhaps even a lot of the more minor offences may have been caused because of drug offences?

**Ms ARCHER** - No, we don't have that figure sorry. I wouldn't like to guess, but as we have seen there is a trend in other caseloads.

**Ms ARMITAGE** - We are often told that even things such as stealing are caused because of the drug addiction, so perhaps it's -

**Ms ARCHER** - We can get that information, I am being told, if you would like it.

**Ms ARMITAGE** - It would be good to see a bit of a cut-up of the Magistrates Court.

**Ms SIEJKA** - I wondered about the recidivism rates for the court-mandated drug court. Will that be expanded to include alcohol-related offences?

**Ms ARCHER** - Could we go back to that, because I may be able to get that figure when I've got -

**Ms SIEJKA** - That's fine. I know it has also been touched on in some of the other community corrections.

**Ms ARCHER** - We flipped back and forth a bit. That's fine. I just haven't got that particular information in front of me.

**CHAIR** - Attorney, do you need some changes at the table?

**Ms ARCHER** - I do. Ms Morgan-Wicks is going to sit on my right, Mr Webster will move along, and I also have Mr Nick Evans, who is also a deputy Secretary who is in that Corrections space as well, but we won't throw that question to him just yet. We might wait until Corrections while we get sorted.

**Mr DEAN** - I am very pleased to see the electronic monitoring is occurring after 10 years of harping and hassling from me.

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**Ms ARCHER** - I'm glad you've stopped.

**Mr DEAN** - I am pleased.

**CHAIR** - Members can take away from that that if we keep harping for 10 years we will all get what we want on behalf of our community.

**Ms ARCHER** - There is a magistrate and a judge in this Budget as well, so there you go.

**Mr DEAN** - Can we be given numbers again in the Magistrates Court, rather than percentages? Can we be given the number of those cases that are older than six months?

**Ms ARCHER** - I think Mr Webster is going to turn that up for us.

**Mr DEAN** - And the number of total cases before the Magistrates Court currently pending, in numbers. In future budget papers, is it possible to include numbers? We have to ask this question every year.

**Ms ARCHER** - I don't know. We could have a look at it, yes.

**Mr DEAN** - I was going to go the same, I mention at this stage, for the civil jurisdiction, for the coronial jurisdiction as well, and right across the whole of the Magistrates Court.

**Ms ARCHER** - I have the numbers here. This is the adult criminal pending caseload because they only deal with the adults in their system.

**Mr DEAN** - Yes, adults first.

**Ms ARCHER** - Youth justice is a different matter. From 30 June 2013 to 30 June 2017, a five-year period, from 5566 to 7952. However, the pending caseload decreased slightly in 2017-18 to 7788 on 30 June 2018. As at 31 March of this year, it was 7376.

**Mr DEAN** - That is despite the increase in the number of cases coming before the Court of Petty Sessions, is that a fact?

**Ms ARCHER** - Remember I said we had an increasing finalisation.

**Mr DEAN** - That is in the criminal jurisdiction of the Magistrates Court?

**Ms ARCHER** - Yes.

**Mr DEAN** - What do we have outstanding, in numbers, in the civil division, the Youth Justice Division and the Coronial Division?

**Ms ARCHER** - I can give youth justice and we have civil there as well. For civil matters in the Magistrates Court, the pending caseload experienced a slight increase from 3477 in 2016-17 to 3547 in 2017-18. I will note that this is the first increase after six years of decrease, which was a reflection of the decrease in civil lodgements referred to above, I have written here, but I am referring to the percentage figures above. The size and age structure of the pending caseload at 30 June has been largely unchanged in the past two years.

**Ms ARCHER** - Did we want to move to youth justice?

**Mr DEAN** - Youth.

**Ms ARCHER** - The number of pending cases in the Magistrates Court Youth Justice Division has decreased from 442 on 30 June 2017 to 413 on 30 June 2018. It looks like as at 31 March 2019, it is 413.

**Mr DEAN** - Coroners Court?

**Ms ARCHER** - The pending caseload - for the 2016-17 year was 569; in 2017-18, it was 553; as at 30 April 2019, for the 2018-19 year, it is 628.

**Mr DEAN** - It has gone up.

**Ms ARCHER** - The number of cases has increased. One factor is the number and complexity of medical cases which can take a significant amount of time to investigate and report on. They require the doctor who assists the coroner to review hospital files and processes, and to consider whether, for example, a different course of treatment might have resulted in a different outcome. The Coronial Division is also reliant upon other external groups before matters can be finalised. For example, WorkSafe Tasmania, and with a death resulting from something in the workplace there is often a delay in the receipt of toxicology results, a number of factors.

**Mr DEAN** - Adding those figures together, there are about 13 000 outstanding matters in the Magistrates Court area. It is a large number of cases. Are you satisfied an additional magistrate and the full-time magistrate in Burnie is going to be sufficient to keep on top? It is good more police are coming into the organisation, but there will be increased cases coming into the courts.

**Ms ARCHER** - When you add those figures together, they do sound high, but when you look at the throughput of a court, like the Magistrates Court, and I am sure, Mr Dean, you have been there in your former profession -

**Mr DEAN** - A number of times, on the right side.

**Ms ARCHER** - On the right side, on the correct side of the law.

**Mr DEAN** - No, it was not always on the right side - there was one occasion when it was not.

**Ms ARCHER** - We will not go into that. It is a busy court dealing with a number of matters in one day. You can look at the raw statistics.

I was being reminded about the technology and things that would create efficiencies with throughput. Even with the current procedures, they do an enormous amount in a day, let alone a week. I can indicate that is a resource the Chief Magistrate has fully welcomed and requested.

Additional resource, by way of an extra magistrate and replacing a 0.8 with a full-time, will make a significant difference.

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**Mr DEAN** - The worrying figure is the 413 currently outstanding matters before the Youth Justice Division. Will there be a concentration in this area?

**Ms ARCHER** - It is entirely a matter for the court, Mr Dean. The way the Chief Magistrate operates her lists is a matter for the Chief Magistrate and the administration of the court. I have discussions with the Chief Magistrate and Chief Justice in relation to their respective courts. We discuss what they can do within their own realm of responsibility and one of those things is the case management. I have every confidence in the Chief Magistrate's ability to manage that.

**Mr DEAN** - I have the greatest admiration for them as well. When you look at the 413, you have serious matters before the court because we have the other processes that take place before they have to go there.

**Ms ARCHER** - Well, we do have magistrates. We touched on this in terms of the Supreme Court in relation to whether any judges specialise in particular areas. The Magistrates Court is one area where magistrates are assigned to specific areas of the court. You have magistrates who deal with coronial matters, coroners like McTaggart, Cooper and McKee. Magistrates are also assigned to youth justice or civil areas. For example, the new Magistrate Topfer will be in both, as all magistrates are, but she has particular experience in civil matters so will be a great addition on the north-west. There are areas of speciality with the magistrates that I am sure the Chief Magistrate utilises, particularly with youth justice, those who have that speciality can deal with those matters.

**Ms ARMITAGE** - The attorney will tell me if this doesn't come under magistrates. I was looking at the EQUIPS program.

**Ms ARCHER** - That is under Corrections, although some of those things can be conditions.

**Mr DEAN** - Magistrates are sitting in a number of courts around the state. Is that likely to change in anyway, has that been considered? All of the courts will still operate?

**Ms ARCHER** - Yes. None of the courts is going to close, I make that very, very clear. We have specifically put funding into the Burnie Court Complex because it is ageing infrastructure. That doesn't mean the demise of Devonport, quite the contrary, it is in addition to.

**Mr DEAN** - Okay, so Burnie, Devonport, Hobart, Launceston operate. Are there any other courts outside of those?

**Ms ARCHER** - We will call them regional courts. There are four registries located, and I will confirm, at Hobart, Launceston, Devonport and Burnie. We also conduct sittings in regional locations at Queenstown, Smithton, St Helens, Scottsdale, Carrie, Whitemark and Huonville at regular intervals.

**Mr DEAN** - How frequently are justices of the peace being used in the Magistrates Division? Are they still being used?

**Ms ARCHER** - They are, yes. Bench justices do the out-of-hours work, yes.

**Mr DEAN** - Is that on a completely voluntary basis?

**Ms ARCHER** - Yes.

**CHAIR** - You pay a fee to belong to one of the organisations.

**Ms ARCHER** - There are a number of organisations and we have streamlined that process. The Justices of the Peace Act 2018 was approved by parliament in September 2018. The act will be proclaimed on 1 July this year. It provides a new and more comprehensive framework for the appointment and regulation of the conduct of justices of the peace. It also deals with the appointment and powers of justices of the peace; the duties of justices as well as their suspension and removal from office if needed; the use of the title of 'justice of the peace'; maintaining a register of JPs; and issuing guidelines to address matters such as the process of appointment and training and professional development.

The reason I mention all of that is because it also clearly defines what bench justices do and what justices of the peace can do. It has been welcomed by the JPs. As Ms Rattray has identified, there are a number of organisations. It had been very difficult to even compile a list of current serving JPs and that is being brought up to date. There are requirements around resignations and appointments.

**Mr DEAN** - Apart from bail issues, are they still sitting on determining cases?

**Ms BOURNE** - Mr Dean, they traditionally sit on after-hours courts, evening and weekends, and they are often used to undertake preliminary proceedings before a matter may go up to the Supreme Court.

**Mr DEAN** - They used to sit on determining traffic matters but that doesn't occur now.

**Ms BOURNE** - No. I am advised by Mr Illingworth that no longer occurs.

**Ms ARMITAGE** - Have any bench justices retired this year? Are you expecting any this year? How many bench justices do you have?

**Ms ARCHER** - We have a lot of retirements.

**Ms ARMITAGE** - My understanding is several are looking to retire and there is a shortage.

**Ms ARCHER** - Ms Bourne deals with all our appointments so she probably has a better recollection than me.

**Ms BOURNE** - We will probably have to take on notice the exact number of bench justice retirements. While we are progressing towards the commencement of the new legislation on 1 July and a new online system where people can jump on the website and search for a JP in their area, we've had a number of -

**Ms ARMITAGE** - I think they have been able to for at least two years.

**Ms BOURNE** - Legal Aid manages a robust database so that will come across to the department. That data has been cleaned to make sure everyone on that list is still an active JP. Through that process, we have had a number of people express to the Governor their indication to retire or resign from the position. I would need to check how many.

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**Ms ARCHER** - We will see an actual bounce as part of this process because it is making sure we maintain an accurate register of those who are active. We are finding many who aren't.

**Ms ARMITAGE** - I am probably more concerned with bench justices because I have heard that it is a difficult position. It is hard to find justices to take that role on because someone who sits in a place, whether it be Scottsdale, Launceston, run into those same people in the street who can be quite -

**CHAIR** - It is like being a member of parliament.

**Ms ARMITAGE** - I think it is a little bit worse when you might not give them bail. It would be interesting to see the number. You are a member of the public as opposed to having the training of a judge or a magistrate.

**CHAIR** - We will have those numbers, thank you, Attorney-General. May I have the department's advertising costs to date and the agency's full complement of FTEs?

**Ms ARCHER** - As it is an agency matter, I will ask the secretary, Ms Morgan-Wicks, to answer that.

**Ms MORGAN-WICKS** - The Department of Justice's total expenditure on advertising for the period 1 July 2018 to 31 March 2019 is \$633 751.07. This figure includes general advertising, public notices and recruitment advertising. I should note that the bulk of the department's advertising expenditure in 2018-19 has been incurred by the Tasmanian Electoral Commission and reflects the high volume of electoral activity that occurred during the year. To give you an example, election advertising has come in close to \$250 000 as part of that \$633 000. It is \$246 953 on election advertising.

The other two major components of the department's spend have been an asbestos awareness campaign at \$40 343, and a mental health awareness campaign run by WorkCover Tasmania at \$153 070.

**CHAIR** - Thank you, and the FTEs?

**Ms MORGAN-WICKS** - The current staff figures for the department, including the Office of the Ombudsman and the Office of the Director of Public Prosecutions, but noting they have separate budgets, as at 31 March 2019, are 1361.43 full-time equivalents, or a headcount of 1467 staff.

**CHAIR** - Thank you very much. Now if there are no further questions in that area, we'll move on to 1.3, which is a favourite of this committee - births, deaths and marriages. I'll ask Ms Armitage to begin.

### 1.3 Births, Deaths and Marriages -

**Ms ARMITAGE** - One of the performance measures for births, deaths and marriages relates to errors in registration. From the year 2016-17 to 2017-18, there was a small rise in registration errors from 1.3 to 1.8, an increase of 0.5. While this is still within the agency's target of less than 2 per cent, can you give me an indication why there was a rise in errors over this time?

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**Ms ARCHER** - I would like to invite Ms Owen up. Ms Owen is the Registrar of Births, Deaths and Marriages.

**CHAIR** - Who we've seen a few times. It's nice to welcome you back to the Legislative Council.

**Ms OWEN** - There's no specific reason relating to the change in 2017-18, but I will flag that last year was still dependent on paper records and transcription of handwriting. We've made significant progress towards online services. With that we anticipate a decrease in error rate through improvements in data quality.

**Ms ARMITAGE** - What would the number be of the last financial year of marriages compared to the previous year? Are they up or down?

**Ms ARMITAGE** - There's been an increase of about 4 to 5 per cent, which is mainly the result of same-sex marriages.

**Ms ARMITAGE** - The number for same-sex marriages compares to, I think, the previous year? Are they continuing to rise?

**Ms ARCHER** - We have that figure here if you'd like to know the figure. From 1 January 2018 to 31 March this year, the Registry has registered 190 same sex marriages - 63 male couples and 127 female couples. A total of 3498 marriages have been registered for the same period.

**Ms ARMITAGE** - So certainly an increase on the previous year.

**Ms ARCHER** - Same-sex marriages account for approximately 5.4 per cent of all marriages registered in Tasmania.

**Ms ARMITAGE** - And the number of births? Is that continuing to increase?

**Ms OWEN** - That has been decreasing slightly over the last couple of years.

**Ms ARMITAGE** - We are looking at the comparison of who's getting married, who's being born and who's dying, and how we are faring. We don't have divorce there.

**Ms OWEN** - The number of deaths has increased from 2016-17 to 2017-18. The data so far this year indicates there's a marginal increase as well.

**Ms ARMITAGE** - So fewer people being born and more dying.

**CHAIR** - Due to an ageing population - that's us.

**Ms ARMITAGE** - I think we need to be healthier. I think Mr Ferguson would probably tell us that - preventive health. What safeguards to do we have in place to detect and prevent fraudulent activity on the BDM website? How do we detect areas like that?

**Ms OWEN** - Specifically relating to registrations?

**Ms ARMITAGE** - Yes. Mainly to do with registrations.

**Ms OWEN** - We have a two-phase process for birth and death registration. We get data from two sources. We get information from the medical profession and the coroner's office as well as information from funeral directors. We reconcile that information before we finalise the death registration. If one party were trying to register and we did not have the matching information from the other party, we would investigate. A similar process is in place for births. We get medical information from the hospital or the midwife, and we match that up against the information with the parents. If a parent were trying to register a birth that hadn't occurred, we would be able follow up with the hospital. If a parent had, for whatever reason, neglected to register a birth, we could follow up because we have the medical information from the hospital.

**Ms ARMITAGE** - Do you have many births that you have information from the hospital that parents simply don't get around to registering? Does that happen very often?

**Ms OWEN** - We don't get too many because most parents need a birth certificate very early on in a child's life for various purposes - registration in child care, Medicare, those kinds of purposes. We do have a process in place that if parents haven't registered their child within eight weeks, we will follow up and remind them. We will then do a follow up until we actually get the registration finalised. In some cases, there are good reasons why there is a bit of a delay but we work closely with parents to try to get that done.

**Ms RATTRAY** - They might still be deciding on a name.

**Ms ARMITAGE** - They could be. One last question. Minister, we have amendments being enacted under the Births, Deaths and Marriages Registration Act 1999. What is the expected date at which the forms incorporating these changes will be ready? Do we have an expected date?

**Ms ARCHER** - Because of the Justice and Related Legislation (Marriage and Gender Amendments) Act, they are due to take effect on 5 September 2019. That was to ensure BDM was able to get that process in place. There has been a significant cost element to this.

**Ms ARMITAGE** - Do we know the cost or do we have an estimation of the cost?

**Ms ARCHER** - I can estimate. It is to be \$150 000 for technical and process changes and \$55 000 for project staff. The majority of that sum is to cover the changes to that business system. An additional resource at a cost of \$107 000 per annum is also required on an ongoing basis because of the increased workload associated with the registration of gender, assessing birth certificate applications and providing information, advice and support to stakeholders so we are.

**Ms SIEJKA** - Some of that is one-off and some of it is ongoing?

**Ms ARCHER** - That ongoing basis is the \$107 000 per annum. It is not insignificant. I mention that because when this Budget was framed we didn't know any of that. This is why when the Government does law reform; we do a proper review of what is required, we consult, we cost it and we budget for it. Because this was not part of the Government's law reform agenda, there is an impact on the Budget to Justice. You will not see it in the budget papers so I don't think the agency will be able absorb that. It will be a request for additional funding perhaps. This is what happens when we have lack of listening to the Government on the significant ...

**Ms ARMITAGE** - So is that an increase of FTEs? What are the FTEs now in that department?

**Ms ARCHER** - As at 31 March this year?

**Ms ARMITAGE** - I thought it leads on to the FTE number.

**Ms ARCHER** - At BDM we had eight FTEs as at 31 March this year.

**Ms ARMITAGE** - And it is likely to increase?

**Ms ARCHER** - Yes, by one in terms of ongoing.

**Mr ARMSTRONG** - No, it was to do with the Justice and Related Legislation (Marriage and Gender Amendments) Act, so it has been answered, thank you.

**Mr DEAN** - I am not sure if we gave the actual decrease in the number of births in the state, would you have the number?

**Ms ARCHER** - Ms Owen will have it.

**Mr DEAN** - We have an increased population in the state, but a decrease in the number of births.

**Ms ARCHER** - Some of those are people coming in from other states.

**CHAIR** - Do you have any new grandchildren? Are you helping?

**Mr DEAN** - No.

**Ms ARMITAGE** - I have two.

**Ms ARCHER** - We have that figure.

**Ms OWEN** - In 2016-17 we had 6066 births; in 2017-18, 5522.

**Mr DEAN** - Was that 5522? A big decrease.

**Ms OWEN** - And in 2018-19, up to 31 March, we have 4111.

**Mr DEAN** - Was that 4111?

**Ms OWEN** - That is up to 31 March.

**Mr DEAN** - Quite a big decrease, isn't it?

**CHAIR** - It is too expensive to have them.

**Ms ARMITAGE** - My other question relates to the forms and to the changes and amendments. Are there any issues you can report relating to making these changes to forms, processes and certificate designs or any issues that are likely to arise?

**Ms ARCHER** - I believe we are getting inquiries from various stakeholders. As to the provision of advice, the Registry deals with it as best they can. A lot of the issues we will encounter may be unknown, dare I say it, unintended legal consequences, which as a government we were concerned about all along. I know that members have been fully briefed by Births, Deaths and Marriages in relation to those. I am not quite sure if Ms Owen has anything to add to that in relation to the likely issues. I know that they are doing their best to try to resolve these issues and work with what they have been given by way of the legislation.

**Ms OWEN** - I just confirm we are continuing to work closely with the Australian Passport Office, Centrelink and agencies that rely on birth certificates and birth information. We will be doing our best to work through their concerns.

**Ms SIEJKA** - Just a clarification: when you are talking about the Budget and how we didn't see it outlined in this budget statement, so they have obviously had to absorb those costs in the current line items, is that what you mean or going forward will it be named up?

**Ms ARCHER** - In going forward the additional cost -

**CHAIR** - We have a member who cannot hear.

**Ms SIEJKA** - When you were talking about the budget line items and there were costs incurred with these amendments, they weren't outlined in these budget statements. I just wanted to know whether they had to be absorbed in the existing budget and whether going forward they would be named up? How are they addressed?

**Ms ARCHER** - As I said they were unforeseen when we needed to frame this Budget. The agency will consider that cost. I imagine that because there is the additional ongoing FTE that in future budgets that will need to be accounted for. In the immediate term of needing that person, it is not unusual that we would do a RAF, a request for additional funds, if that were required if we could absorb it within the agency. Every option will be looked at, but, as I said, clearly that it wasn't accounted for because we didn't know about it.

#### **1.4 Support and Compensation for Victims of Crime -**

**Ms HOWLETT** - Attorney-General, can you please outline the importance of the Victims of Crime Unit and its role in the justice system?

**Ms ARCHER** - As members will be well aware, our Government has a particular focus on supporting our victims, not only in relation to legislative reform, but these wraparound services. Victim Support Services is an essential part of this. It continues to support the needs of victims of crime in our community and it does so in services across four areas - that's Victims of Crime Assistance, through the Eligible Persons Register, the Victims of Crime Service and, of course, the Court Support and Liaison Service.

Victims of Crime Assistance administers the Victims of Crime Assistance Act 1976 and supports the Criminal Injuries Compensation commissioners in finalising awards. It allows for the payment of costs of medical, counselling and support services as well as compensation for pain and suffering to victims of violent crime or certain sexual offences where the victim has suffered an injury or death. Victims on the Eligible Persons Register are entitled to be provided with certain information about the offender while they remain within the prison system, including their location,

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security classification, parole and hearing dates as well as possible release dates and times, which is an essential part of that service.

The role of the Eligible Persons Register is to provide information about leave and convey any concern from the victim in that regard. The register does not make decisions about leave. That's entirely an internal matter for the Director of Prisons, again that's in the Corrections space. The register continues to see a high number of eligible victims registered so there is a very high uptake of that, I have been informed.

The Victims of Crime Service provides a face-to-face counselling support and referral service to victims of serious interpersonal violence and sexual offences. The service also provides assistance with the provision of victim impact statements, completing victims of crime assistance applications, referrals to other service providers and information regarding the criminal justice system.

Last, the Court Support and Liaison Service is funded through Safe at Home, so that is the family violence package. The role of the unit is to provide support to victims of family violence and guide them through the justice system before, during and after court appearances.

**CHAIR** - Attorney-General, I thought I heard you say in your opening statement that there was an increase for the support and compensation for victims of crime and yet there's a decrease in the line item. Perhaps I misheard you. I mean it is a \$98 000 decrease from last year's budget; perhaps I misheard you.

**Ms ARCHER** - It is increasing reserve by law funding for payments to victims of crime.

**CHAIR** - But the overall department has had a decrease, is that right?

**Ms ARCHER** - I will throw to the secretary who can dissect that figure for you.

**CHAIR** - I often ask questions where it seems a little bit -

**Ms ARCHER** - No, no, we'd like to clarify because sometimes bounces are due to the completion of programs and all sorts of things and can be misinterpreted inadvertently by members so we are very happy to explain that.

**Ms MORGAN-WICKS** - Ms Rattray, table 6.2 showing the expenditure for the department shows in terms of 1.4 Support and Compensation for Victims of Crime, you can see an increase across the forward Estimates which accounts for the increase in reserve by law funding for payments to victims of crime. So, it moves from \$8.348 million in 2018-19 to \$9.788 million, \$9.111 million, \$10.071 million, so the difference to the revenue from appropriation by output is that it doesn't include that reserve by law funding.

**CHAIR** - You explain it so well.

**Ms ARMITAGE** - I wondered if you could give me the figures for how many claims we had in 2017-18? I notice that in 2016-17, I think it was 450. I wondered if it had gone up or down. How many claims we actually had in this year?

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**Ms ARCHER** - I can give you the number of applications received and then the total number of awards finalised.

**Ms ARMITAGE** - And whether they were accepted or not?

**Ms ARCHER** - So from 1 July of last year to 30 April this year, the number of applications received was 270.

**Ms ARMITAGE** - It is tracking down?

**Ms ARCHER** - It is, because the previous year for the full year was 336. It will depend on the final few months. So, 270. The total number of awards finalised for 1 July 2018 to 30 April this year is 336.

**Ms ARMITAGE** - Right.

**Ms ARCHER** - I can give you average award.

**Ms ARMITAGE** - Okay, that would be good.

**Ms ARCHER** - The average award is \$17 436.76.

**Ms ARMITAGE** - How many of those were approved or declined?

**Ms ARCHER** - The total number of decisions where awards were not made by the commissioner for that same period to 30 April 2019 was four.

**Ms ARMITAGE** - Okay.

**Ms ARCHER** - Yes.

**Ms ARMITAGE** - They would obviously be lack of evidence?

**Ms ARCHER** - There would be a number of different reasons, yes.

**Ms ARMITAGE** - Four is the minimal in comparison with the amount actually claimed. Thank you, Attorney.

**Mr DEAN** - I know it is small numbers, but under the performance measures there is nothing in that area. If we can something in there, it would save some of these questions and give more to work on.

**Ms ARCHER** - Yes. I am being told traditionally we have not, but we can certainly look at that for next year, Mr Dean.

**Mr DEAN** - Yes. It just helps and supports us in following things up in the first place.

**Ms ARCHER** - You could have fewer questions to ask, Mr Dean.

**Mr DEAN** - Yes, you are right, fewer questions to ask.

**Ms ARCHER** - I might have less time in front of the Legislative Council.

**Mr DEAN** - You are right, I was just thinking of you.

**CHAIR** - Thank you. In light of that speedy output group, I move we suspend the sitting and resume again at around 11.05 a.m. I invite everyone who would like to join us for a cup of coffee or a cup of tea in the antechamber.

**Mr DEAN** - I can assure you there will be no arguments against that movement.

**CHAIR** - No, I do not think so.

**The committee suspended at 10.52 a.m. to 11.10 a.m.**

**CHAIR** - Welcome back, everyone. Attorney-General, I believe you have an answer to a question from this morning?

**Ms ARCHER** - I do. One of our deputy secretaries, Mr Webster, is able to provide a remandee figure.

**Mr WEBSTER** - The number of remandees who have been in prison for more than 12 months, and through that 12 months have only been remandees, unsentenced, is seven. It is actually quite low.

**CHAIR** - Mr Armstrong would like to ask a question in relation to the justices of the peace and the answer may be available at a later time.

**Mr ARMSTRONG** - Thank you, Chair. I wanted to know the number of justices of the peace there are at the moment and whether they are increasing or declining in numbers.

**Ms BOURNE** - We will probably have to take that one on notice. We are going through a process at the moment of gearing up for the implementation of the new Justices of the Peace Act.

A few months ago, we did a mail-out to all existing justices of the peace to confirm their intention to remain a justice of the peace, and we are still receipting those so we can have a final database that can be publicly searched. If we could take that on notice to get you a final number once we take into account existing justices of the peace who no longer wish to continue from 1 July -

**Mr ARMSTRONG** - Do you know how many you have mailed out to?

**Ms BOURNE** - I don't have the number off the top of my head, but I believe a rough estimate was a little over 1000. We have 700 to 800 notifications back at this stage.

**Mr ARMSTRONG** - Thank you.

**CHAIR** - Three of them belong to the members for Montgomery, Launceston and McIntyre.

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**Ms ARMITAGE** - Difficult being 'A', you get most of the calls.

### 1.5 Legal Aid -

**Ms SIEJKA** - You referred in your overview to the increase in the Legal Aid funding. I would like to have a breakdown on what that would provide in terms of funding.

There is no disagreement that it needs an increase in funding, but I wanted to see where that actually went and whether it was in relation to the increased demand for services and why that decision hadn't also been extended to the Community Legal Centres.

**Ms ARCHER** - There are two separate issues there. The state Government is providing the stop-gap funding to Community Legal Centres and Legal Aid while the National Partnership Agreement on Legal Assistance Services is in discussion so that is a separate issue to that.

Legal Aid also receives funding from the state Government from various sources, so through the Solicitors' Guarantee Fund it receives various grants. With respect to your specific question on the additional funding to support Legal Aid around the appointment of an additional judge, that creates more of a case load. There is additional funding as I said to the DPP and also Legal Aid. For 2019-20, it was \$361 000, increasing to \$546 000 per annum for 2020-21.

Again, we don't tell the Legal Aid Commission how it is to direct their resources. They will determine what resources they need to address the issue of having increased case load because of the acting judges, because of the additional Supreme Court judge. From the outer years, you will notice the funding has increased, because that is when the seventh judge will kick in, and also the new magistrate for southern Tasmania, and indeed statewide.

The funding will be used to provide increases in grants of age, in addition to increasing the commission's in-house legal services capacity.

**Ms SIEJKA** - It's very much as they see fit to deliver their services.

**Ms ARCHER** - It is, but that is how the Legal Aid Commission operates and should operate; we shouldn't have a say in that. We are there to provide that overarching legal funding, which I believe is very welcome. I did meet with Legal Aid yesterday.

**CHAIR** - Attorney, Legal Aid goes around to regional areas. Do you have some idea of how many of those regional areas they go to? Is there a list, or is it a regular visit to areas? I know they come to community houses and that type of thing.

**Ms ARCHER** - I have two representatives, we will call you both up, I think. It is an opportunity for me to introduce you. Susie Winter was acting director for a period, and now we have a new director as well, Vincenzo Caltabiano. With respect to a lot of those operational things, I am in your hands as to who would like to answer that question, in relation to moving around the state.

**CHAIR** - Thank you and welcome to your first to Estimates.

**Ms WINTER** - Thank you. In relation to regional areas, we do visit regional areas. We tend the court in Queenstown mentioned previously. We have offices across the state - in Burnie,

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Devonport, Hobart and Launceston. We visit and provide some assistance in terms of duty solicitor assistance in the regional courts. At this point we don't provide it in Huonville. So that's in terms of representation.

We have a huge range of early intervention services that spread out into the regional areas. Our Safe at Home program, which is funded by the state Government, has outreach services that visit all of those regional areas, and provides educational information to stakeholders. Also, attending areas such as Huonville, where we have relationships with the Family Violence Counselling Support Service, and we provide early intervention-type services in those areas, as well as outreach where it is required.

**Ms ARCHER** - There is also the telephone advice, which is greatly utilised as well.

**Ms WINTER** - It certainly is. The telephone advice service is accessed nine to five anywhere in Tasmania.

**CHAIR** - Do we have some numbers of those who seek assistance, those who are refused assistance, and the number of telephone records as well?

**Ms ARCHER** - I can give you the telephone advice and referrals number. As to the other, I think it relates specifically to the grant [inaudible], do you mean? The first part of your question.

**CHAIR** - How many people present, and then are refused assistance for one reason or another.

**Ms WINTER** - In terms of grants of Legal Aid, that is one thing in relation to representation. In terms of assistance through our face-to-face free clinic service, or telephone advice service, they are separate figures.

**CHAIR** - If we can both, that would be very useful.

**Ms WINTER** - In relation to year to date, in terms of representation, we have received 4544 applications for grants of legal assistance. We have approved 4050 of those, and 494 have been refused. So, a substantial portion of approvals in relation to applications. That's for representation.

**Ms ARMITAGE** - Is that down from last year?

**Ms WINTER** - Fairly static in terms of - sorry, you are right.

**Ms ARMITAGE** - Was it 4818 last year?

**Ms WINTER** - My figures for last year show for over 5000 at the same time, that was at 30 June.

**Ms ARMITAGE** - I get the annual report.

**CHAIR** - Was the main cause of refusal to do with their financial situation?

**Ms WINTER** - It can be a number of things. There are a number of tests they have to satisfy: assets and means, but also a merit test, and in terms of our guidelines and our priorities set under

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those guidelines. So it can be means and assets, and we do have a sliding scale in relation to that, so some people may have to pay a larger contribution and can still access assistance, but there is a point at which that assistance is refused based on assets.

People have the option to seek a review of those decisions, and sometimes those decisions, in terms of merit, particularly, have been overturned by the review committee, which is an independent committee.

**Mr ARMSTRONG** - Why does Huonville not have Legal Aid?

**Ms WINTER** - In terms of actual duty solicitor services to the Huonville court, I will have to take that on notice as to why that has changed. Historically we have, but depending on when the person is charged, they may be transferred to the Hobart court, or we may pick them up. It may be that we provide grants to a person in the area, a private practitioner, and they get assistance through that private practitioner. People who are eligible for Legal Aid for appearances in those courts can still make an application for aid, and be represented by a private practitioner.

In terms of a duty solicitor service to the Huonville court, I take that on notice just to confirm that.

**Mr ARMSTRONG** - I am interested in the number of people who are refused. Is there any advertising campaign to let people know who can access Legal Aid? That is a lot of people who are refused.

**Ms WINTER** - We provide substantial amount of community-level education to people in the community, particularly in relation to representation. We advertise our guidelines on our website, but applications for Legal Aid must come through a lawyer, or an in-house solicitor, so people cannot lodge an application of their own accord.

Generally speaking, if they have charges, they will make contact with a lawyer, either our internal lawyers through our clinic service or through a member of the private profession that they have received assistance through previously, and they will know. That lawyer can provide advice as to their eligibility for legal aid, but we do make a significant effort to go out into the community and provide information on the Legal Aid Commission services and what the eligibility criteria are. We have a community legal education program that goes out and we try to stretch that down to the youth. We do a lot of work in schools to provide information about what type of matters you may get assistance for in relation to legal aid. We go out to community groups, ranging from older persons, right back through the members of the community. We attempt to go out to those community organisations and continually have a relationship with people who may be working with people in the community who have issues other than legal issues, but who have consequential legal issues, and if they are aware that person may be able to get assistance through legal aid, they can direct them to us.

We try to get out there as much as possible, but there is information on our website. People can call our 1300 number and we can give them information over the phone. We also have an online legal talk where that information can be directed and provided as well about eligibility for legal assistance.

**Ms ARCHER** - Can I just interrupt there, the online access advice is quite a recent development, isn't it?

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**Ms WINTER** - Yes, April 2018. That's an online chat service, which is very common in other areas where you can access that real-time information rather than trying to wait on the phone line or having to come into one of our offices where there might be transport issues.

**Mr ARMSTRONG** - Is there any area where legal aid is not available, for example, divorce, or anything like that?

**Ms WINTER** - There are, under our guidelines, limitations on assistance. In relation to family law, we prioritise issues around children and parenting, but in relation to property matters, that is not an area currently that legal aid provides. However, having said that, we provide a significant duty solicitor service at the Family Court, which is the Family Advocacy and Support Service. That is funded through the Commonwealth, not the state, but it is a significant service for self-represented litigants and they get a lot of assistance, particularly where there is family violence. We have a duty solicitor service as well as one that focuses on self-represented litigants in relation to family violence matters.

Where the commission doesn't provide representation because of the guidelines pursuant to our funding agreement, we are also required, pursuant to our Commonwealth funding agreement, to provide early intervention services to try to assist people to get assistance in some form or another to resolve their legal issue.

**Ms SIEJKA** - In relation to legal aid, I know that sometimes when people cannot get the assistance they need through Legal Aid, they are referred to community legal aid. Are there any statistics or information kept about that, referral pathways or anything along those lines?

**Ms WINTER** - We collect referral information on our data management system. In terms of the numbers to the community legal services or vice versa, where there are conflict issues, I do not have those figures to hand and we're not generally required. We are required to provide those pursuant to our national partnership agreement, but that's a fairly broad type of figure, it's not specific. We collect that information from our telephone advice service and from our clinic service, so I could provide some indication, it will just say it's to a community legal centre, it's not specified, but it's Hobart, but I could take that question on notice, at least for the last reporting period, to get some indication.

We do work fairly collaboratively with the community legal services because of conflict issues, particularly in family violence and family law.

**Ms ARCHER** - And to avoid duplication as well. There has been a lot of work done around that by the department in a review of the legal assistance sector in relation to ensuring that there is as little overlap as possible and that the resourcing is directed where it is most needed - with state funding, and then there's the Commonwealth funding issue as well.

**Ms ARMITAGE** - Just a little bit more information on Tasmania's first online legal chat service, as you mentioned, it started or launched in April. Would you be able to give me how many people are accessing that service? I believe you can give a daily number. With its Legal Talk service, you are not listening to recording but speaking to a real person.

**Ms WINTER** - It is classed as a chat, but like if you contact any other agency, it is via talking electronically. We have a little icon that pops up on our website and there is someone sitting in an

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office in Hobart or Launceston. The person enquiring types information or a question and we type back. It is not a robot. There are other agencies that utilise a robot. It is legal information made clear, it is not advice too difficult to provide over that service.

**Ms ARMITAGE** - It is an actual response, as opposed to you ask a question and a robot tries to work out the question and gives you a set number.

**Ms WINTER** - It is a real person and more friendly language used. We have some standard responses and can provide links to other information to help people start the process. If it is a matter that appears to need legal advice, rather than legal information, they will be encouraged to ring the 1300 number immediately or email to a separate email if urgent. Sometimes, as in family violence issues, it is clear to the operator they need legal advice.

**Ms ARMITAGE** - And they can pick up a phone?

**Ms WINTER** - And contact a particular number, yes.

**Ms ARMITAGE** - Some people may feel more comfortable making that initial step by that mechanism, 2902 is a high uptake. There were 19 talks per day until 30 June 2018. Has that increased?

**Ms WINTER** - Fairly similar, it is between 19 and 22 per day and has plateaued to a degree. We are asking a question about age brackets and a lot of younger people are using it.

**Ms ARMITAGE** - It is still there for people in the member for Huon's area and other regional areas. It would be very useful for them.

Regarding elder abuse, the Older Persons Legal Service, and there was an outreach service based at COTA in Hobart - it states the service was enabled to take the legal service to hard to reach clients. Do we have any numbers on uptake declined or increased?

**Ms WINTER** - It is a 38 per cent increase in 2017-18. With about 215, sorry I am getting confused with my briefs.

**Ms ARMITAGE** - I am sure you have plenty of different areas.

**Ms WINTER** - Not quite that number. We had 22 clients refer to the Older Persons Legal Service.

**Ms ARCHER** - Can we explain that? It changed its name in late 2018 from Elder Abuse Unit to the Older Persons Legal Service, a more comprehensive service.

**Ms WINTER** - Also on the basis nationally there is a move away from that wording in terms of elder abuse.

**Ms ARMITAGE** - It does bring a certain perception in your mind.

**Ms WINTER** - The aim is to assist people with a range of legal issues that may elder abuse, but it is working towards prevention.

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**Ms ARCHER** - And they are comfortable contacting the service, because one of the issues with elder abuse is the person being abused may not necessarily realise they are being abused in that manner. They may not identify with that title of the unit, whereas if it is Older Persons Legal Service.

**Ms WINTER** - They are more comfortable to come forward with their issues.

**Ms ARMITAGE** - Correct.

**Ms WINTER** - In answer to your question, we assisted 49 clients through the monthly outreach service at COTA, with 43 of those receiving phone and face-to-face advice. It is currently only operating in Hobart. The solicitor who operates it is able to take calls from Launceston or other parts of the state.

**Ms ARMITAGE** - And regional areas too?

**Ms WINTER** - And regional areas. There is a plan to expand this because of the funding we have received.

**Ms ARMITAGE** - So it is simply the face-to-face in Hobart but they can deal with other areas, and contact them.

**Ms ARCHER** - That was a Solicitors' Guarantee Fund grant that we provided for \$75 000.

**Ms SIEJKA** - The review you mentioned previously aimed at the Tasmanian legal assistance sector. When will that be available? When will that be released?

**Ms ARCHER** - I'm just going to have to jump to a different output. It's not Legal Aid-related.

**CHAIR** - Where does it belong?

**Ms ARCHER** - Way out in. Sorry, I'm going to have to look at a different index. What was the question again?

**Ms SIEJKA** - It related to when the legal assistance sector review would be released or be made available.

**Ms ARCHER** - Very soon, I believe.

**Ms SIEJKA** - No particular month?

**Ms ARCHER** - No, just very soon.

**Mr DEAN** - I've had a number of lawyers contact me in relation to this matter. Some of them have said they are reluctant to complete Legal Aid matters because of the rate of pay which they say has not increased, on my advice, for about three years, was the area mentioned to me.

What is the position with the rate of pay that a solicitor or lawyer is provided in attending to a Legal Aid matter? Some are saying it has really reached the stage of hardly meeting their costs. That is what they are saying to me.

**Ms ARCHER** - As to the rate, it's the commission that sets the rate, doesn't it? There is a board of the Legal Aid Commission. I know that the commission must limit its services, and it tries to do that in ways that minimise any disadvantage to the community, and to ensure that funds are targeted to those most in need.

In relation to the private profession, I know that the commission also has a regular dialogue with the Law Society, in particular.

Back in 2018-19, there was an increase in the Legal Aid annual budget for grants of aid to private practitioners, which was \$4 962 196, a 4.17 per cent increase of the allocation funds from the 2017-18 financial year.

Again, it is a matter for the Legal Aid Commission, particularly the board, but there was that increase, presumably in recognition of that issue you raised.

**Mr DEAN** - Did lawyers who are doing work in the area of Legal Aid, receive an increase in the funding provided to them as a result of that?

**Ms WINTER** - Just in relation to your previous question. The rate of pay for solicitor and counsel was increased in 2017, after dialogue with the Law Society and the profession, because it hadn't been increased for a number of years.

The board has committed to review it on an annual basis, but I suppose, as the Attorney-General has said, that with any increase in the hourly rate to the profession, there is a potential decrease in the range of services. It is a balancing issue for our board and it is a common problem across Legal Aid commissions around Australia, because there is a limited pool of funds. That type of increase will impact. We are currently tracking it and about 67 per cent of grants of Legal Aid go to members of the private profession, particularly in relation to representation in state matters, Supreme Court and Magistrates Court, so an increase in the hourly rate - and we value the work the profession does for the commission. We are conscious that it is at a lower rate than a lot of them could do additionally. It is something the board has committed to review on a more regular basis than previously, but it was increased in 2017.

**Ms ARCHER** - I suppose as the rate increases, it would have a direct impact on the number of grants. I am sure that is always taken into account.

**Mr CALTABIANO** - As has been indicated, the question of the rates needs to be reviewed in addition to the overall structure of the fees. This is my fourth week at the commission and I wish to thank Ms Winter for taking the brunt of these questions.

The question of the fee structure, the grants structure, needs to be reviewed and clarified so that there is greater certainty as to when someone is eligible for assistance and what assistance is provided. The commission has an ongoing commitment to the legal profession. It relies upon the mixed model of service delivery and we wish to continue that work, speaking with the profession in order to strike that right balance to ensure that we get the service delivery across the state.

**Mr DEAN** - What is the position where a person who seeks legal aid wants to self-select their lawyer? What is the position there? Has it changed?

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**Ms ARCHER** - It hasn't changed, not at all. That is entirely up to the client. I don't know if anyone else has something to add, but that is purely a self-selection issue.

**Mr CALTABIANO** - The guidelines are set out on the Legal Aid website. Where a matter is eligible for a grant of legal assistance, as Ms Winter explained earlier, an application can be made for assistance by a lawyer. That is a matter for the individual client's choice as to the solicitor that they engage, and they submit that application with.

**Mr DEAN** - What's the growth area? Is there a growth area in legal aid provided? I suspect it is probably family violence? What are the main areas? What are the top two or three areas legal aid is being granted for?

**CHAIR** - Before the answer comes, I just want to share with honourable members, the Attorney-General and her team that we are seven line items behind schedule. We need to tighten up some questions and tighten up some answers.

**Mr DEAN** - My questions are nice and short.

**Mr CALTABIANO** - The three primary items where we have seen an increase have been in the Supreme Court criminal matters, in family violence-related proceedings and in child protection proceedings.

**Mr DEAN** - Criminal, family violence and child protection.

**Ms ARCHER** - All of which have received additional funding for that. Family violence has had targeted funding, the backlog issue that we have been through already, and child protection - the DPP deals with those prosecution matters as well - so it is across the board.

**Mr DEAN** - That corresponds with the police issues, doesn't it, with the increase in family violence and increase in criminal matters?

**Ms ARCHER** - It does. There is no one reason why there is more reporting of incidents, but I think community education is going a long way. It is much more out in the open. We, as a government, are deliberately doing that because we want to stamp it out.

### **1.6 Protective jurisdictions -**

**CHAIR** - I am interested in notes in the papers talking about reprioritising existing retained revenues to internally fund additional resources. The additional resources are required for what reason, do we have a call on this area?

**Ms ARCHER** - There are a number of issues and that -

**CHAIR** - More appointments of guardians and administrators?

**Ms ARCHER** - As members have already identified in another output, we have an ageing population. The demands in the broad statutory functions continue to increase. Applications for the appointment of a private or public guardian or administrator, and applications for review of orders, powers or instruments; the workload of the board and registrar includes emergency order applications, consideration of the administrator and guardian annual report, provision of advice or

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direction to the administrators and guardians, preparation of statements of reasons and determination of requests for access to confidential information.

There are a number of functions that they carry out. The demand growth is primarily driven by mental disability, including acquired brain injury, increased dementia and an ageing population, of which I think members are all too well aware.

**CHAIR** - Do we have any numbers of the appointments by the Guardianship and Administration Board and also how many treatment orders under the Mental Health Tribunal?

**Ms ARCHER** - The total number of applications received by the board for the period 1 July 2018 to 30 April 2019 was 1436. The total being -

• New applications, not a review or an emergency order	784
• Applications for reviews of guardianship and administration orders	85
• Emergency applications	227
• Renew emergency guardianship and administration orders	72
• Statutory reviews	268

**CHAIR** - A busy area.

**Ms ARCHER** - A very busy area.

### 1.7 Equal Opportunity Tasmania -

**Ms SIEJKA** - My question is on the Disability Justice Plan. How has the plan changed the experience of people living with disability going through the justice system? Can you give us an update or some information about that?

**Ms ARCHER** - This is something that not only deals with disability across the justice system but government agencies and service providers that are also working collectively and collaboratively in implementing the strategies and 37 action items identified in it.

The first annual report of the Disability Justice Plan for Tasmania was submitted to the Premier last year in his capacity as the chair of the Premier's Disability Advisory Council - PDAC. The comments and recommendations focused on ways of working together to set the best possible foundation for implementing and learning from actions under the plan over the next three years, maximising its positive impact for people with disability and for access to justice in Tasmania.

While this is the second annual report, it is in effect the first comprehensive annual report on progress. This is because the first annual report amounted largely to a snapshot of the first steps. I'm confident it will improve access to justice services for people with disabilities and of course help remove roadblocks when seeking justice. I know that PDAC has welcomed the plan. PDAC has members on it from the disability sector across a number of different areas of people with living with disabilities.

In relation to the report there's been cross-agency consultation support from Police, Fire and Emergency Management, Health and Human Services as well as the Department of Justice, including input from the Legal Aid Commission, the Prison Service, from the DPP, from Consumer, Building and Occupational Services, and, of course, the court. It is a comprehensive snapshot of

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what's being done in all those areas because access to justice is across agencies and independent statutory bodies. It's a blueprint and a go-to document for all of those services on how they can best provide for people with disabilities. I'm confident that it will improve access to justice.

**Ms SIEJKA** - Is there any evidence to date of any particular outcomes for people living with a disability and their access to justice?

**Ms ARCHER** - I don't know how I could answer that without having a specific example to give, and not having one with consent to give, I'm not quite sure. I could mention one thing, and I did actually want this to come up somewhere because it's a great initiative as a result of our royal commission. The royal commission was into institutional responses to child sexual abuse, but it put the spotlight on vulnerable people in our justice system collectively, so not just children but also people with disability. One thing we are doing is a pilot project, which was a recommendation from the royal commission, so one of the 409 recommendations contained in 21 volumes of work. The project is our witness intermediary pilot program. On 15 December last year we released our first year action plan for the implementation of the recommendations. This particular reform for witness intermediaries for the pilot program will enhance access to justice for, as I said, children, but also individuals with serious communication needs in Tasmania, and boost the efficiency of the court process. It's a really - I hesitate to use the word 'exciting' because I wish we didn't need it - great advancement for people needing that process of being steered through a justice system. It's not the provision of legal advice, it's the provision of a support person through the process to navigate justice where there is that vulnerability. That will go a long way to addressing people with disability as well in the navigation through our justice system. So, I'm really pleased that that's a pilot program that is already underway.

**Ms SIEJKA** - Brain Injury Association of Tasmania was interested in knowing whether there was an increase in people with acquired brain injuries being seen on the mental health list at the Magistrates Court as a result of the plan? As an example of potential outcome?

**Ms ARCHER** - As a result of the plan?

**Ms SIEJKA** - An increase in access to justice and that awareness of -

**Ms ARCHER** - I see.

**Ms SIEJKA** - Yes.

**Ms ARCHER** - So, more awareness. I'm not sure I could really answer that statistically. Ms Bourne, if you want to answer that.

**Ms BOURNE** - Thank you, Attorney-General. Currently the Department is going through the process of compiling our second annual report to this plan. As chair of the consultative group there is a lot of information coming in from agencies in terms of the good work that's happening in this space. One of the key outcomes under the plan is obviously improving the collection of information about people with a disability who come before the justice system, which is sometimes really hard to gauge. That's a key outcome of itself. Equal Opportunity Tasmania has done a lot of work in terms of its complaint forms and how you best capture information about a client's disability status. There is a lot of work happening. It is about trying to maximise the outcomes for people with disability. There is agency collaboration and hopefully our second report will demonstrate some of that work that is happening.

**Ms ARCHER** - I think the intermediary scheme will go a long way to helping people with acquired brain injury as well. The secretary was reminding me also about within our prison system; the support work around the NDIS being done in our corrections facilities as well is another outcome of disability justice.

**Mr ARMSTRONG** - I was interested in the Migrant Resource Centre Outreach Program, which is run at Glenorchy once a month on a Wednesday evening. What sort of numbers attend that?

**Ms ARCHER** - Do we have that, given the Migrant Resource Centre is largely federally funded? I am just asking the question. We might invite the commissioner to the table, who can answer that question from Mr Armstrong. Sarah Bolt, the Anti-Discrimination Commissioner.

**Ms BOLT** - The outreach program has only recently started. It is an initiative that would have begun in April. It came about because of a concern of under-reporting of complaints within the CALD community. At the moment it is once a month and one other staff member is there for the afternoon. It is pretty ad hoc in the sense of people becoming confident and comfortable to go and seek advice or have a general conversation, so it's a work in progress. Probably you are looking at maybe 10 to 15 people who might come by and hopefully that will increase in number, along with setting up some other initiatives that are much more educational and informative for members of the Migrant Resource Centre and their staff.

**Mr DEAN** - What's the nature of the complaints that have been received? Are there any changes in the complaints that are coming through?

**Ms ARCHER** - We might need Ms Bolt for that one, too.

**Ms BOLT** - The complaint numbers are fairly static.

**Ms MORGAN-WICKS** - The number of complaints received in the current financial year to 30 April 2019 was 108, compared to 119 for the same period in the previous year.

**Mr DEAN** - And the types of complaints we are seeing?

**Ms BOLT** - The types of complaints - every year, it is usually the same. At the moment we have disability, followed by gender, age and race. They are the four main categories.

**Mr DEAN** - How are the cases normally resolved? Through apologies or through some other action? What is the normal process? I am going by some of the figures within the report of the complaints that have been received and finalised within 12 months. What is the normal process there?

**Ms BOLT** - The primary remedies that are sort from complainants would be an apology and sometimes some sort of financial compensation for economic loss. Then there are policies and review of policies and existing practices that may happen. I say that in light of the fact that most complaints are in the area of employment. It is about policy, practices and procedures, and workplace culture. Another consequence of complaints in the outcome is often training and education to be delivered within that workplace. Certainly, an apology does go a long way to bring a remedy to fruition.

**Mr DEAN** - Financial compensation - can we be given an idea of what sort of moneys are being involved here?

**Ms BOLT** - Within Equal Opportunity Tasmania, in that realm, you're looking somewhere between hundreds of dollars to maybe \$10 000 to \$15 000. It is not high financial stakes within the resolution process. It is difficult to say.

**Mr DEAN** - Have we had any cases during this current year that have resulted in, say, thousands of dollars in compensation?

**Ms BOLT** - In thousands of dollars, yes.

**Mr DEAN** - We have. How many?

**Ms BOLT** - Exactly? I couldn't tell you at this point but if I could take it on notice, we could get back to you on that.

**Mr DEAN** - If you could, and the amount.

### **1.8 Elections and referendums -**

**Ms ARCHER** - We might invite Mr Hawkey to this end of the table next to the secretary. We all know Andrew Hawkey very well, his voice as well from the radio.

**CHAIR** - And if he rings us and lets us know we've won an election, we're ecstatic. Mr Armstrong?

**Mr ARMSTRONG** - I am interested in this output especially given the Budget is consistent over the forward Estimates allowing for a small increase of around 3 per cent. Does this just cover Legislative Council elections only over the forward Estimates? If so, what happens if there is a by-election? I've also got a follow-up. It says there about local government elections, I thought local government elections were funded by the councils themselves?

**Ms ARCHER** - I'll get the secretary to answer that specific funding issue.

**Ms MORGAN-WICKS** - Looking at the expense group somewhere in table 6.2 for elections and referendums, we will note that the number does tend to bounce around a bit and will be increased in terms of reserve by law funding free to the conduct of a state election or local government election. For example, you can see in 2021-22 where it moves up to \$6.3 million in anticipation of the state election at that time, and 2022-23 in relation to local government elections, you can see that increase there.

**Mr ARMSTRONG** - So local government elections are funded by the councils themselves though, aren't they?

**Ms MORGAN-WICKS** - Yes, but the funding will flow through.

**Mr HAWKEY** - The commission has three points at which funding is provided. There's the A item; there is a reserve by law, as mentioned there; and we have our trust fund, so local

government does get costed directly to that. Part of the numbers as well in the forward Estimates is about a national consideration. As you may be aware, cybersecurity is a major threat, a real and present threat to democracy and that there were funds requested to assist us in updating our infrastructure in the medium- and longer term. So, there is some in reserve by law, which helps cover that.

When we get 2020, as you all know from your elections we've had electronic notebooks which have been there so we can have easier voting at our polling places so we are at a stage now from 2010 when they were originally purchased that there's a few infrastructure things that we will need to replace so part of that extended funding will be covering some of those sorts of costs.

**Ms ARCHER** - Can I add to that. Income is earned from local government elections, by-elections and recounts and from fee-for-service elections. The cost of 2018 ordinary local government elections was \$2.47 million, an amount paid in full by Tasmania's councils. This figure tends to dwarf other earned income.

**Ms ARMITAGE** - Through you, Attorney-General, to Mr Hawkey: regarding staffing, have you had many changes in staffing with your FTEs with all the recent elections you have had and now a by-election?

**Mr HAWKEY** - Yes. Although we have finished our major ones, we still have a by-election for George Town with the election of mayor Archer to the federal government. We have an elector poll for Hobart City Council starting very soon which has been initiated by a petition.

I would like to thank the Legislative Council inquiry that we had in relation to the election a few years ago. It was a critical point of establishing a review of our electoral structure, which was a much-needed process. We extended from nine to 14 and that increase has served us very well in getting through such a frantic 20-odd months where we have had a few staff move on.

With such a busy workload, we have a bit of succession planning which was a part of that change of structure and allowed us to cope with those elections.

We are now at a stage where, although we are not expecting major elections, there is a lot of legislation in the wind that may have an impact on the TEC. There is the review of the Electoral Act, the Local Government Act is being reviewed after 25 years, the Aboriginal Land Act is being reviewed.

**Ms ARCHER** - There was the first tranche of the electoral reform too, which did impact on the commission but in positive ways.

**Mr HAWKEY** - There were a lot of administrative things in that first bill that helped ease some things and modernise some of our administrative processes.

**Ms ARCHER** - And the delegation as well so that you weren't always required to authorise certain functions.

**Mr HAWKEY** - Yes, made it for smoother processes certainly. There is a lot of legislative change and there may be flow on from that for our officers coming.

We are also looking to consolidate a lot because we have had a bit of turnover of staff. As I was saying a moment ago, the cybersecurity threat. The Australian National Cyber Security Centre has its eye very much on the infrastructures of electoral commissions. As we saw at the national level, the national parliament was infiltrated.

We are working at a national level to improve and there has been a national review of all electoral commissions funded nationally by the Commonwealth so there will be some work done there. There is still a lot on the agenda but probably not as much public work.

**Ms MORGAN-WICKS** - Through the Attorney-General, the FTEs for the TEC is 9.3; the headcount is 11, as at 31 March 2019.

**Ms ARMITAGE** - Would you say that you are negatively impacted with the change of local council elections from two years to four years? You have them every four years whereas two years we had more of a spread and incoming coming in. Has that impacted the TEC negatively?

**Mr HAWKEY** - Through you, minister, this was something identified with the review undertaken a few years ago. Part of that was that the reserve by law as set out in the electoral act is provided based on us being able to undertake and prepare for parliamentary elections. Part of the review's findings was that there needs to be a certain amount of capacity in the Electoral Commission for when there is a by-election, like we had with Pembroke, or a state election that could be called at any time, or a local government by-election.

Our reserve by law now takes on more of our maintaining a permanent capacity so from a funding point of view, I am satisfied the commission is in a reasonable spot. It is more preparing for and doing updates in relation to other threats, such as cybersecurity, that becomes our next concern.

**Ms ARMITAGE** - My last question is with regard to the counting of votes. There was quite a bit of criticism in the community with regard to the local council elections and the way that the votes were counted. We all heard from people who were standing that they were in, they were out or not elected. In the media they thought they had lost their seats and then they got their seats back.

Can you give me the reason there has been change? Is it a less expensive way to count, is it more computerised?

**Ms ARCHER** - Are you talking only local government here?

**Ms ARMITAGE** - This was local government, a particular complaint many of us received from people.

**Mr HAWKEY** - Through you, minister, two things effectively happened in relation to local government. The first one was that our website went down due to us underestimating the interest in it. We had 19 200 individuals access our website. That is a city accessing our website during one evening, a particularly big spike. To our error, we did not have a system, basically a pipe, big enough to take that many people.

The second thing we will change is that with 28 councils for this occurrence, knowing when your council is going to have an update was hard because some councils were later than others. We

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will try to set up a little scoreboard to say this council has updated this one, so people will not have to go back in to try to find things.

The counting of votes went very well. The change that happened initially in 2014 with 10 councils was moving to data entry of the Hare-Clark counts. Then in 2018 we extended it from 10 to about 24 councils. We could provide a more comprehensive result but not a final result. In the same way as with our Legislative Council on the Sunday after polling day we will usually try to do a provisional count to see what the result will be. Because we data enter -

**Ms ARMITAGE** - Is that a person data-entering?

**Mr HAWKEY** - It's people data-entering. It is a double-data entry process. In Launceston we had 40 people, in Hobart we had 80 people checking the ballot papers.

**Ms ARMITAGE** - A margin for error?

**Mr HAWKEY** - Extremely small. They put the rotation, they put the votes in, they are entered once, they are pulled aside and then separate people blindly complete the data entry the second time. We are entering 200 000 ballot papers with up to 35 candidates and 35 rotations twice across this period. We are very happy with the accuracy of it.

**CHAIR** - So are we.

**Mr HAWKEY** - In Hobart in 2014 we had three candidates at count six with less than one vote between the three of them. We are far more confident of having that as a data entry process.

**Ms ARMITAGE** - Having been part of one where there were five recounts, I can accept that.

**Mr HAWKEY** - In that sense it is a more accurate system. This is a bit of a change of our culture. In the past, on a Tuesday afternoon we would say here are first preferences and nothing else. Now we can say, 'With the proportion we have added, which might be 25 per cent or 50 per cent of those added in on a first count, here is what the result will be across all of that.' It is a bit like what we do in the Legislative Council. It may be the last one or two, especially the big councils, that may change. We say that. We do not say, 'This is the likely result'. If you are in that just in-just out list you are probably still in the mix. That is more information than in the past. I can see how it can mislead. We will try to be better and clearer in our message.

**Ms SIEJKA** - Just on the issue of capacity and the recent Legislative Council elections. I appreciate that it is difficult to anticipate when things are going to fall, having recently experienced that, and I know that you agree there were a lot of people who were very confused about the two elections happening at once, and I know work was done to try to work with that, but what sort of contingency or flexibility was there in the Budget to allow for increased promotions when required? I realise that done but there were still an awful lot of people very confused. Could an increase be looked at in the future? I know it is not going to happen all the time but there were a lot of people very confused. Was that reflected at your end and did you see that as a need in the future?

**Mr HAWKEY** - In relation to those elections, we have an extremely low amount of control. The federal act and the Commonwealth act says that if they had chosen 4 May, we would have had to have moved. Our act says that the election is the first Saturday in May or another Saturday in

May for the appropriate date to occur. We talked to the Solicitor-General about those sorts of things.

**Ms ARCHER** - It all depended on when the Prime Minister was going to call the election this time.

**Ms SIEJKA** - The communication of it.

**Mr HAWKEY** - The communication is very hard because again we are talking about a state election for only 75 000 Tasmanians, not the whole of the state. The Launceston area we did not go into other than Agfest. You are looking at parties that are spending millions of dollars in television advertising.

**Ms SIEJKA** - Oh, I know. I am well aware of it.

**Mr HAWKEY** - We try to be a bit more innovative. We added to our brochures that went out to each elector saying if you receive this, you will be voting at two elections in May. We had our Shape Your State which the feds stole. We have had it since 2007. They had Shape Our Country.

**Ms SIEJKA** - When I went around talking to people there were a lot more people raising issues of confusion. Was that reflected within the office as well?

**Mr HAWKEY** - No, not overly. I was glad our election was first because we got a few people come in thinking they were voting for the federal election. We had to say, 'No, you are here for the state'. Where we had two polling places in the centre of Hobart we had someone in the foyer asking where people lived and directing them to the correct place. We try to do a range of things -

**Ms SIEJKA** - Having the two separate polling places on the eastern shore was an issue.

**Mr HAWKEY** - The difficulty there is we have rules that you can't campaign within 100 metres and they have one within six. There are lots of things because if you have a 'vote Labor' sticker, you're actually breaching our act. There are a lot of complexities because of the closeness of these elections. This may be some of the things that come in the review. There were some previously un-thought-of confusions and conflicts of legislation between ours and the feds.

**Ms ARCHER** - All these things are being looked at as part of the review.

**Ms SIEJKA** - I feel it worked out fine, but it was confusing.

**Ms ARCHER** - Yes. I think we are always going to have an issue with community education about elections generally. As we doorknock our various areas, people get confused between local state and federal issues. It's one of those age-old problems but it is hardest when you have elections on at the same time.

**Ms SIEJKA** - There is a lot of this that you couldn't have planned for.

**Mr HAWKEY** - We were within 2 per cent of the return rate for each of those councils from our most recent election. Given that we had some many winds blowing against us, I was happy that democracy was fulfilled.

**CHAIR** - Interestingly, I think a few candidates get confused about what they can do in what level of government.

**Mr WILLIE** - This relates to the member for Launceston's questions around the reporting of the local government elections. Do you brief journalists who are reporting on it, and how your system works, and how it will update?

**Mr HAWKEY** - Yes, we do at times. We offer a training session for us to come to them or for them to come to us to explain what the process is, what the Hare-Clark scrutiny means. We do a lot of that but one of the key things is, as you probably find, at every election cycle journalists are all new. *The Mercury* had a new journalist for last year, the television media all have new people every year so in that sense we offer that, but it's a new process every time.

**Mr WILLIE** - My second question relates to the federal election. Are you in communication with the AEC around the learnings from that election? I have seen some reporting around some issues with social media and some of the authorisations and what impact that may have had on the federal election. My question is: how are you insuring that Tasmanian elections, especially in that space, are conducted in a best-practice way?

**Mr HAWKEY** - This is a critical and difficult area for electoral administration. As we have seen in places like the US, France and other places with reported evidence of social media being a critical influence over elections, it's an area that needs further discussion. To a certain degree we are reasonably powerless.

I know with the Australian Electoral Commission, we now have direct input to places like Facebook and Twitter. The Australian Electoral Commission saw them in the US to talk to them prior to the election. Part of it, I think, comes back to an education process. The Australian Electoral Commission had to stop and think. The best one so far has been Sweden which has, translated from their language, 'If it makes you angry, think why.' Communication and campaigning is changing and is far less able to be controlled. First, because we don't have control of social systems, but also if it's happening outside Tasmanian jurisdiction or Australian jurisdiction, we are powerless to a certain degree.

**Ms ARCHER** - There might be some things within our control in terms of social media and that's all part of the review process. This is why the electoral reform review is something we've said we won't rush, given the fact that we are not due for another state election for quite some years and because some of these issues are quite complex and we need to consider them thoroughly.

**Mr HAWKEY** - It is certainly a growing area and we are all keeping in touch to try to learn what's working in relation to communications with companies like Facebook but also what's working as a part of change in our educational and campaigning awareness materials.

**Mr WILLIE** - I saw the AEC, rather than issuing fines, was more responsive to try to get the material out of the public domain. Is that the approach here? Is it more effective in the social media space?

**Mr HAWKEY** - Part of being a commissioner is to say, 'What is the best immediate response in relation to the election currently being held, and what is the best long term? Sometimes you may take different approaches on the same issue at different times. I am not sure of the actual context, so that is part of our consideration. I will certainly be talking with the national electoral

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commissioner, Tom, to see what they have learnt and how it has worked effectively. Sometimes you just do not have the power either.

**Mr DEAN** - In relation to that matter, people not rocking up to vote. What was the position with the Legislative Council elections this year? Do we have many falling into that category, and is every case followed up where a person fails to vote?

**Mr HAWKEY** - Yes, there is a standard process in the Electoral Act, where we write to every individual who has appeared to have failed to vote and ask them why. They can provide evidence of where they voted, information about where they voted, or a reasonable excuse as to why they did not vote, or they can be fined. People who do not respond go into the [inaudible] system. They do not get away from it. Often we will find there will be some who have moved interstate and not updated their enrolment, and so they will come back and identify.

**Mr DEAN** - Did we have many in this election not rocking up to vote?

**Mr HAWKEY** - We have done basic figures. We have got about 84 per cent, 82 per cent and 85 per cent. So that is a good result, first for LC, but also for the [inaudible]. We will do a review of culling those, because some people would have already informed us before the election that they were away. We have not got final numbers as yet, no.

**Ms ARMITAGE** - Just a quick supplementary question. Is there lower voter turnout for Legislative Council elections than state government elections?

**Mr HAWKEY** - Yes, and that has been since I have been in the system, about 20 years.

**Ms ARMITAGE** - My question would be: Do you consider that it is because of the name, that it's because it is called council? Because I know in Launceston when I was previously on Launceston council, when the Legislative Council elections come up, people would say, 'No I don't have to vote in council elections', and you had to point out it is a different council. This is a council election where you have to vote, where they are so used to the fact that for local councils, it is not compulsory. So do you think that would be alleviated or improved if we had compulsory -

**CHAIR** - We already call our lower House something different to every state, so...

**Ms ARMITAGE** - If we had compulsory local council elections, because you believe there is confusion between the two councils?

**CHAIR** - It is probably not a question for the commissioner.

**Ms ARMITAGE** - I just wondered if you believe it would be improved if there were.

**Mr HAWKEY** - I think there are a whole range of reasons the Legislative Council does not. We are the only state that has them periodically.

**Ms ARCHER** - I agree with the commissioner. I think there's a number of different reasons, and I think education is at the heart of all of these issues, and engagement as to whether people are fully engaged with our electoral system and our democracy. We, as selected members, do what we can and the parliament does what it can, and certainly when I was in a position to have an education program, that was funded and continues in relation to our schools. It is a whole-of-community

education issue. What I will say is that the Legislative Council is a consistent term used in every upper House in Australia in the state.

**Ms ARMITAGE** - But some states have compulsory council elections.

**Ms ARCHER** - The voting system may be different, but it is our lower House that bears a different name. We are House of Assembly, whereas other states are Legislative Assembly. There can be some confusion there.

**Ms ARMITAGE** - I am probably looking at more than that fact, though, that council normally -

**Ms ARCHER** - But every other state calls them local councils as well. Unless we move to 'shire'.

**CHAIR** - Probably a debate for another day.

**Mr DEAN** - What work are we doing, if any, in relation to electronic voting? Are we going down that path, as some states have got it?

**Ms ARCHER** - I am not sure if some states do have it completely.

**Mr DEAN** - My son is in New South Wales, and he was saying that he experienced it this year.

**Ms ARCHER** - There are some issues with it.

**Mr HAWKEY** - Yes, New South Wales has a full online election voting system for people outside the state, so they have replaced their post with it, and for our blind, vision-impaired people they have a process. Will we have a postal vote system in eight or 10 years, and so this is an issue for all electoral commissions around the country. All electoral commissions believe there will probably come a time where we will need to have an online system to replace something like postal voting. Not to look to replace attendance, but because you won't be able to have a postal vote.

It is a very serious development. There are still issues. Cybersecurity theft is very real and there is a long-term project, as a part of this broader stuff with national security, where we are looking to see whether it is possible to have a system that all electoral commissions can be part of - similar to the electoral role, but it has to be secure.

**CHAIR** - Thank you very much, Mr Hawkey.

### **1.12 Child Abuse Royal Commission Response Unit -**

**Mr WILLIE** - Minister, the Tasmanian Government's response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse committed to the introduction of a pilot intermediary scheme, with scoping to commence in 2019. The Government has created the Child Abuse Royal Commission Response Unit with the Department of Justice to progress this.

In its comprehensive report on court intermediaries in 2018, the Tasmanian Law Reform Institute also recommended the introduction of such a scheme. The TLRI strongly recommended that any intermediary communication scheme should operate across the entire criminal justice process, including during the pre-trial interactions of people with communication needs, with policy officers and members of the legal profession, and during court hearings and trials, and should be available to all parties.

The TLRI included the ability of a person who has been the victim of a crime, a witness to a crime, who is suspected of having committed a crime, or who has been accused of a crime, to communicate effectively with police and legal counsel and to participate in criminal trials to fundamentally determine whether that person can gain access to justice and whether justice can in fact be done.

The TLRI's recommendations were based on the experience in other Australian states, and internationally, that the success and the support of schemes were much greater where the schemes applied to all parties and from early on in the criminal justice process.

Will the scope of the Tasmanian pilot be designed to maximise its success and support from stakeholders across the criminal justice system?

**Ms ARCHER** - Mr Willie mustn't have been here, because I have already mentioned that we have a pilot scheme project. I think it was in response to Ms Siejka's question on the disability justice plan, and I was talking about outcomes that would help the more vulnerable people in our community.

You are quite correct. It was as a result of a recommendation of the royal commission, one of 409, and that pilot scheme won't only deal with child victims or witnesses, it will extend across the range of those with a vulnerability.

I said I was very pleased to be able to announce that today, and that we are delivering on that commitment. There is a witness intermediary scheme pilot project, for which scoping has already commenced, to identify groups of individuals who are in most need of communication assistance within the Tasmanian criminal justice system, and therefore will be a priority for the pilot scheme. Obviously, we need to have a pilot scheme so we can get the correct design and fit for Tasmania.

Beyond that pilot scheme, we will be looking to introduce it across the spectrum.

**Mr WILLIE** - My apologies if I missed that.

**Ms ARCHER** - No, that is okay. You were out of the room.

**Mr WILLIE** - The Child Abuse Royal Commission Response Unit: is this funding inclusive of what is expected to be paid out, or is this money just to run the unit?

**Ms ARCHER** - The secretary will explain the break-up of the funding.

**Ms MORGAN-WICKS** - In relation to the expenses on table 6.2, the Child Abuse Royal Commission Response Unit, you can see there from the 2019-20 Budget figures of around \$9 million. A small proportion of that is actually for the unit itself. The bulk is for redress payments.

**Mr WILLIE** - For the unit, can I have a breakdown of the numbers of staff in the unit and what their roles are?

**Ms ARCHER** - As at 31 March this year, the headcount was six 5.7 FTEs.

**CHAIR** - Any other questions on this line item?

**Ms HOWLETT** - Attorney-General, you spoke briefly before about the royal commission into child sex abuse. I wanted to know if there were any other recent updates?

**Ms ARCHER** - Yes. I am pleased to advise in relation to this area. The intermediary project is fantastic to get off the ground. Members will be well aware that the National Redress Scheme also offers successful applicants with a monetary payment access to counselling services and a direct personal response. There are national service standards for the provision of counselling and psychological care. Those standards have been adopted by jurisdictions delivering counselling under the National Redress Scheme. Those standards require for such services to be collaborative, available, accessible and high quality, and inclusive of Aboriginal and Torres Strait Islander healing approaches.

I am pleased to be able to announce that the Government is opening 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 I mentioned. The 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 for survivors. Importantly, providers wishing to be placed on the register will be required to declare any conflicts of interest. 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. If a survivor already has an established therapeutic relationship with a counsellor who isn't on the register, our model can still facilitate the survivor continuing to serve and using the funds awarded under the scheme.

As important as Tasmania's involvement in the National Redress Scheme is, it is only part of the work that the Government is undertaking in response to the royal commission's recommendations as a whole. As a government we are publishing progress reports on the implementation of all the recommendations annually. The next progress report is due mid-December this year and will be available publicly on the Department of Justice website. As I have said in the past, the Government recognises there is nothing that can ever 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 for the past and strive to ensure they will never be repeated. I think this counselling service will go a long way to helping those who suffered abuse in government and non-government institutions.

## **Output Group 2 Legal Services**

### **2.1 Crown Law -**

**Mr WILLIE** - If the Crown Solicitor gives advice to a department concerning a reform, let's say it is information-sharing, who is responsible for the compliance of that? Is it the department itself or does the Crown Solicitor follow up?

**Ms ARCHER** - The Crown Solicitor provides legal services on commercial contracts. I think you might be referring to the Solicitor-General, which is separate to the Crown Solicitor.

**Mr WILLIE** - We will go with the Solicitor-General then. If they give advice to a department on a reform, that is where it stops. Is the department then responsible for its compliance?

**Ms ARCHER** - The Solicitor-General gives advice to the attorney-general of the day and members of the government. That may well be on a government basis to providing advice to particular departments. The Secretary can explain the Treasurer's Instructions.

**Ms MORGAN-WICKS** - Through the Attorney-General, advice is requested from the Solicitor-General or the Solicitor-General generally issues advice. He will at times send that to me as a head of agency and ask for it distributed to other heads of agency. We are bound pursuant to Treasurer's Instructions in relation to where we obtain advice and following advice by the Solicitor-General.

**Mr WILLIE** - There is no other oversight; it is just you are bound to it?

**Ms MORGAN-WICKS** - Under Treasurer's Instructions we are required to comply.

## **2.2 Legislation Development and Review -**

**Mr DEAN** - The police consolidation powers bill -

**Ms ARCHER** - That is minister for Police.

**Mr DEAN** - This will come totally within that area. You referred to some legislation during your opening address. Is that all legislation currently being considered or reviewed at this time?

**Ms ARCHER** - No, by no means

**Mr DEAN** - Can you give me an idea of what it is? Should it be tabled? What is the easiest way? What are the main areas we will see?

**Ms ARCHER** - I take this opportunity to thank the Department of Justice for the mammoth work it does and the pressure I constantly place them under in relation to having to reprioritise priorities as and when they arise, particularly in relation to matters we don't foresee in this space.

A lot of work has already been completed just this term: burial and cremation; corrections in relation to putting police on the Parole Board; crime confiscation profits; the first tranche of electoral amendments; family violence reforms, justice in relations; the marriage and gender amendments; also misalliance amendments on the justices and related legislation; justices of the peace; legal profession amendment; mental health amendment; motor accidents liabilities and compensation amendments; sentencing amendments for the mandatory sentencing of serious sexual offences against children; terrorism restrictions on bail and parole; and also the National Redress Scheme in relation to Commonwealth powers.

Currently before the parliament we have the -

- Corrections Amendment (Prisoner Remission) Bill 2018
- Criminal Code and Related Legislation Amendment (Child Abuse) Bill 2018
- Criminal Code Amendment (Bullying) Bill 2019, which also deals with cyberbullying, as I mentioned previously
- Government Procurement Review (International Free Trade Agreements) Bill 2019, which is a Treasury area that I am handling because it has referral powers to the Supreme Court.

We also have the Registration to Work With Vulnerable People Amendment Bill 2018, ; the Sentencing Amendment (Assault of Certain Frontline Workers) Bill 2019 and the Supreme Court Civil Procedure Amendment Bill 2018.

That is a selection of the work currently underway, and these are matters we have made commitments to by way of election or publicly. It is not an exhaustive list of things that I might still be considering, but they are the publicly announced ones - bail reform, one punch reform, and consideration of the submission of section 194K of the Evidence Act Discussion Paper, allowing victims of sexual abuse to speak out publicly. That is in relation to a discussion paper due to a very wide and well-known public campaign on that issue. I am very happy to progress that. I would have liked to have finished the dangerous criminal declaration reform by now but it had to be pushed back because of all the gender certificate work had to be done. The larger review of the electoral act or the Magistrates Court criminal and general project, which I am referring to a lot today, the civil liability act, ensures professional sportspeople are not covered by the exemption from liability of the act, specifically jockeys. I am very happy to progress that. The late Dr Vanessa Goodwin would be pleased to hear about the technical amendment to the Neighbourhood Disputes About Plants Act 2017. Further civil law reforms are arising from the recommendations of the recent royal commission. That is by no means an exhaustive list.

I take the opportunity to thank the incredible work our legislation development team does. It is a small team but they produce an enormous amount of advice and work. They also assist me in my counsel with attorneys-general in other states and territories and aid me in my meetings and work with the federal Attorney-General, and the working groups and committees that go on around that work in relation to national reform issues. There is a lot work in relation to national redress. I am sure you are aware of the incredible output that occurs within this department.

**Mr DEAN** - When are we likely to see the one-punch law bill?

**Ms ARCHER** - I have talked about it a lot. It is progressing. It is a matter not only of national attention but also in this state as well. We have been looking at other jurisdictions and the way they have dealt with it. Queensland, New South Wales, Western Australia, Northern Territory and Victoria have addressed one-punch incidents through legislative reforms but in a variety of ways. It is by no means clear-cut. Each jurisdiction deals with it differently.

While in Tasmania we have a current number of offences in our legislation that could capture one-punch incidents, there is a loophole that currently exists for offenders who already have

convictions to manslaughter if they successfully argue that the death was an accident. That is the area that I am most concerned about.

There are existing offences under the Police Offences Act and the Criminal Code Act that may relate to one-punch incidents, such as assault, causing grievous bodily harm, manslaughter and murder, depending on the outcome of the violent incident. We have the benefit of being able to consider what other states and territories have done. That is the work that the section of the department is doing so we don't have inadvertent outcomes for both victims and indeed perpetrators; we need a balance of justice here.

We want to send a strong message to perpetrators that senseless and cowardly acts of violence will not be tolerated. It has received attention nationally and indeed at a state level. There have been some awful and unnecessary incidents and tragic deaths that could have been avoided. We are undertaking that juridical review at the moment and will be progressing this reform as soon as possible.

That is something I made a commitment to throughout the election campaign. I would like to do all these things in 12 months but it is just not achievable. We have had to prioritise priorities. All of them are priorities in other words, but we are progressing this one as quickly as we can. As I said, things have arisen like electoral reform and the gender on birth certificates issue that took away resources from other reform packages.

**CHAIR** - Moving onto 3.3, Enforcement of monetary penalties

### **Output Group 3 Correction and Enforcement**

#### **3.3 Enforcement of monetary penalties -**

**Ms ARMITAGE** - I think we normally start this with the amount of what's outstanding for the year.

**Ms ARCHER** - I invite Mr Wayne Johnson, Director of the Monetary Penalties Enforcement Services, to the table.

**Ms ARMITAGE** - He generally has the figure because he gets it the night before.

**Ms ARCHER** - We generally need him straightaway, Chair.

**CHAIR** - We will be finishing at 1 o'clock and we are 1.5 hours behind time.

**Ms ARMITAGE** - What is outstanding for this year? I know you did it as of last night.

**Mr JOHNSON** - Slightly up on last year, \$70.8 million. If it is helpful, I can give you a breakdown.

**Ms ARMITAGE** - Yes, that would be good.

**Mr JOHNSON** - About \$16 million; \$15.9 million is not yet outstanding. It is not yet due. Approximately \$27.6 million is under arrangement; it is under payment plans. About \$20 million,

## UNCORRECTED PROOF ISSUE

or about 28 per cent, is quite old debt; it's older than five years. When I was here last year, I think I mentioned that when the Monetary Penalties Enforcement Service first commenced in 2008, about \$19 million of debt was brought forward for EMPAs to collect. That proves really hard. The older the debt is, the more difficult it is for us to collect.

**Ms ARMITAGE** - Are most of those interstate?

**Mr JOHNSON** - No, about \$11 million of debt is interstate debt.

**Ms ARMITAGE** - Would they be mainly traffic? Looking at the list, there are a lot of smaller amounts that appear to be interstate, and companies as well as individuals.

**Mr JOHNSON** - It ranges. There are some large amounts that are interstate, particularly some fisheries offences. There are special penalties in relation to fishery offences. There are some top-end stuff and there are some bottom-end ones. I note tourists who have visited the state -

**Ms ARMITAGE** - Traffic offences, parking.

**Mr JOHNSON** - Speeding, parking, yes.

**Ms ARMITAGE** - How do you follow up the interstate payments? Do we have any reciprocal agreements with any of the states? Or do they just not come back?

**Mr JOHNSON** - Many don't come back; you are quite right. Some do come back. Some visit the state and offend regularly. We do follow up all of our debt, interstate and overseas. Obviously, it is more difficult because our enforcement options are fewer for interstate people.

**Ms ARMITAGE** - You can't take their licences, obviously, or their cars.

**Mr JOHNSON** - Correct, unless they are driving on a Tasmanian licence and we can suspend that. They have to be intercepted for that to have effect. It is more difficult. We do have more limited options interstate and overseas.

**Ms ARMITAGE** - The other thing I have noticed every year, and the only change this year is that it goes to L, whereas it used to go to K. When you go online to look at the list of people, payments and amounts, it is no good for me because my name is Armitage, so I'm in trouble. I might have to change to Potter, to go to my married name, if I get into trouble, that is. When you looked at this previously, you could go as far as K; this year it has a little bit of L, to La, but it doesn't go any further. Every year this happens that you can't go past K or L. What is the problem that it doesn't load everyone?

**Mr JOHNSON** - Though the Attorney-General, I checked this after you raised it last year.

**Ms ARMITAGE** - I can show you again.

**Mr JOHNSON** - I checked it yesterday and today. It certainly goes from A to Z. I can scroll through on my desktop and on my phone. It certainly goes through from A to Z.

**Ms ARMITAGE** - Every time -

## UNCORRECTED PROOF ISSUE

**Mr WILLIE** - It might be an issue with the internet in Launceston.

**Ms ARMITAGE** - I have to say it happens every time down here at Estimates, so I don't think it is Launceston. I'm will have to talk to our IT. Perhaps if they had a decent office for the poor people they might be able to do it.

**Mr JOHNSON** - If it is helpful, I checked it last year. I checked it again yesterday.

**Ms ARMITAGE** - How much have we written off this year?

**Mr JOHNSON** - Approximately \$500 000. I will get the exact figure for you. There were 3128 debts totalling \$587 059 deemed to be uncollectable between 1 July 2018 and 31 March 2019.

**Ms ARMITAGE** - Who makes the decision? Do they make the decision to no longer chase the debt when it goes to Monetary Penalties Enforcement Service - MPES?

**Mr JOHNSON** - I have the power under the act if the debt is up to \$10 000 to deem it uncollectable in certain circumstances. To give you an idea of those circumstances, it might be where the offender can't be found after reasonable inquiry; where they are deceased; if they are a company in liquidation; where the offender resides outside Australia and has no assets in Australia; or where the amount outstanding is less than \$10 and the cost of enforcing it is going to be more than \$10.

**Ms ARMITAGE** - I note a couple of companies here, for amount of a thousand dollars or so. Is that because, with a company, if it was a traffic offence, it's very difficult to know who the offender was? You obviously can't take a vehicle or a licence if you don't know who it was that offended or what the reason is. It seems unusual to see a Tasmanian company for some of the smaller amounts here.

**Mr JOHNSON** - For companies we have more limited enforcement options. Often though, a company will have vehicles registered in the company name, driven by employees. In that case, we can suspend the registration of those vehicles. If they are on that list, it is usually the case that we have exhausted our best enforcement options and we are left with publishing their name. I suspect in those cases they don't have vehicles registered in the company name.

**Ms ARMITAGE** - With some of the larger amounts - for \$4000- or \$5000-plus - would they be local councils? I know some councils, in cases of non-payment of rates, sell the properties, but do you have a number of councils that would come to you rather than sell the properties themselves?

**Mr JOHNSON** - Rates do not come to us for collection. That resides with councils.

**Ms ARMITAGE** - None of these larger amounts are unpaid rates at all?

**Mr JOHNSON** - Correct.

**Mr DEAN** - There was a lot of concern and publicity about the outstanding debt that related to the workplace at Devonport. Has that debt ever been recovered?

**Mr JOHNSON** - Efforts have been made to recover that, but the answer is no.

## UNCORRECTED PROOF ISSUE

**Mr DEAN** - It has never been recovered?

**Mr JOHNSON** - No. Substantial efforts have been made; it was a company debt. From memory, I think the one you are referring to is approximately \$55 000?

**Mr DEAN** - It was where the victim was the son of an ex-police officer who worked with me. I am not quite sure of the amount, but it was quite a large amount. So it has never been recovered?

**Mr JOHNSON** - It is owed by a company and, no, it hasn't been recovered to date.

**Mr DEAN** - Is there any chance it might be recovered?

**Mr JOHNSON** - It's a challenging one. Given the enforcement options we have, it's a very challenging one to recover.

**Mr DEAN** - It's a sad situation. Thank you for that. How many licensing registration suspensions were there this year?

**Mr JOHNSON** - Year to date to 31 March, 12 248; they are down on previous years. I might usefully add though that 9652 suspensions have been lifted.

**Mr DEAN** - How much property has been recovered or taken possession of to pay off debt?

**Mr JOHNSON** - Do you mean real property, houses?

**Mr DEAN** - Yes., real property.

**Mr JOHNSON** - We have 66 properties with charges against them in relation to debt owed by customers.

**Mr DEAN** - What is the outstanding debt to local government, and where is the largest outstanding debt payable? I'd suspect it's Hobart; it usually is Hobart.

**Mr JOHNSON** - I can safely tell, yes, it would be Hobart. The total amount outstanding to local government is \$9 088 841.

**Mr ARMSTRONG** - How many of the ones you haven't collected are from overseas or interstate?

**Mr JOHNSON** - The interstate figure is just under \$11 million - \$10 916 209.

**Mr ARMSTRONG** - And overseas, backpackers et cetera who come fruit picking, drive a car and leave the country and there is no -?

**Ms ARCHER** - I don't know if we can be that specific.

**Mr ARMSTRONG** - I didn't think you could.

**Ms ARCHER** - I thought I'd assist you, Mr Johnson.

**Mr JOHNSON** - The interstate debt is down on last year.

**Mr ARMSTRONG** - It is often raised how overseas people can come in and do whatever they do and there's no -

**CHAIR** - Attorney-General, the time being almost 1 o'clock and we are one-and-a-half hours behind, we will be taking our full time. We will suspend and I will invite everyone to be back by 1.55 p.m., thank you.

**Ms ARCHER** - Straight to the Integrity Commission?

**CHAIR** - Yes, the Integrity Commission.

**Mr DEAN** - Capital investment?

**CHAIR** - The capital investment is only for the Burnie court; we have already talked about that so there will be no capital investment.

**The committee suspended from 12.57 p.m. to 1.55 p.m.**

**DIVISION 6**

(Department of Justice)

**Output Group 1**

**Integrity Commission -**

**CHAIR** - We are ready to head into the afternoon session. As I indicated prior to lunch, we have some time to make up. We might remind ourselves to ask precise questions and we will expect the same in answers.

**Ms ARCHER** - We have Mr Richard Bingham, CEO of the Integrity Commission, with us.

**Ms SIEJKA** - I want to ask about the training sessions for public sector organisations. The annual report showed that the majority of the training occurred in the south. Is there a reason for this? Are there plans to increase the availability for other regions? I feel terrible asking these questions because we have had such a focus on Launceston.

**CHAIR** - We are all Tasmanians.

**Mr BINGHAM** - I don't have any figures on the precise break-up of the number of people who attended sessions by region in the state. I know it is certainly not uncommon for us to do things in the north of the state. I was there talking to some 60 people who had been newly elected to local government councils, for example.

**Ms SIEJKA** - The numbers I had were 558 in the south, 14 in the north and 84 in the north west.

**Mr BINGHAM** - For what year was that?

**Ms SIEJKA** - I'm not sure. It was just in the annual report, so I presume that was in the last available annual report.

**Mr BINGHAM** - Okay. We have been doing a lot of work on the delivery of training modules. Most of our delivery is done online. We're redoing the whole of the education module. It will be the basis for the online training. But the way in which we deal with face-to-face training is very much responding to needs expressed by individual organisations. Perhaps not surprisingly in the year you're referring to, which the last annual report relates to, we worked closely with TasTAFE and with Glenorchy City Council, both of which are largely based in the south. So, a lot of the face-to-face training was done with officers from those organisations. I say to anybody who wants us to come to the north, please let us know because we do it regularly and are very happy to do so.

**Ms SIEJKA** - There's no limit on the amount of training available in terms of capacity?

**Mr BINGHAM** - No, there is no limit. At the moment we're focusing our resources on redeveloping the online training modules, so that's where the principal effort's going, but there's no cap or anything like that; it's just a matter of availability of people to do the job.

**Ms SIEJKA** - I think I read that own motion investigations are something that occurs now. Is that right?

**Mr BINGHAM** - Yes.

**Ms SIEJKA** - How many have occurred? What have been the results? Has conduct improved as a result? What improvements can be attributed to the work of the Integrity Commission as a result of these own motion investigations?

**Mr BINGHAM** - There are a couple of types of own motion investigations. One relates to misconduct and how public sector organisations deal with allegations of misconduct themselves. That was a report tabled in December 2016. It resulted from an audit we did of five state departments, five councils and two state-owned corporations.

The result of that was to publish the report of the audit, plus some materials to assist agencies in how to deal with allegations when they are received, what the process should be for investigations, what sort of ways in which they can impose sanctions and so on. All of that was done in a general way so it applied to all their different circumstances, respecting the fact that they each have different legislation.

A second own motion investigation was one we did in relation to Tasmania Police and the misuse of information by that organisation. I am pleased to tell you that resulted in a very positive outcome in the sense that the Commissioner of Police initiated his own work to see whether there were areas in which there are difficulties. We tabled a public report about that.

We also do own motion investigations where, for example, we get a complaint and because somebody wishes to remain anonymous, they don't want to be identified as a complainant. It has to be a board decision for the commission in each case. We will initiate an investigation into a specific complaint of a specific type of misconduct, for example. There are some other own motion investigations, some of which are underway at the moment and some of which have been completed in the past that result from those sorts of queries.

## UNCORRECTED PROOF ISSUE

**Ms ARMITAGE** - With regard to third party complaints, what are the criteria the Integrity Commission takes into account in determining whether to carry out an investigation?

**Mr BINGHAM** - Through you, Attorney-General: the Integrity Commission Act 2009 specifies what the factors are that we need to consider in determining whether we can initiate investigations. Those are things such as what is in the public interest, not surprisingly. The act lists some factors we take into account in determining where the public interest lies. The act also says there are things like whether it's a justifiable use of our resources and so on that we can take into account.

So, when the five-year review of the commission was done by the Honourable William Cox, one of the things he suggested, which reinforces the general flavour of the act, is that we should focus on serious or systemic misconduct or misconduct by senior officers, called designated public officers under the act. That's where we tend to put our resources. If it's an allegation about a senior person or serious or systemic misconduct, that will suggest it's something we ought to do. If it's something about an allegation which is going on within an organisation at lower levels and it's not so serious, it's much more likely that will be one that we will refer back to that organisation to deal with in accordance with its processes.

**CHAIR** - What's the average cost of an inquiry?

**Mr BINGHAM** - It really depends on how you define 'inquiry'.

**CHAIR** - From the time you receive it, assess it, undertake and determine it.

**Mr BINGHAM** - We haven't the figures in relation to each specific investigation because lots of complaints drop out of the process at each of those stages you've identified. For example, over the last year we received approximately 121 complaints up until May; at the triage stage we dismissed 68 of those and referred 17 on to an agency and the rest we put into assessment. Of those ones in assessment, we dismissed 27, seven continued to be under assessment at that date and five we referred to an agency - the same process in relation to ones that go into investigation. To give you a figure of how much, it would be an average - because of those different stages, it's so rough as to be not helpful; it would be like taking the number of complaints and dividing it into the total allocation to the commission sort of thing. I'd need some more information about exactly which part of that process you'd like to know about before I could say anything to be helpful.

**CHAIR** - Thank you.

**Mr DEAN** - Because of my position as Chair of the Integrity Committee, I don't think I should be asking questions in this environment.

**CHAIR** - So you're not going to ask your question.

We thank you very much for your time today.

### **DIVISION 2**

(Department of Justice)

**Output Group 1**  
**The Office of the Director of Public Prosecutions**

**1.1 The Office of the Director of Public Prosecutions -**

**Ms ARCHER** - I introduce Mr Daryl Coates SC.

**CHAIR** - Welcome again. I'll straightaway ask Mr Dean if he would like to open the questions.

**Mr DEAN** - Attorney-General, I want to know whether the Office of the DPP is sufficiently resourced to be able to carry out its required functions in servicing the criminal courts - the Supreme Court and the other courts, serious matters in the Court of Petty Sessions. What will be the position when we see the further judge identified within the Office of the DPP? I ask the question because of the increase in matters coming into the criminal courts - violence and all those other offences.

**Ms ARCHER** - I've accepted those figures and they're the facts. We have an increase in crime due to a number of factors we've already mentioned, not least of all with police being resourced to a greater capacity, more police catching criminals, but that has in turn an impact also on our criminal justice system. What I've tried to do, and what the Government has tried to do this Budget and into the out-years, is provide some additional funding - the funding increases as we approach the seventh judge. I know there are enormous pressures within the Office of the Director of Public Prosecutions for all the factors we've mentioned already. That office does everything it can with those resources available and from various funding sources over the years, and the increase in load from child protection-type cases as well and even summary prosecutions. There is a high demand for the service. There is no question about that.

With the tighter budget situation this year, with the additional funds I was able to secure, I couldn't just resource the DPP or just resource Supreme Court, or just resource the Magistrates Court, or just resource the Legal Aid Commission. I have had to spread that across all of them.

With the funds available, I have done that across the areas I have just mentioned, to deal with an increased workload pressure.

**Mr DEAN** - Are we able to hear from the DPP as to how he sees the position with the office's resourcing and funding?

**Ms ARCHER** - I'm sure Mr Coates will have a view on that. I will say at the outset, I have tried to do what I can with the funds available. I appreciate there will always be high demands in a state where we are seeing an increase in crime. We have been through those figures already.

I am not about to say no, Mr Coates can't express his view on that, but I have done what I can with the funds available.

**Mr DEAN** - It just appears to me, with this backlog we have in the courts and the build-up of matters coming in, if we could hear from the DPP, with your permission -

**CHAIR** - Can we have some numbers as well?

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**Ms ARCHER** - This is my second time appearing as the minister and as Attorney-General before Estimates committees.

Last year the issue was the increase in backlog and increase in crime, but no additional funds.

This year, I have provided additional funds and, as we know, each and every year, we have the chance to assess that and revise if necessary. I will say at the outset, in a tight budgetary situation, I was able to secure additional funds for the Department of Justice, and I am sure those funds are welcome.

I appreciate there is still a significant criminal backlog that we are working across the system. I sure Mr Coates will also acknowledge that legislative reform is required as well, particularly in relation to preliminary proceedings.

**Mr COATES** - First, I also acknowledge the Attorney-General is very sympathetic towards our office.

As far as our office and the backlog, two years ago the number of committals was 418, last year it was 527, and this year it will come up well over 600. Bail applications a number of years ago were about 80, now we're looking at close to 400. In Child Protection, there has been a 45 per cent increase in the number of appearances by our counsel.

It is a challenge to get through all this work with the resources we have, but we will do our best. For example, last year we did 12 per cent more work, but the backlog became worse because the actual numbers coming in increased, and I think there is a number of reasons for that.

There is significantly more resourcing in police. There have been significantly more resources to the department in respect of child safety, which means there are more matters. There have been changes in legislation that require more appearances.

At the moment, we have more work coming in than we can get out.

**Ms ARCHER** - Having said that, Mr Coates also sits on the steering committee for the Magistrates Court package of reforms, so he has been able to provide input on procedural aspects of how we can streamline processes for the Magistrates Court. It has been very valuable to have that input.

**CHAIR** - To possibly lighten the load?

**Mr COATES** - Under the draft we have done so far, there would be some lifting in the values. To go back to, say, stealing, I think it is electable now at \$20 000. There is talk of increasing that to \$100 000. That will send significant matters back to the Magistrates Court, yes.

**Ms ARCHER** - Which means it won't need to be prosecuted by the DPP, but it will be a police matter.

**Mr DEAN** - I guess there will be the position where the DPP already, as I understand it, involves his office in prosecutions in the Court of Petty Sessions in relation to serious matters, so as long as that changes as well.

**Mr COATES** - Yes, so at the moment we have a pilot project that has been going for two or three years with Tasmania Police so we prosecute all sexual offences in the Magistrates Court. For example, an indecent assault can be electable, so can be dealt with in the Supreme Court or the Magistrates Court. If it's dealt with in the Magistrates Court, we deal with it. We deal with prosecutions of police officers, and we deal with animal cruelty prosecution and WorkSafe prosecutions in the Magistrates Court. In terms of resources, the police have provided one of their lawyers for 12 months, so they come for 12 months and then they go back and another one comes for 12 months. So they don't do those prosecutions, but at least it's professional development for them. So that is what we do in the Magistrates Court, yes.

**CHAIR** - While we are still on that, can we have the length of time for cases as well? I don't mind if you take that on notice, but do you have a matrix of the outstanding cases and what length of time? You've certainly answered my question about what is being done to clear the backlog, so I appreciate that.

**Mr COATES** - I don't think I've actually got the length of time.

**CHAIR** - That's fine. We will put it on notice.

**Mr COATES** - I get those figures every month, so yes.

**Mr DEAN** - How many active lawyers do you have in your office?

**Mr COATES** - We'd have approximately 30 lawyers; that includes summary, child safety and crime.

**Mr DEAN** - Are you able to say whether you, because of your position, your office and the resources you have, have in fact held up cases getting into the criminal court because of your workload?

**Mr COATES** - That would be right to an extent, but with the backlog, you can't just look at one individual thing. It's our office; it's the court; it's Forensic Science Service Tasmania - they have to do the forensics. There's a whole -

**Ms ARCHER** - Toxicology, workplace standards.

**Mr DEAN** - Yes, I accept other work has to be done before you can -

**Mr COATES** - But, of course, we prioritise our work in the office, so there are matters that get priority over others. Sexual offences on children get priority, people in custody get priority, but then it comes to the stage that a matter that has had no priority, because of the time it has been there, then has to be given priority.

**Mr DEAN** - Where are the main offences coming now, Attorney? I take it drugs are pretty high, ice in particular, so where are the main crimes in the DPP's office?

**Mr COATES** - Over the last few years we've had increases in drugs, and I have probably said this before. Drugs matters have changed in that they used to be one of our most simple cases because you'd have police go along, catch someone with some cannabis plants, you call four police

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officers and that would be it. We don't have many of those cases. They're all powders, ice, it all involves telecommunications, evidence, financial evidence, so they are quite complex.

The other one where there's a lot of trials are sex offences, particularly historical sexual cases. They are quite complex and time-consuming, and they are resource-difficult for our staff because you have vulnerable people.

I would say they are the two main areas.

**Mr DEAN** - Is there any decrease in those historical sex crimes coming into the DPP's office?

**Mr COATES** - I wouldn't have thought so, but over the last few years we have had an increase in that reporting that may very well plateau and go down. It may very well have been a result of the royal commission.

**Ms ARCHER** - That shone a light on the cases and people are now coming forward, which is a good thing in a way because they can get assistance and help, but it does put more pressure on prosecution services.

**Mr DEAN** - The 'unexplained wealth' issue inside of that. What is your involvement in that area? I notice you have projected to receive about \$500 000 in recovering unexplained wealth.

**Mr COATES** - Maybe not this financial year. We have a case at the moment. I am not sure when it is going to get on. We have a unit in our office and they work with two police officers from Serious Organised Crime. We have a lawyer and a forensic accountant. They report directly to me in relation to it because, as you can understand, there has been concern about the powers in it. I don't delegate those powers. They report directly to me.

There is a trade-off between looking at areas where you can get confiscating assets quickly, compared to looking at more difficult cases, but in the end, it will have a more punitive effect in relation to, say, organised crime.

**Mr DEAN** - That was the question I was going to ask this morning, but I can ask it here. The unexplained wealth legislation has been in place now for a few years. Do you see there are changes that should be made to that act to streamline it?

**CHAIR** - I think we already heard how heavy the legislative reform is.

**Mr DEAN** - And the DPP refers to his right of delegation, for instance. Do things need to change in that act, Attorney? Has the DPP suggested changes to it?

**Ms ARCHER** - We made some changes last year. It did come under review. Damian Bugg QC did a review and we made those changes in consultation with Mr Coates, and that was through discovering what was an issue throughout that process. I don't have a breakdown of the changes we did make, but we did go through both Houses.

**Mr DEAN** - I was trying to think of what they were now.

**CHAIR** - We won't try to recall them right here now.

**Ms ARCHER** - There were changes made and if there were further things identified, either through a formal review or if Mr Coates came to us, as he does regularly in relation to all reform matters, he writes to me, and we take that into consideration, and that is how we do our reform.

**Mr DEAN** - The other question is the pleas of guilty. I am not sure whether it was last year or the year before, where it was indicated that there were more pleas of guilty coming through the Supreme Court because of changed police practices and interviewing and recording. Is that the case, or has it plateaued as well?

**Ms ARCHER** - I'm not sure about the numbers of different pleas.

**Mr COATES** - I thought there was certainly a decline in earlier pleas. We get a tremendous amount of late pleas. I don't have the figures off the top of my head as to the number of employees in the last 12 months compared to say three years ago. That would be in the annual report; I could get those figures for you.

**CHAIR** - If it late plea does occur, that mean that your office has done a lot more work than it needed to do had the accused pleaded earlier.

**Mr COATES** - Sometimes with a big drug prosecution we would have spent many, many months working it up and then it will be listed for a four week trial. Then they will plead two days before the trial starts.

**Ms ARCHER** - We have some figures here that we have just been handed.

**Mr COATES** - In 2017-18 we had 244 pleas of guilty; 73 were committed for sentence. They pleaded guilty in the Magistrates Court at an early stage and were then committed to the Supreme Court for sentence. One hundred and seventy-one pleaded guilty subsequently after they had entered a not guilty plea in the Magistrates Court and then were committed for trial.

**Mr DEAN** - What other functions does the Office of the Director of Public Prosecutions undertake? We know that is does Court of Petty Sessions and the Supreme Court work. Are there any other areas that the DPP has a responsibility for?

**Mr COATES** - Child safety, and under the Coroners Act we provide counsel for the Coroner.

**CHAIR** - We know the DPP is a very busy office so thank you very much.

## **DIVISION 6**

(Department of Justice)

### **Output Group 1**

#### **The Office of the Ombudsman**

#### **1.1 Decisions on Complaints Referred to the Ombudsman and Health Complaints Commissioner and Right to Information -**

**CHAIR** - There has been quite a bit of discussion, not only over the past 12 months, but before in regard to the Ombudsman's office. You said in your overview 'an increase in the Budget to cover an additional two RTI officers'. I am interested in what the officers' roles will be. Will they be

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looking into the area of health complaints? Or will they just be filtering 'yes' for accepting a complaint or 'no'? How are those two new positions work in practice?

**Ms ARCHER** - I don't tell the Ombudsman exactly what to do with his resources. It is envisaged that there will be a new principal officer and a new investigation review officer. I am very happy for Mr Connock to address this question. Ultimately, we all know the Ombudsman is independent and therefore what he does with that resource is a matter for him.

**Mr CONNOCK** - It was asked for right to information, because as you know from previous hearings we've had longstanding problems with processing the right to information reviews. We have so many going to formal review that we are unable to utilise the other methods of resolution under the act. We put in a bid and it was answered, which is very welcome news.

**CHAIR** - This committee members of the parliament may have assisted.

**Mr CONNOCK** - Thank you, if you did.

**Ms ARCHER** - They gave us such a hard time last year.

**Mr CONNOCK** - The funding is going to bring it into line with the other major jurisdictions of the office, which are primarily the Parliamentary Ombudsman, Health Complaints Commissioner and Custodial Inspectorate. Each of those has a principal officer to direct and manage the work of that jurisdiction and some support officers.

In the case of Ombudsman, there is a senior investigation officer and other investigation officers. The proposal in relation to RTI is that there will be a principal officer to direct and manage the work in the jurisdiction and to deal with complex matters and matters of review. We have an existing band 6 senior investigation and review officer, which will continue. The other new position is a new band 4, an investigation and review officer who will deal with - and I don't mean to be demeaning - the lower level, less complex inquiries.

In that way I think we will finally be able to clear our backlog of cases. We will be able to streamline the review process in general, because we will have more people working as a team. We will have a senior manager to deal with the jurisdiction on a day-to-day basis. We can also then utilise the other powers available to us under the act. We can case-conference, because now if it doesn't resolve the compromise officer is not the only one, so somebody else can continue with the review. That is what we are looking to do in broad terms. That is what we have been looking for, basically, for a long time.

**Ms ARCHER** - I'm very interested in something Mr Connock has suggested, which is seconding RTI officers from various departments to spend some time in the Office of the Ombudsman. As we know, they have the delegated responsibility, they are independent in how they assess RTI applications from ministerial officers and rightly so, in my view. Therefore, spending some time with the Ombudsman, as has been suggested by him, would be very valuable for consistency as well in decision-making. I am very drawn to trying to see more of that occur within departments. If I make that strong statement now, then department heads will no doubt hear that message. I think it would be very valuable for them to spend time in the Ombudsman's office if that type of secondment can occur in the longer term.

**CHAIR** - The health complaints area - is that the highest complaints area we see?

**Mr CONNOCK** - No, the parliamentary ombudsman is the highest complaint area, followed by health.

The pressure points now are health in terms of staffing and the custodial inspectorate. They are the two where we are mainly challenged.

We could do with resources across the office, we are still stretched. We are managing the work, but the complaint work comes in. We managed to clear it, but we do have small backlogs in health as well as in RTI. As I say, hopefully now that one will be addressed.

We also have the introduction of the code of conduct for unregistered health practitioners, and all the amendments to the Health Complaints Act. Our drafting instructions have been issued for the regulations, but that hasn't been proclaimed. That is going to mean some more work for us. We don't know how much, because these people obviously cannot complain about them at the moment, but there are a couple of features, and that is the experience of our counterparts in other states who I have spoken to. Queensland, South Australia and New South Wales now have codes, and even though the complaint numbers are fairly low, they can be fairly demanding to deal with.

The other thing is that in terms of time and effort and [inaudible] because a lot of these are fly-in fly-out practitioners, so you need good contacts with border control, police et cetera, and you are really mounting a prosecution, because they can appeal against an order that we might make.

**CHAIR** - Given you have received the additional resources, and I know that members of the Legislative Council have talked about the lack of resources for a long time are very pleased, what is the time frame for having those two new positions in the office and ready to go?

**Mr CONNOCK** - The RTI ones? We have just had the statement of duties for the principal officer signed off by HR.

That is going out for advertising soon, and whoever the successful applicant for that will be involved in the recruitment of the other officer.

There will be a little bit of a time lag to that, but we are moving as quickly as we can.

**Mr DEAN** - On the Custodial Inspectorate side, I think you are required to carry out an inspection of the custodial properties and premises every -

**Mr CONNOCK** - Three years.

**Mr DEAN** - What actually does that entail you doing, the undertakings your office has and you have?

**Mr CONNOCK** - I have a principal officer in the inspectorate and a support officer there too, an inspection and research officer.

We have prepared the standards, that has all been done now, because when we inspect, it is quite different to complaint handling and to individual prisoner issues. We have developed a set of standards against which we inspect. We do a document report at first, then we do the physical inspections. We use consultants normally, because they are a specialised area and our staff is so

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small they can't be expert on everything. We engage consultants, we deal with them. We conduct the inspection and then we report.

**Mr DEAN** - So they carry out that inspection on that document you have prepared?

**Mr CONNOCK** - You have your standard to go out there and you look at everything against those standards, and they apply to all aspects of prison life.

**Mr DEAN** - And as a result of that, I take it that you make recommendations to the Director of Prisons to the Government?

**Mr CONNOCK** - We confer with the Director of Prisons to make sure we are factually correct et cetera. We do the same with the secretary, and then we deliver the report to the Attorney-General, who then has 30 days to table it.

The Attorney-General will respond to the report, but cannot alter it, so there are chances for input before it is finally tabled.

**Ms ARCHER** - It was an initiative of our Government; it is a fully transparent process.

**Mr DEAN** - In that document, I guess your office makes clear recommendations on changes that are necessary?

**Mr CONNOCK** - Yes, we have published a couple which are on the website, if you want to take a look. It gives a detailed summary and report of the physical inspection and whatever else was looked at. The sources of evidence are all discussed. They are compared then to the published standards, and we make a determination whether the centre is compliant or not. If it is not, we make recommendations for it to become compliant.

**Ms ARCHER** - Hence a big part of our major infrastructure upgrades is bringing a lot of these facilities up to what we expect in terms of standards across United Nations requirements and things that are coming in to operation now.

**Mr DEAN** - It makes you wonder what was happening before all of this came into place.

**Ms ARCHER** - We have outdated prison infrastructure and we are remedying that across the state.

**CHAIR** - Thank you very much, Mr Connock. We are very pleased that I expect we will hear some very good news next year. That was positive. In regard to numbers and satisfaction around those complaints that come into your office, I will be still sending some of my people through to you.

### **DIVISION 6**

(Department of Justice)

### **Output group 3**

### **Corrections and Enforcement**

#### **3.1 Prison Services**

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**Ms ARCHER** - We have Nick Evans, Deputy Secretary, Department of Justice; Dale Webster, Deputy Secretary, Department of Justice; and, as you have noticed, Ian Thomas, Director of Prisons, Tasmania Prison Service. The Secretary is going to have to leave us shortly for another committee. We might get Neale Buchanan, Director, Community Corrections, to come up as well

**CHAIR** - Do you have an overview of this area? It is entirely up to you, or do you want to get straight -

**Ms ARCHER** - I would like to do an opening. I can keep it very brief because there are a few initiatives I would like mention. I will be as quick as possible.

This Budget continues to strengthen our Corrections system and implementing a broad program of cultural change. I would like to take this opportunity to thank not only everyone at the table, but in particular with respect to cultural change, I know that Mr Thomas is doing a lot in that regard.

The Budget includes a broad range of funding commitments to respond to, as we have just been discussing with the Ombudsman in his role as the Custodial Inspectorate, the change and increase in demand on the Corrections system. Rather than just provide funding to address some of the existing issues, we have a strategic vision for prison infrastructure investment in Tasmania, and that is over that 10-year period with respect to the northern prison.

We have already commissioned projects such as the mother and baby unit at Mary Hutchinson Women's Prison, which was named after the late Dr Vanessa Goodwin, as the committee knows. As of 3 June, the prison service is anticipating one nine-month-old boy and an 18-month-old boy arriving into that unit in the next week. It is not just children who are born in our prison environment; female prisoners can apply to have their children up to a certain age come and reside with them, and have that attachment with their children who are still very young. I need not say for the committee the benefit that this has, but we can go into that in more detail should you wish to discuss it. We also have two pregnant prisoners in custody, one of whom will give birth before her release as well.

Funding initiatives in the Budget will allow the Corrections system to respond more flexibly to changing demand, and will further support the successful implementation of the change program already well underway. As I have mentioned, we have multiple infrastructure projects and we have alternative sentencing options, therapeutic programs and increased operating costs relating to the growth in prison numbers.

Members are aware of the \$270 million northern prison. The northern prison will ultimately provide accommodation for a variety of security classifications, remand facilities and a women's prison. The northern prison will not only relieve pressure on our southern Risdon Prison Complex but will also be designed to create increased opportunities for prisoners to find meaningful work on release and, importantly, provide improved family connections for northern prisoners, who currently make up 46 per cent of our prison population - unless that has changed in recent times.

I look forward to the upcoming community consultation period commencing in the next few months. We will be able to make further public announcements once the due diligence process has been completed in relation to some sites on the short list.

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Additional funding of \$16.8 million has been provided to the Tasmania Prison Service to assist with cost pressures resulting from increased prisoner numbers. That is specifically additional funding sought successfully in this Budget. The significant impact that has cannot be underestimated, particularly on our recruitment.

We have just had a course that has completed and we have another one starting in 8 July, from memory. We have embarked on quite a recruitment drive and since May 2016 we have employed 107 additional correctional officers, which is starting to have a significant impact.

In addition to the \$70 million 140-bed remand centre in the south, which is on the Risdon prison site but a standalone site, we have enhanced services to the Risdon Prison Complex, which will be a shared service and that is worth \$9.34 million.

I don't have to say to this committee, being very experienced and knowing how aged that facility is, but it will provide a number of things. I can go into this in further detail, but particularly there is a new kitchen facility, which has been long overdue, and work in that regard is fairly well advanced.

I did mention briefly the alternative sentencing options. Something that I am very proud to have delivered is the home detention, which we have briefly touched on already in relation to its monitoring and the monitoring of family violence orders on behalf of Tasmania Police as well. That was a \$4.3 million a year commitment. The first order was made on 19 March this year and 22 offenders are currently serving home detention services. I am very grateful that the magistracy and judiciary are embracing that alternative sentencing option. I am also advised that 23 people are being monitored as a condition of a family violence order at present.

I am confident that this new sentencing option is doing exactly what we wanted it to do. There are conditions; it doesn't apply to certain types of offenders, but it is there for those offenders willing to undertake it. They are assessed as being appropriate, their homes are assessed as being appropriate. There has certainly been an uptake by the Bench, which is very pleasing.

**Ms HOWLETT** - Attorney-General, could you please update the committee on the steps that the Government is taking to improve education outcomes for prisoners?

**Ms ARCHER** - Yes, it is something I had to resist mentioning because it's always something that receives attention at Estimates. I am very pleased to announce that TasTAFE will operate a campus at Risdon as part of a three-year memorandum of understanding between TasTAFE and the Department of Justice. I thank also the Minister for Education and Training, Mr Rockliff, who has been a pleasure to work with in that regard.

Prisoner education and learning remains a critical aspect of the TPS in its work to assist prisoners to reduce their risk of future reoffending. We know from previous committees that recidivism always is something we are looking at reducing. This will be a good key to reducing that notoriously high figure.

Transition to the new arrangements start in July this year, with a full transition planned 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.

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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 all 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 transferable 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, which I think is also the key. We want people to be able to find work post-release. Training programs will be developed in conjunction with industry, which, again, is critical. 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 will allow for more focused individual learning plans, higher participation rates and more relevant outcomes to support inmates for integration into the community beyond release.

TPS is also working with the Department of Education and Libraries Tasmania as well as TasTAFE to strengthen efforts to resolve matters to do with foundation skills, low levels of literacy and numeracy skills, which is notorious in our prison population and often over-represented. The Government strongly believes that a dedicated TasTAFE campus at Risdon prison will provide better learning pathways for inmates and increase the number of inmates participating in vocational training.

This is something we can all be very proud of. It's something that certainly in previous years prior to this Government, TasTAFE's funding was cut by a former government. We are bringing it back and that is critical and key to ongoing training and employment opportunities for our inmates.

**CHAIR** - Before I hand over to Ms Armitage, can you give me some time frames around the announcement of the new site for the northern prison?

**Mr DEAN** - And exactly where it is going to be?

**Ms ARCHER** - As I said, due diligence is being done. I know members would like me to start naming sites and what-not but I think we need to appreciate the fact that there -

**Mr DEAN** - You can just tell us the sites that have been identified.

**Ms ARCHER** - There is a process to go through. There is a process to secure the land as well.

**Ms ARMITAGE** - Are they far out of Launceston?

**Ms ARCHER** - Members will be well aware - I will just take you through the process. We had an expression of interest process which closed on 22 November last year. Ten sites from across

the north and north-west of Tasmania were assessed by the Northern Prisons Siting Panel, a specific panel formed for that purpose. The panel identified a number of sites to undergo due diligence investigations to assist the evaluation process. The panel completed its assessment and provided its short list to the Government in March 2019. We have committed to commencing public community consultation on the location for the new northern prison site in coming months. Once due diligence is successfully completed and we are able to go out to public consultation, it is at that point we will be able to say what the preferred site is. It is specifically around the steps we need to follow for due diligence before we can actually make that site or sites public.

**CHAIR** - Is the Government going to identify a site after the due diligence for the public consultation, or is it going to put forward a number of sites and then undertake a community consultation?

**Ms ARCHER** - We were hoping to put forward a site.

**CHAIR** - Otherwise we will be still here probably talking about it after I've finished and a lot of other people.

**Ms ARCHER** - I agree, Ms Rattray, and that is the purpose for doing due diligence prior to that and then full public consultation. It will be a fully open and transparent process. There are things that have to be undergone as part of the due diligence process.

**Mr DEAN** - The time frame is over the next month?

**Ms ARCHER** - Two months.

**Mr DEAN** - Can you say what you want to do within a certain period?

**Ms ARCHER** - We will commence it over the next few months; it is certainly this year, but everything is on track. So far, everything has been on time in relation to this entire project and meeting every single deadline. I am told by September.

**Ms ARMITAGE** - This certainly is not directed at the Government, because it happens in all organisations. Is it community consultation with the communities listened to or is it advising the community what is going to happen? If a community has some concerns, will you take those concerns onboard?

**Ms ARCHER** - Absolutely.

**Ms ARMITAGE** - They will be taken onboard, as opposed to advising the community 'This is going to happen in your area'?

**Ms ARCHER** - Part of the short-listing has been to identify the best possible sites with the least amount of disruption to surrounding neighbours.

**Ms ARMITAGE** - The pulp mill was a good example.

**Ms ARCHER** - A priority site for a prison needs to tick a number of boxes. It not only needs to be close to services and to certain regional centres for staffing purposes, but it also needs to be a

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most appropriate site for a community. You would not plonk one in the middle of Charles Street in Launceston, for example.

**Ms ARMITAGE** - One that does not impact the community?

**Ms ARCHER** - Yes, has the least amount of impact possible. When we do move to public consultation, we are ironing out smaller problems rather than the biggest issue of we do not want it here at all.

**Ms ARMITAGE** - You may have that from certain areas.

**Ms ARCHER** - You may well get it still.

**Ms ARMITAGE** - And it would be considered if a community bounded together?

**Ms ARCHER** - It has to be.

**Mr DEAN** - Will the new prison provide all the services currently in Risdon, such as high security, the women's division?

**Ms ARCHER** - It will cater for all security classifications and remandees; it will have a women's prison, a focus on facilities, so medical and other, including educational facilities and rehabilitation services we provide. The beauty of being able to design a prison now, rather than retrofitting and upgrading a current existing structure is we can design it in consultation with staff. This is the point of what we are doing with the Southern Remand Centre in consultation with the staff on what they want to see and how they want to see things designed so it works for them.

**CHAIR** - Rison prison was a design though.

**Ms ARCHER** - It was, but the Ron Barwick Minimum Security Prison is the best example of the wrong type of prison for our climate; it is based on a Californian model which is in the middle of the desert and it has an outside yard facility and it can be pretty cold. We are looking at designing a prison better suited to the Tasmanian climate and better designed for the movement or otherwise particularly the separate classification as we move to the type of model as required.

**CHAIR** - So not likely to get it as wrong as we have in the past?

**Ms ARCHER** - Correct.

**Mr DEAN** - Targeted completion time?

**Ms ARCHER** - For?

**Mr DEAN** - For the prison.

**Ms ARCHER** - Northern prison stage 1 is a five-year project, the completion to stage 2 is a 10-year one, and at the end of the five-year one we are hoping to have part of it open. The remand will be opened so we can stop using Launceston Reception Prison as anything other than a police holding cell operation facility as opposed to housing in prisons of any classification.

**Mr DEAN** - Thank you.

**CHAIR** - Thank you. Supplementary?

**Ms ARMITAGE** - I have a supplementary. Has any consideration been given to having the youth facility attached? Rather than have Ashley, another northern prison another southern, to have a youth facility attached would be a deterrent to those young people seeing the prisons? Yes, Ashley's obviously not a deterrent at this moment.

**Ms ARCHER** - We are dealing with a hypothetical because you could also use the flipside argument that we do not want them to graduate to be adult prisoners.

**Ms ARMITAGE** - But they are not going to be meeting with those prisoners. I am saying on the same -

**Ms ARCHER** - No, no.

**Ms ARMITAGE** - On the same site.

**Ms ARCHER** - I take your point. I do not wish to express a view either way because I am by no means an expert on that type of theory. I take your point.

**Ms ARMITAGE** - That is why I am asking the question.

**Ms ARCHER** - Yes, and I am not an expert in that area and really wouldn't like to express an opinion.

**Ms ARMITAGE** - No? Okay.

**Ms ARCHER** - We have expressed a government policy position to have an adult facility separate to a youth facility.

**Ms ARMITAGE** - Contraband in the prison. Can you tell me in the current financial, or the last financial year, are seizures up or down?

**Ms ARCHER** - We might move to Mr Thomas. He might be able to enlighten us on some of those figures.

**Ms ARMITAGE** - What would be the main contraband, drugs or mobile?

**Ms ARCHER** - Mr Thomas, I'm very happy for you to answer because you are on the frontline.

**Mr THOMAS** - Year until 12 May it was 893.

**Ms ARMITAGE** - Sorry?

**Mr THOMAS** - It was 893.

**Ms ARMITAGE** - Up on last year?

## UNCORRECTED PROOF ISSUE

**Mr THOMAS** - Items of contraband seized, yes. Last year it was 846. The seizures of alcohol, drugs and drug-taking implements are down from 473 to 324. What we term as 'other unauthorised articles' is up from 273 to 494, which can include anything from tobacco, tobacco patches, money, tattooing equipment, DVDs, pornography; that kind of stuff.

**Ms ARMITAGE** - So, what would be the main thing seized - mobile phones, drugs or tobacco?

**Mr THOMAS** - In a single item?

**Ms ARMITAGE** - Yes; the main thing.

**Mr THOMAS** - Drugs and drug-related paraphernalia, which could be anything from a biro turned into a pipe to take drugs with.

**Ms ARMITAGE** - Yes.

**Ms ARCHER** - But it is important to note there was been a concentrated effort not only to educate those visiting the prison, but also in deterrence because there have been car inspections, which may account for fewer items being brought in.

**Ms ARMITAGE** - At least they are being caught.

**Ms ARCHER** - It is acting as a significant deterrent. The prison service is to be congratulated in that regard, because it seems to be working.

**Ms ARMITAGE** - Do you have drug dogs? What do you actually have at the visitor area?

**Mr THOMAS** - We have three active drug dogs that can search people, areas and vehicles. We use those proactively to do car park searches of visitors, search visitors as they come through, and search people in areas of the prison. The figures reflect the fact that we have been more successful both in detecting and also in deterring people from bringing in contraband - i.e. drugs, drug-related material and tobacco, the three main items.

**Ms ARMITAGE** - Are they are more innovative in how to get things in?

**Mr THOMAS** - Prisoners will then by default turn to what is legitimately internally allowed in their possession, but turn it into an item that makes it an illegal item.

**Ms ARMITAGE** - Like a biro.

**Mr THOMAS** - Biro's et cetera - they may turn them into a syringe or a pop, or something like that. The figures reflect we are having far greater success in stopping items getting in in the first instance, and of particular note is tobacco.

**Ms ARMITAGE** - How is tobacco? Is it still no smoking?

**Mr THOMAS** - Yes.

**Ms ARMITAGE** - How is that actually going with the inmates?

## UNCORRECTED PROOF ISSUE

**Mr THOMAS** - Very well. There are people who still try to smuggle tobacco in but we are getting a lot less finds. Part of that is because of the initiatives we have put in place as well. It has been place now for five years; we've been smoke-free since 2014.

**Ms ARCHER** - They have access to patches and the like.

**Mr THOMAS** - Patches, yes. Anybody coming into custody initially gets access to patches in the remand centres but there are no patches available in the main prison on the Risdon site unless, from a health perspective, we are advised they should have ongoing access and then they can have access for up to 12 weeks.

**Ms ARMITAGE** - If they get tobacco in, they wouldn't be able to smoke it because you'd know they were smoking, so would they chew it? What would they actually do if they got it in?

**Ms ARCHER** - They are very inventive, is what Mr Thomas would probably say, and we should probably leave it at that.

**CHAIR** - We don't want to give anyone any ideas.

**Ms ARMITAGE** - Are drones still an issue?

**Ms ARCHER** - They never really were a huge issue. The media think they are.

**Mr WILLIE** - How many were there over the past 12 months? There were a few years ago.

**Mr THOMAS** - There was one drone incident report over the last 12 months.

**Ms ARCHER** - Obviously we have to be careful, but it is certainly not at the high rate people would assume.

In the prison service there are mechanisms being put in place to make sure they are always on the lookout.

**CHAIR** - Can we have the prisoner numbers and also the staff numbers? Minister, you also indicated there was a new graduation of recruits.

**Ms ARCHER** - We will deal with the figures and then we can deal with recruits.

**Ms ARMITAGE** - There are those coming into the system. I am interested how many prison officers have departed and moved on as well.

**Mr EVANS** - The number of prisoners today is 666. As reported by the report on Government Services, which measures across the country year on year, the average figure most recently reported was 613, with 569 males and 45 females. That was the last year's average. That has continued to increase over the last few years and today we have 666.

Staff numbers: for Corrections staff the number is 354. We have an attrition rate -

**CHAIR** - It would be high.

## UNCORRECTED PROOF ISSUE

**Mr EVANS** - No, it is not that high.

**Mr THOMAS** - I would say we average around 18 a year, so about one-and-a-half a month, correctional staff leave.

**CHAIR** - That's a staff number of 354 correctional staff. What about the new intake of correctional officers?

**Ms ARCHER** - We had 24 join us, didn't we?

**CHAIR** - You have another class coming in or another group going in for training, on 5 or 8 July?

**Mr EVANS** - Yes, 8 July.

**Ms ARCHER** - In relation to recruitment, the ideal candidates have to tick quite a few boxes in that regard. There is always high interest. There is something like 600 applicants each time, so it is a significant area of interest. We never seem to have trouble finding applicants. Now what we are seeing is a diverse of backgrounds and demographics, which is really pleasing to see because our prison population is very diverse as well. What I am seeing with the recruits when I attend graduations is a very diverse range of officers, which is terrific.

**Mr DEAN** - Are they all Tasmanian or are we getting numbers from other states?

**Ms ARCHER** - Some of them have come from quite diverse backgrounds. In the last uptake we had someone from Latvia and someone of African origin as well. We are seeing a real range, which is pleasing. The last intake we had fewer females than we did in the previous graduation. Gender is not the main aim, it is merit, but we want to focus on ensuring we have enough female officers as well. There is always a focus on that aspect.

**CHAIR** - I know Mr Dean will have a question on stress leave and the last question. While you have your figures out, he might like to ask those questions.

**Mr DEAN** - Stress leave, sick leave and so on, but also assaults on prison officers and complaints made and resolved, if I could? A general question to see how we are going.

**Ms ARCHER** - Are we doing assaults first?

**Mr DEAN** - Yes, assaults first.

**Ms ARCHER** - On prisoners?

**Mr DEAN** - I want it both ways - assaults on prisoners, complaints made by prisoners and assaults on prison officers.

**Ms ARCHER** - Each year TPS reports on assaults through the Department of Justice annual report and Productivity Commission's Report on Government Services.

**Mr DEAN** - If we can get them for this year.

## UNCORRECTED PROOF ISSUE

**Ms ARCHER** - In the current financial year, from 1 July 2018 to 30 April 2019, there have been 12 serious assaults and a total of 90 victims injured as a result of an assault by another prisoner. Of the 90 victims of assault resulting in physical injury reported this year, 49 were injured as a result of a fight. It should be noted that assault data is based on the number of victims and includes fights between prisoners. In a fight there is often more than one victim so the number of victims does not necessarily equate to the same number of incidents. It doesn't mean there were 90 incidents. Again, when you look at raw statistics without the explanation, it can look quite high but when you look at the number of incidents, it can be a lot lower.

In relation to staff, in the current financial year, 1 July 2018 to 30 April 2019, there have been no serious assaults against staff and 19 assaults resulting in physical injury.

**Mr EVANS** - Serious assault is one that requires hospitalisation.

**Ms ARCHER** - That is how it is defined and we are stuck with that definition.

**Mr DEAN** - What about stress leave or sick leave of prison officers?

**Ms SIEJKA** - Can we add to that resignation and retirements, given you talked about people coming and going?

**Mr THOMAS** - As of today, there are 48 active workers compensation claims for correctional officers raised in this financial year. Of those 48, 16 are back at work but still receiving treatment. They are back on full duties but there is ongoing treatment, which might be physiotherapy or whatever; 17 are on modified/alternative duties and 15 are fully incapacitated, off work because of the nature of their illness or injury.

**Ms SIEJKA** - In relation to what Ms Rattray asked earlier, which was about the new recruits and how many people had left, how many resignations and retirements were in that period?

**Mr THOMAS** - The 18 captures whether they have resigned or retired.

**Ms SIEJKA** - There is no breakdown of that?

**Ms ARCHER** - That was over a 12-month period. The 24 additional officers is one of the intakes only and we do several throughout the year. The total additional officers we have now brought it to is 107. As I said at the outset, it may be not directly reflective in the current figures because they have only just started, but Mr Thomas has reported it is starting to have a significant impact on the staffing levels and the reduction in various mechanisms that need to be used when you are short-staffed.

**Mr DEAN** - My next question relates to the overtime of prison staff in this last period, up until now, or whenever you can give me those figures for.

**Ms ARCHER** - We will be happy to, because it was the subject of media attention, which was incorrect last week, by a very helpful - not - federal member.

**Mr DEAN** - I would like to get that because of my previous interest in this area, the matter of overtime, which was extortionate.

## UNCORRECTED PROOF ISSUE

**CHAIR** - We did just recently have an appropriation supplementary bill.

**Ms ARCHER** - Are you looking for a figure?

**Mr DEAN** - I am looking for a monetary figure. The cost of overtime within the prison service, for this period up until now, or whenever the most recent figure is to. This financial year.

**Ms ARCHER** - So to 30 April, I can give you the actual figure: \$5 759 407.

**Mr DEAN** - This is where we were when we last had our last inquiry into the prison. The overtime rate just continues to go up and up.

This is, as I understand it, overtime over and above what is budgeted for, a lot of it. This is the total amount of overtime paid within the service, \$5 7 million. That is a huge amount of money, when we are looking at staff of 354.

I guess that is where all of this overtime, or 99 per cent of it, would go to - just to those prison officers.

**Ms ARCHER** - It is important to note the independent roster review being undertaken by Shiftwork Solutions. It is a consultancy firm that specialises in providing customised rostering solutions. It is part of this change I was talking about in my overview and something which Mr Thomas has led.

The review has provided recommendations for optimum correctional officer staffing levels for the TPS. It has also been able to do extensive consultation with staff, with the unions importantly as well.

This is starting to be implemented now. I am hoping we will see, as a result of additional correctional officers, which we continue to fund - remember I said the \$16.8 million for the wraparound services? That includes additional officers as well as the roster change being undertaken to produce workload changes and address this through our rostering system as well.

**Mr DEAN** - You would be aware that when we did our report in relation to this issue, we identified the rostering problems and issues, and as a result of that report, we made strong recommendations on a number of these issues.

As a result of that, the rostering system was changed to a central system, or away from a central system, whatever it was. That had some impact, so now we are hearing there is yet another review of the rostering system to make future changes, so -

**Mr EVANS** - I think it's also probably pertinent to point out, that when that previous report was done, the number of prisoners was around 450.

We are now at nearly 666, so we are at a not dissimilar, as you said, amount of overtime being paid, with almost 50 per cent additional prisoners.

**Ms ARCHER** - We have had to increase the staff at the same time. Now, with that, independent consultants have looked at it.

## UNCORRECTED PROOF ISSUE

**Mr DEAN** - Can we be assured then - I guess the Budget this year provides sufficient funds for the prison to operate at an intake of what, 666 prisoners - that they have been budgeted to provide for a certain number of prisoners?

**Ms ARCHER** - We are also preparing for the Southern Remand Centre, so the injection of funding is in preparation of additional staff that they needed for the additional facilities as well. You cannot just open a facility and have staff. We are planning for that at this stage. It is very strategic.

**Mr DEAN** - Are you saying we can expect to get another appropriation bill with Prison Services on it later in the year again?

**Ms ARCHER** - No, I just mentioned there was \$16.8 million in this.

**Mr DEAN** - Which is sufficient for the prison?

**Ms ARCHER** - At this point in time, yes. In the planning phase of the next centre that will be open.

**Ms ARMITAGE** - I am sure the Attorney is well aware of this one, or the minister. In April 2019 it was reported in the media that one in four Tasmanian Prison Service staff is on sick leave, leading to more prison lockdowns. More than 100 staff are unable to work because of injuries or illness relating to their work. Could you advise whether that is fact?

**Mr THOMAS** - I will just refer to the figures I presented earlier.

**Ms ARMITAGE** - Yes, I know, but I am just going to ask you - the media reported this in April.

**Mr THOMAS** - The true figures as of today: on sick leave, fully incapacitated from work, are 15 correctional officers, which is just over 4 per cent of our workforce.

**Ms ARCHER** - It's not one in four.

**Ms ARMITAGE** - It's not one in four.

**Ms ARCHER** - A totally inflated, made-up figure.

**Ms ARMITAGE** - And lockdowns, how regularly are lockdowns occurring?

**Ms ARCHER** - On lockdowns, I would really like the opportunity to say -

**Ms ARMITAGE** - It would be good, because when it is reported in the media, it would be good to -

**Ms ARCHER** - Absolutely. This is something that is muck-raked on, it is the subject of political commentary, and lockdowns vary in length. They may affect an entire facility or be limited to a single unit. Members who have visited the prison will see the layout of the prison. It is very rare that the whole facility will be locked down, but unfortunately when things are reported in the media, people get the impression that the entire facility is down when that may not be the case.

## UNCORRECTED PROOF ISSUE

**Ms ARMITAGE** - Yes, because it was reported, rolling lockdowns for much of the last 18 months.

**Ms ARCHER** - That is why I am explaining the different reasons.

**Ms ARMITAGE** - Yes, that's fine.

**Ms ARCHER** - That can occur for a number of different reasons, some of which are obviously beyond control of TPS staff. There may be incidents of assault, and it therefore becomes an issue of prisoner safety and staff safety, so there are workplace health and safety issues. Immediately to get an incident under control, if it is in a unit, that unit may go into lockdown, or if it has wider issues, if it is out in the open, they may need to lock down a greater area.

It is important to note that essential services and prisoner supports are maintained even during periods of lockdowns. The majority of prisons will still continue to have access to their televisions, to their in-cell radios, books, education materials and other activities. If it is their unit that is in lockdown, they are not confined to their cell, they still have areas they can walk around in, and it will just be the actual entire unit that is locked down. I think, again, people have this impression that they are locked into their cells, which is not the case.

Management staff takes a planned and structured approach to the use of lockdowns. These occur where there is an operational requirement to properly manage prisoner behaviour and conduct necessary security protocols. Prison management continues to always explore a range of different strategies to minimise the likelihood of lockdowns.

The figures may not always reflect straightaway the impact that even just in the last few weeks the new recruits have had even on that, because lockdowns can occur due to people calling in sick, and being understaffed for a day. When you do have more staff available as they are coming on line, that can alleviate that situation and lockdowns being needed to be used for that person.

To suggest, as people do in the media, that it is solely as a result of understaffing is a complete and utter lie.

**Mr WILLIE** - Minister, how does the Prison Service collect the data and monitor the impact of lockdowns on the prison population? Do you do it by unit? Do you do it by security classification? Do you do it by number of times or hours?

**Mr EVANS** - Through you, Attorney-General, it doesn't make any sense to think about lockdowns as all being one and the same. As the minister said, on very rare occasions, and I am not sure what's happened this year, the whole site can be locked down, which affects every single prisoner on site. On other occasions, as the minister has referred to as well, it may be a lockdown of a facility that involves one or two people. So just adding all those up really doesn't tell you anything.

The way we capture the data and report it nationally is calculating how many hours prisoners on average have out of their cells. That's really what is the important thing.

**Mr WILLIE** - Across all security levels?

## UNCORRECTED PROOF ISSUE

**Mr EVANS** - Yes, across all security levels. That is broken down across the different prisons - the women's prison, Risdon Prison Complex, Ron Barwick and the O'Hara Cottages. We do that by each prison. We know on average per year how many hours prisoners have out of their cells. That's how we measure and monitor.

**Mr WILLIE** - Minister, can we have that data please?

**Mr EVANS** - Through you, Attorney-General: this year, the number of out-of-cell hours per day out of 7 was -

- Hobart Reception Prison, 6.1
- Launceston Reception Prison, 7.3
- Mary Hutchinson Women's Prison, 9.9
- Risdon Prison Complex, 6.1
- Ron Barwick Minimum Security Prison, 9.9
- O'Hara Cottages, 16.8

**Mr WILLIE** - There was a discussion earlier about TasTAFE. I know there are volunteers in the prison who teach literacy and there is a range of other rehabilitative programs. How do lockdowns impact upon those?

**Mr THOMAS** - Through you, Attorney-General, we developed a local lockdown strategy in consultation with the staff and the unions so that it was as predictable as it could be. We were able to highlight through our rosters and also by the number of staff sick where the pressures were likely to be. Rather than it being unpredictable for everybody - prisoners, staff and partner organisations - we use a predictable pattern. So, for instance, if we are short-staffed on a Monday, we know that we will be locking down the medium security area because that is their designated day. Then we will have removed any activities that require access to prisoners from that period on the Monday morning and spread them across the rest of the week. Partners and other agencies know that they will get this greater assurance that they will still get access to the prisoners they are engaging with. We have run that program pretty successfully since February this year.

**Mr WILLIE** - There's a timetable of lockdowns but then are there also unforeseen circumstances that impact upon those programs?

**Mr THOMAS** - Yes. On occasion, as the minister said, sometimes the number of staff we are short of, or the nature of the incident, means that a large part of a facility is locked down. On those occasions we have to cancel access to those activities. We minimise that by having a structured lockdown. Even when the lockdowns are beyond our control to a degree because of the issue, we still make sure essential services such as courts, video links, visits, legal calls and so on are maintained.

**Mr WILLIE** - Out of the 666 current prisoners, how many are accessing a rehabilitative program, whether it be a literacy program, TasTAFE?

**Ms ARCHER** - I can give you a total number. The therapeutic intervention includes Pathways, the EQUIPS Domestic Abuse, EQUIPS Aggression, alcohol and drug abuse, individual work, Smart Recovery, the Apsley Alcohol and Drug Treatment Unit and the high-risk offenders' treatment. Total participants to 5 May the figure for this year is 398.

**Mr WILLIE** - Can you table that document?

**Ms ARCHER** - Do we normally table it? I can take you through it. We can provide it. I do not know if we normally table, do we? The figure has gone up from last year.

Obviously, in addition to that there is education. Enrolments of 531, completions to date are 269. That is a number of different courses, which as you have all heard will increase because of the TasTAFE campus. I can table this as well if you would like. It gives the full range of what it covers and that will only be enhanced and increased as a result of industry participation in what they want to see in terms of skills and training development.

**CHAIR** - I think we have heard in the past, minister, that some people do not complete them because they are released before a program has finished.

**Ms ARCHER** - Yes. The other thing it is important to note is that there are prisoners who engage in employment. As at 30 April, the prison employment rate was 67 per cent. We want to improve that. In real terms based on a total population of say 662 prisoners, 533 were eligible for work. Of the 533 eligible prisoners, 357 were employed in service or industry positions. The more work they engage in enhances their prospects and so on.

**Mr DEAN** - Is that outside the prison?

**Ms ARCHER** - Some of it is outside; some of it is inside. Obviously, if it is outside, they have to qualify in terms of its being appropriate. It is good. That is only going to improve with the TasTAFE campus.

**Mr WILLIE** - Minister, I thank you for your access when I was a shadow to the prison. When I was there they were talking about how hard it is to recruit TasTAFE teachers to deliver the courses in prison. Is that still an issue?

**Ms ARCHER** - It is probably a more appropriate question for the minister responsible for TasTAFE. I do not have the direct knowledge of TasTAFE, but as I said the departments have worked together to develop this campus. I do not know if the gentlemen would have anything to add about that but it certainly seems to have been embraced by TasTAFE. We look forward to implementing that.

**Mr EVANS** - Through you, Attorney-General, I think the difference will be that TasTAFE will be recruiting especially for people who want to undertake this sort of work. As you have obviously heard, it is not everyone's cup of tea. On this occasion they will be recruiting specialists in this role. You are more likely to get people who are keen and interested as opposed to just a normal TAFE teacher.

**Mr WILLIE** - Has there been some interest from industry to give some pathways maybe out of the TasTAFE courses into employment to help reduce recidivism and so on? What sort of industries have shown an interest? What collaborations are happening?

**Mr THOMAS** - Through you, Attorney-General. We have had a number of interested parties. We have done some work in the horticultural area. We already have prisoners going out to work in various areas across the state - the botanical gardens and the dogs' home.

**Mr WILLIE** - Are they in the O'Hara unit when they go out there?

**Mr THOMAS** - From the O'Hara unit and some from Ron Barwick.

Through TasTAFE we are able to secure training and two permanent employment positions for two prisoners as butchers, so an initial butchery course with us and then continued on release through TasTAFE.

**Mr WILLIE** - Were they stationed out at the showgrounds when they were released?

**Mr THOMAS** - I believe so, yes. We are actively looking at where we can engage with other appropriate industries, say the construction or hospitality industries, where prisoners are likely to be able to get work upon release.

**Ms ARCHER** - They will be the two main areas of interest; because of the high demand in those industries, we expect good engagement with employers.

**CHAIR** - There is a shortage of tilers.

**Mr DEAN** - Shortage of heritage workers.

**Mr WILLIE** - Providing TasTAFE courses is a good thing, but how do we monitor the impact? Are you collecting information on employment success, once they leave the prison or recidivism rates if they have done the course? How are you measuring success?

**Ms ARCHER** - We already gain a figure of who is currently employed even within the prison environment and a number of those positions are maintained post-release. Once they do their training with the TasTAFE campus within the prison, it is envisaged they will have qualifications any other person would have. They otherwise would not have had access and the supports in place to encourage them to complete a course in the first place. Many enhance their prospects post-release, to parole, to being able to support their families. It is going to be another level of incentive for prisoners to engage and going to be really important to the figures.

**Mr WILLIE** - You are not looking at the cohort doing TasTAFE courses and the outcomes in future years?

**Ms ARCHER** - That is a question for Mr Thomas.

**Mr THOMAS** - One of the drivers for us with the transition to TasTAFE managing our prisoner education program, and includes vocational skills-based training, is the prisoners will be able to continue exactly the same training upon release with TasTAFE. Because it is industry standard training, that training places them better for employment upon release. Part of our transition to TAFE and the service level agreement we will be putting around this, it is how the numbers that we have through, but also how we monitor that ongoing training post-release through to employment.

**Mr WILLIE** - Did you say earlier that prisoners can still access calls during a lockdown?

**Ms ARCHER** - Calls for legal access, yes.

**Mr THOMAS** - I think I may have done, minister.

**Ms ARCHER** - Yes, I think you did, Mr Thomas.

**Mr THOMAS** - Yes, that has been part of our driver as part of the initiative we launched in February around the lockdown strategy. There will have been days or parts of days when those calls have been restricted. They were on occasion because of the nature of the lockdown, if it is a security incident and prisoners are confined to their cells and access to legal practitioners is denied or restricted. A key focus has been, whenever possible, particularly when they are a more predictable lockdown, that access has been maintained.

**Mr WILLIE** - You are saying they have access with the rostered lockdowns but not the unpredictable lockdowns?

**Ms ARCHER** - Not necessarily, that is not what Mr Thomas said. If we can be of assistance there - and this is where things get misinterpreted - no one lockdown incident is typically the same and because there are a variety of reasons and different levels of security breaches that may or may not occur. If there is a high security alert situation and prisoners need to be confined to their cells, which is always minimised, they may not have access to telephone calls. The Prison Service makes every endeavour to ensure where, for example, the prisoner had an appointment with their legal representative at a certain time and they are unable to meet with them face-to-face, they then would be able to speak to them over the phone, if it is not one of those high security-type incidents.

**CHAIR** - Happy with that.

**Mr EVANS** - Perhaps one more clarification in relation to that: it is the case that prisoners are often restricted from family calls during lockdown so Mr Thomas wasn't referring to those calls, we were specifically talking about legal calls.

**Ms ARCHER** - Because wherever possible, it is the intention they still have access to their legal team to minimise that inconvenience because they might have a trial date coming up and things like that. There are replacement dates endeavoured as well in relation to face-to-face appointments. The prison regularly works with the Law Society of Tasmania, Legal Aid and others to communicate that and minimise the disruption.

**Mr DEAN** - What is the actual capacity of the prison?

**Ms ARCHER** - Before we go to that, Mr Webster would like to correct a figure.

**Mr WEBSTER** - In terms of separations over the last three financial years, which was one of the questions, we estimated it was 18. I have the actual figure. Separations are indeed promotions - because they are State Service officers they might be promoted to another agency - retirements, resignations or -

**CHAIR** - 'Thank you, we don't need you anymore.'

**Mr WEBSTER** - Exactly. Over the last three financial years, there were 31 separations in 2016-17; 32 in 2017-18; and 27 year to date in 2018-19.

**Mr DEAN** - What is considered the capacity of the jail?

**Ms ARCHER** - It's 742.

**Mr DEAN** - That is it. We have reached that figure.

**Ms ARCHER** - We haven't reached it, no. We are the only jurisdiction not to be at capacity, we are under capacity. That is why we have taken the strategic approach to build the Southern Remand Centre because that will relieve pressure in the south, while we are also building a northern prison which is planning for the future and also gives us an opportunity to have appropriately designed modern facilities as well, and to cater for a prison population that is 46 per cent from the north of our state. That is not to divide the state's north and south; it is, as I said last year to the committee -

**CHAIR** - It is about access for visiting.

**Ms ARCHER** - It is about access. We know that can have a direct impact on a prisoner's reintegration and rehabilitation prospects, if they have that family support closer and more regular visitation. Also, if the visit needs to be cancelled for any type of security breach causing a lockdown, there is no inconvenience of that 2.5-hour trip - or longer -

**CHAIR** - I was going to say, if you could get to Hobart in 2.5 hours, you are doing a very good job.

**Ms ARCHER** - I hesitated when I said 2.5 hours.

**Mr DEAN** - What income does Risdon prison earn from produce that is made? I think it would still be made on premises.

**Ms ARCHER** - Can we take that on notice, please? We don't have that figure.

**Mr DEAN** - This is the prisoners in the prison and the income coming in.

**Mr WILLIE** - On that, you may as well get the figures for the laundry and the other stuff too.

**Mr DEAN** - That is the whole income.

**Ms ARCHER** - Again, as we deliver a new prison, that also gives us the opportunity to have more prospects for income earning as well, it goes without saying. Also, the new kitchen facility on the Risdon site will have enormous benefit.

**CHAIR** - I think the President is looking at commissioning some items for the Legislative Council from the prison.

**Mr DEAN** - Yes, we are.

**Ms ARCHER** - Are they timber things?

**CHAIR** - He's had a request from some of his members.

**Ms ARCHER** - Any member is welcome to purchase items made by prisoners; they produce some beautiful stuff from specialty timber.

**Mr DEAN** - We don't know enough about it.

**Ms ARCHER** - They are displayed outside my ministerial office if any member would like to come and see them.

**Mr DEAN** - We'd like to see them.

### **3.2 Community Corrective Services -**

**Mr ARMSTRONG** - I think you have already touched on this in prisons. The reallocation of funding from Prison Services notes the allocation of \$4 million will be used to fund a home detention electronic monitoring sentencing option. Can you please explain, or expand on, what will actually be funded under the home detention electronic monitoring option? Is it the money for reviews of these options, or is the money actually to administer those?

**Ms ARCHER** - There was \$4.3 million from last year's budget. As I said in my overview, the monitoring operations commenced on 19 March. The amendments passed by the House of Assembly enabling home detention as an alternative sentencing option became operational on 14 December last year. In preparation for all that, a lot of work was done. The tender for the system we are using was carried out and it is all fully operational. That money has been put to very good use. We have employed an additional 23 people in that unit. I am going on memory. We also have five additional probation officers. All that money has been well utilised, Mr Armstrong.

Fully operational: we have 22 offenders currently serving home detention sentences. The unit also monitors 23 people monitored as a condition of a family violence order. That is on behalf of Tasmania Police, so the unit is very well utilised and still has the capacity to take on more.

**Ms SIEJKA** - What is the difference in the staff-to-client ratio between the Community Corrections officers dealing with home detention clients and people on parole?

**Mr DEAN** - Everybody is stunned.

**Ms ARCHER** - I am not quite sure how to answer it.

**Ms SIEJKA** - Will the staff-to-client ratio be different for Community Corrections officers dealing with home detention clients versus people on parole? It is a question I have been given.

**Mr BUCHANAN** - The simple answer is yes. It will be quite a bit lower. At this stage we are working on a ratio of 1:25 and seeing how that works. In the normal area, a probation officer can be working on around 1:40 or 1:45. It is going to be roughly half.

**Ms ARMITAGE** - This is a question I asked you in the wrong area last time. It was with regard to the number of drug-related cases appearing before the Magistrates Court. Apparently, I should have asked it under Community Corrections.

**Mr DEAN** - The mandated one you are talking about?

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**Ms ARMITAGE** - Sorry, mandated.

**Ms ARCHER** - Do you want me to deal with court-mandated diversion?

**Ms ARMITAGE** - Yes, it was.

**Ms SIEJKA** - Yes, we had questions on that before.

**Ms ARMITAGE** - Rather than put it on notice, I did have a note here that it should be in Community Corrections.

**Ms ARCHER** - Do you want figures?

**Ms ARMITAGE** - If we could.

**Ms ARCHER** - Offenders can be on the program for up to two years. It was previously capped at 80 places across the state. We now have 120 places. As for places available, the north and north-west regions have increased to 40 from the previous 35 places respectively, and there are 45 places remaining in the south.

The actual numbers - in the south we have 43; in the north, 33; and in the north-west, 32. That totals 108, so under capacity. The total is 120.

**Ms SIEJKA** - Recidivism rates for the [inaudible] drug program?

**Mr EVANS** - We do not currently have the capacity to collect that data; we hope we will in the Justice Connect program to better understand that sort of information, but we are not able to collect it.

**Ms ARCHER** - The capabilities will be more far-reaching than our current manual system.

**Ms SIEJKA** - How social workers were assigned to the program?

**Ms ARCHER** - To court mandate it?

**Mr BUCHANAN** - There are no specific social workers as part of the program.

**Ms ARCHER** - There is a court diversion officer, consisting of case management. Program participants are required to attend frequent urinalysis testing, individual counselling sessions and group counselling, as well as weekly appointments with their allocated court diversion officer. There is individual and group counselling as part of that.

**Ms ARMITAGE** - Can you give some advice on the Explore, Question, Understand, Investigate, Practice, Succeed - EQUIPS - program? The domestic abuse program for aggression for violent perpetrators.

**Ms ARCHER** - Yes, it is. There's the EQUIPS addiction program, the EQUIPS aggression program and the EQUIPS domestic abuse program. The aggression program targets offenders convicted of offences of a violent nature who have a high range of aggressive behaviours. It is designed to increase participant's ability to manage difficult life events and minimise the risk of any

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subsequent aggressive behaviour. The target group also includes female perpetrators of family violence who have been assessed as having a high range of aggressive behaviours.

Twenty-one people have graduated from five aggression programs that target male offenders; six participants have graduated from the female aggression program -

**Ms ARMITAGE** - That's mandated or a voluntary program?

**Mr EVANS** - It is a mixture of both. It can be and is mandated by the court.

**Ms ARMITAGE** - But you can go voluntarily if you feel you have a problem?

**Mr EVANS** - You can go voluntarily or you can be encouraged by your probation officer to go. The courts can and do order people into those programs.

**Ms ARMITAGE** - And the cost if you go voluntarily?

**Ms ARCHER** - Can I go back? I only covered the aggression program. The domestic abuse program aims to address abuse towards intimate partners and where children are involved. Again, a slightly different cohort. That targets male offenders convicted of family violence who have been assessed as being at medium risk of future family violence. Programs are being delivered, due to the lack of treatment options for family violence offenders who fall outside of the high-risk category targeted by the Family Violence Intervention Program - FVOIP - which is a separate program to the EQUIPS, so medium risk. FVOIP is for high risk. Thirteen people have now graduated from two domestic abuse programs. There is also the EQUIPS addiction program, which is drugs.

**Ms ARMITAGE** - Is there a cost to being in that program?

**Mr EVANS** - The program is for people who are convicted offenders, not for the general public, so you need to have been through court to be able to participate.

**Ms ARMITAGE** - But there was also the voluntary ability to be able to go?

**Mr EVANS** - Well, yes I meant the general public [inaudible] by their probation officer.

**Ms ARMITAGE** - Not someone who feels they have a problem they can address before it become a court problem?

**Ms ARCHER** - No, but there are others.

**CHAIR** - Can I have the number of outstanding work orders? Do we still have that? People given community work orders and never completed them. Is there such a figure these days?

**Mr EVANS** - A figure of how many have completed. I guess you get how many you haven't completed from that.

**CHAIR** - It has always been a bit of a struggle in more rural areas to actually undertake those community service orders.

**Mr EVANS** - Tasmania actually has the highest completion rate in Australia.

**Ms ARCHER** - They are called community corrections orders, for the record.

**Mr EVANS** - These are CSO, community supervision orders, where people are in the community doing stuff.

**CHAIR** - They might work at an aged care centre doing gardening.

**Mr EVANS** - Our completion rate, as reported by the Productivity Commission in its Report on Government Services is 82.3 per cent, so that means 17.7 per cent.

**Ms ARCHER** - We were the second-best performing state or territory.

**Mr EVANS** - We have 82.3 per cent of people complete.

**CHAIR** - But we don't know how many that is. I don't know how many 82 per cent of what is. That's my issue.

**Mr EVANS** - We can find out.

**CHAIR** - Thank you, 82 per cent of what number.

**Mr DEAN** - Those on home detention orders, are they the ones wearing electronic devices? Are they only at home for a certain period of time? People have to work, so is the device set up in that way? Have we had any breaches of those 22 at the present time?

**Mr EVANS** - No-one has been charged with a breach of their order.

**Mr BUCHANAN** - No.

**Mr DEAN** - I thought there was one in the press. Wasn't there some comment in the press?

**CHAIR** - You can't believe everything -

**Ms ARCHER** - It was a family violence order. Same unit monitors, but that is a different order.

**Mr BUCHANAN** - There have certainly been alerts, and we find that the alerts, particularly early on in the order, tend to be around forgetting to recharge the device. We recommend they charge it once a day.

**Ms ARCHER** - So an alarm may go off, and it is only a flat battery.

**Mr DEAN** - It is a great result and the courts can use it a lot more, I would think, in other cases.

**Ms ARCHER** - You are right, Mr Dean. It is ideal for someone who could possibly be looking at a jail sentence, but may have employment, may support their family, and therefore to keep in employment and supporting their family; they have strict conditions around curfew and when they are being assessed. My understanding is as well that they take a certain route of travel. If that route of travel needs to change for whatever reason, they notify the unit. There is that direct

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communication. We are discovering, in practical terms, with the type of work that someone does, they may all of a sudden be told they need to be on a different building site, if they're a brickies labourer, for example, and that may throw out the schedule put into the computer. That has been the only issue, and is not an insurmountable reason.

**Mr DEAN** - How many parolees would we have out there currently on parole, and what are the breaches of those who are on parole? Are there records in relation to the breaches? This is going to be very topical now because of the situation in Darwin yesterday, unfortunately.

**Ms ARCHER** - I think that is an on notice question.

**Mr DEAN** - The numbers on parole and any breaches of those on parole will have come back?

**Ms ARCHER** - Is that in our area, or is that more an offence committed, therefore a police or parole issue? We will endeavour to answer that.

**Mr DEAN** - Is the new Parole Board police officer position in place? It was approved - is that there yet, or not?

**Mr EVANS** - There has been a selection, and there has been somebody elected for that position.

**Ms ARCHER** - I think it has been, but I may not have announced it.

**Mr DEAN** - Do we know who it was?

**Ms ARCHER** - I may not have announced it.

**Mr DEAN** - You're not going to announce it this afternoon?

**CHAIR** - The person might not know yet.

**Ms ARCHER** - That is my only concern. I am not secretive. Before the Opposition issues a media release saying I'm being secretive about something, it is not intentional. I need to ensure that it hasn't gone to Executive Council yet, and that it is approved by the Governor, and that is not until 12 June.

**Mr DEAN** - It is being filled?

**Ms ARCHER** - It is imminent. There is a process I have to respect and it is a Governor's appointment on my recommendation.

**Mr DEAN** - Just on the domestic abuse program -

**CHAIR** - The EQUIPS one? We went through that.

**Mr DEAN** - I wanted to know how many were on it, and has it proven to be a successful program, and what is the follow-up? It is all very well to have these programs in place and have people do them, but what follow-up is there? Josh asked an earlier question on something about recidivism and work in the jail, or whatever they were doing.

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**Ms ARCHER** - We had the graduation number. It points towards why Justice Connect is such a crucial tool in terms of data collection. It not only will be streamlining our court processes and our interagency collaboration, but that is the key. At the moment it is very difficult when you have a court process that is paper-generated to keep a lot of these types of statistics to track a particular offender and the types of offences.

That is exactly why we have embarked on this process of Justice Connect, and the \$24.5 million we have in the Budget for it. It is because this type of statistical data will be useful.

**Mr DEAN** - It could show that if none of these people has come back into the system, that it is really working. That is what it is about.

**Mr EVANS** - Yes. We also need to be evaluating these programs. Not only in a numbers sense, but in every other sense.

**Mr WILLIE** - What offences are eligible for home detention?

**Ms ARCHER** - A court may make a home detention order if it considers that it would have sentenced the offender to a term of imprisonment in relation to the offence or offences. An offender must consent to the order being made. Each person who has attained the age of 18 years and who resides at the premises other than group premises during the operational period of the order must also consent to a home detention order being made.

These are the preconditions -

- An order cannot be made if any one of the offences in relation to which the offender is being sentenced by the court is a family violence offence, a violence offence, or a sexual offence, and the premises at which the offender would reside during the intended operational period of the order are premises at which a victim of the offence is likely to reside during all or part of the order.
- An order also cannot be made if the court is of the opinion that there is a significant risk that the offender may commit a violent offence or sexual offence during the intended operational period of the order. Only one proposed residence has been found unsuitable to date.

They are the types of offences that mean you won't be eligible. As I said, a violent or sexual offence, you are out.

Family violence is notoriously difficult. This is why it is really important to stress the difference in function for the current unit performs in the family violence order perpetrator. That is actively monitoring them. Home detention is ensuring there is no breach outside the parameters of the conditions been set by the court.

**Mr WILLIE** - Who monitors the home detention? Is it Community Corrections or prison staff?

**Ms ARCHER** - Community Corrections. There are 23 additional staff and five additional probation officers to case manage.

**Mr WILLIE** - Home detention is a good option for some cases. There is a constituent of mine and yours who was caught drink-driving a number of times; he lost his public housing house, went into the jail for three months and came out and was homeless. He was penalised twice.

**Ms ARCHER** - They are the types of cases, when I have taken this through the parliament, I envisage the court using it for. We do not want people to have that type of outcome. That is a case in point.

**Mr WILLIE** - They are likely to reoffend in that scenario?

**Ms ARCHER** - Possibly, but you cannot say in every case.

**Mr WILLIE** - Homelessness is often a contributing factor.

**CHAIR** - Thank you. We will suspend for a cup of tea. Capital investment has been done for today. We will come back to climate change.

**The committee suspended from 4.06 p.m. to 4.20 p.m.**

## **DIVISION 9**

(Department of Premier and Cabinet)

### **Output group 1**

#### **Support for Executive Decision Making**

##### **1.2 Climate Change -**

**CHAIR** - Thank you, minister. You now have changed your hat to the Minister for Environment. We'll move to 1.2, which is Climate Change. Do you have anything you want to add, or are you happy to go straight into questions?

**Ms ARCHER** - We're dealing with climate change first, as opposed to environment. I have an overview of all of it.

As I've said on numerous occasions, our Government recognises climate change as a serious and urgent challenge. We are committed to whole-of-government activities and an approach that is outlined under Climate Action 21: Tasmania's Climate Change Action Plan 2017-2021, which members have heard me talk about on a number of occasions. That is where a lot of our initiatives are occurring.

In addition to that a range of initiatives across DPIPWE continue to assist in preparing our industries and businesses to address the challenges of a changing climate. That's across agencies in relation to fuel reduction burning. Under the Tasmanian Energy Efficiency Loan Scheme - TEELS - we're modernising and upgrading our renewable hydroelectricity assets, and also investing in renewable energy projects and irrigation development. This is not just confined to my area; it is important to state that.

Through my statement of expectations for the Environment Protection Authority, I've requested that its board take into account the Government's policy on climate change, specifically the objectives 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've asked the board to consider relative greenhouse gas emissions savings as part of its assessment of decision-making on development proposals put before it.

As well as the work that our Climate Change Office does, it is important to note all the work we're doing across the whole of the environment agency.

In relation to climate change, I acknowledge Sophie Muller who is with us today. Her official role is Director of the Tasmanian Climate Change Office and Policy Division. I neglected to say that I also have here Dr John Whittington, the Secretary of the Department of Primary Industries, Parks, Water and Environment, which we affectionately called DPIPWE. We also have Wes Ford, Deputy Secretary, DPIPWE and Director of the EPA. Specifically, in relation to climate change, that office is held within Department of Premier and Cabinet and so is a separate department from which we draw funding.

**Mr WILLIE** - On that line item in the Budget, it goes down over the forward Estimates. The note says that it's because of the completion of Climate Action 21: Tasmania's Climate Change Action Plan 2017-2-21. What plans does the Government have post-2021? Will we expect to see an increase?

**Ms ARCHER** - Yes. As the Premier highlighted when he was asked about this, our Family Violence Action Plan expired as well, and we continued with renewing that action plan beyond the date of its expiry. I can point to numerous examples of previous governments where funding was attached to a specific plan, and it's not unusual to not have funding in outer years where the plan has expired because what then occurs is the plan might be renewed or extended or a new plan put in place. Then budget funding obviously goes through the usual budget process. It is not unusual for that to occur. I envisage post-Climate Action 21 there will be a plan that takes us through to beyond then. It has been a highly successful program, delivering outcomes not only for business but also for consumers.

**Mr WILLIE** - On the Government's claim of Tasmania being a zero emissions state. Could you unpack that for the committee? How is that measured?

**Ms ARCHER** - How is it measured? In 2016 we reached zero net emissions

**Mr WILLIE** - In 2018?

**Ms ARCHER** - No, we found out in 2018. I ask Ms Muller to explain how these things are accessed, over what period of time and why there is that lag.

**Mr WILLIE** - Before you hand over to Ms Muller, does it include things like importing power through Basslink, generated through fossil fuels in Victoria?

**Ms ARCHER** - I will let Ms Muller answer that. It is a bit of a technical question as to how these things are calculated

**Ms MULLER** - Through you, Attorney-General, the emissions are accounted for by the Australian Government. They are measured in accordance with internationally agreed methodologies through the United Nations Framework Convention on Climate Change. An international standard and methodology are used to measure Australia's emissions. As part of that process the Australian Government releases a state and territory greenhouse gas inventory report. Due to the complexity of that work, there is a two-year lag in the release of that data. In 2018 the Australian Government released the 2016 data. That data showed that Tasmania achieved zero net emissions in 2016. A couple of key factors influenced that. First, the significant carbon sink in the land use and land use change in the forestry sector offset emissions in the other four sectors. Second, Tasmanians' strong renewable energy profile means that our emissions profile is quite different to the rest of the country.

**Mr WILLIE** - Does that factor in the imported power?

**Ms MULLER** - The way the methodology works for the imported power is that it examines scope 1 emissions only, so it is emissions associated with the generation of the source.

**Mr WILLIE** - On-island generation.

**Ms MULLER** - Yes, that is correct so it doesn't include the imported emissions from Victoria.

**CHAIR** - There is an article in yesterday's paper interviewing a young farmer on how climate change is affecting agriculture, particularly on the east coast where our rain fall is not prevalent.

**Ms ARCHER** - That is why Climate Action 21 deals with a range of different sectors, particularly agriculture. The Climate Change Office in delivering Climate Action 21 and its initiatives is in close consultation with our farmers and with the agriculture industry in reducing their emissions, whether it is animal breeding or crops. There is a group of farmers who are very well engaged in that regard. Of course, we encourage more to look at the options and utilise the services of the Climate Change Office. A significant amount of work has already done by the office and the program is continuing.

**Ms ARMITAGE** - This was a young farmer, who had just started farming, who could have access to irrigation but couldn't afford the pivot.

**Ms ARCHER** - This is where it crosses portfolios, if you are talking specifically.

**Ms ARMITAGE** - He was talking about climate change and the reason you need irrigation because the rains aren't coming.

**Ms ARCHER** - There are a number of different things a farmer on their property can do with respect to climate change. Irrigation is just but one of the initiatives.

**CHAIR** - Does the Climate Change Office speak regularly with the TFGA, the peak body for farmers, about what farmers can do on their land?

**Ms ARCHER** - There is also a group called Farmers for Climate Change - we have engaged with them. As for the TFGA, I believe we do.

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**Ms MULLER** - When we are doing consultation processes we would engage with a range of peak bodies such as the TFGA, but we also work very closely with DPIPWE in relation to agriculture. For example, one program we are currently working on with DPIPWE is enterprise suitability mapping and doing a climate change overlay on crop suitability downscale to provide farmers and investors with information around the change in climate and the suitability of crops in particular areas so they are able to make long-term investment and crop decisions.

**CHAIR** - What about the Tasmanian Institute of Agriculture - TIA? It obviously does research. It's also funded by the Government. Is that another area with input into the Climate Change Office?

**Ms MULLER** - A lot of the research done by organisations like TIA would have climate change benefits because it is about improving on-farm productivity and that does result in a reduction in greenhouse gas emissions. Again, DPIPWE has a primary relationship with TIA and provides support to TIA in relation to research.

**Ms ARCHER** - Can I also defer to Dr Whittington, who can address what DPIPWE does with the On-Farm Energy and Irrigation Audit Program?

**Dr WHITTINGTON** - As you were saying, DPIPWE works closely with the agricultural sector on a whole range of issues to do with farming - adaptation to climate change is very much a part of what we do on a daily basis. One of the Government's programs is the On-Farm Energy and Irrigation Audits Program where farm enterprises can seek funding from the Government to assist with on-farm energy audits and irrigation audits of their property. It's a two-third, one-third co-contribution. The outcome of that audit can lead to further grants to assist with energy efficiency programs and that's a 1:1 matching funding program. That has been a really successful program at individual enterprise level, improving both irrigation and energy efficiency. That all rolls into adapting to climate change.

**CHAIR** - My understanding is that there is a new technology for diesel generators. Is that something a farmer could apply for? If they didn't have access to three-phase power to run an irrigator, could they apply through that scheme under climate action initiatives to upgrade their generators, or am I stretching the bow here a bit?

**Dr WHITTINGTON** - I would have to take that example on notice. There are certainly some rules around the program but the principle is looking for energy efficiency on farms and then capital grants to assist delivering that is very much one of the grants programs.

**CHAIR** - I would be interested in having access to what the rules are around the program. My brain is rolling over very quickly; I already have a few applications in the system.

**Mr WILLIE** - We talked about consultation with farmers and peak organisations. What consultation happens with climate scientists? Is there an agreement with the university? Is there a division in UTAS that the Government goes to for climate science advice?

**Ms ARCHER** - There is a lot that the Climate Change Office has done in relation to the issue of research. I'll go to Ms Muller again because she can explain all of that in more detail, but research is a critical component of Climate Action 21.

**Ms MULLER** - There is a lot of work that we are doing in relation to climate research. In Tasmania we are lucky to have a wealth of climate scientists, particularly located in southern

Tasmania, and a range of research institutions. We partner with those research bodies on a range of research projects and activities. For example, last year we hosted a climate change symposium with Hydro Tasmania which was really about bridging the gap between climate science and policy makers. We had a number of senior GBEs, government officials and scientists all in a room together for a day and heard -

**Ms ARCHER** - At CSIRO, from my recollection.

**Ms MULLER** - That is correct, at CSIRO, and heard from climate scientists and also from practitioners. We heard, for example, from a winemaker talking about climate change in relation to their industry.

**Mr WILLIE** -The fires have had a big impact on their industry this year, haven't they?

**Ms MULLER** - Yes. Another example, earlier this year we hosted a climate change and health roundtable with experts from around the country looking at climate change and human health impacts. Again, we drew on scientists and scientific advice as part of that day. In addition to that, we also have a number of research projects underway. For example, we are looking at coincident extreme events, the types of events that happened in Tasmania in 2015-16 where we experienced floods and bushfires, and looking at the likelihood of those types of extreme events happening coincidentally - a multi-hazard approach to looking at these types of events and providing advice to us on the likelihood of those types of events happening and options for managing the responses to those types of coincident extreme events. These are just a few examples of how we partner with researchers in Tasmania.

**Ms ARCHER** - All of that work is critical beyond Climate Action 21 and can be utilised to formulate the next plan beyond that. Just so that members are aware, it's worth highlighting Climate Action 21 includes 37 actions across six priority areas in relation to understanding our future climate in Tasmania, advancing renewable energy capability, reducing our transport emissions, growing a climate-ready economy, building climate resilience and supporting community actions. All those things are relevant and the research feeds into that.

**CHAIR** - Thank you. If there are no further questions we will move on now to Threatened Species. Do you need to bring anyone else to the table?

### **Output Group 3 Natural and Cultural Heritage**

#### **3.5 Threatened Species -**

**Ms ARCHER** - No, I have the threatened species people here.

**CHAIR** - Minister, I'm particularly interested in nature conservation on private land. I notice for 2017-18, 108 000 hectares were under private land covered by voluntary binding agreements. Are private landowners still signing up to these binding conservation agreements as much as in the past? I know how difficult they are to undo and take off because you sign up for such a long time. Can I have some idea of whether they are increasing, or are people shying away from them?

**Ms ARCHER** - I don't get a lot of them.

**Dr WHITTINGTON** - Over time, as a result of the various forestry agreements some time ago, a fair bit of Commonwealth money went into various programs that provided some significant incentives - the Private Forest Reserves Program would be an example - into incentivising people to put a covenant over their property and join these private land programs. Those incentive moneys from the Commonwealth have effectively dried up now. The ones that we enter into now are where people almost do it philanthropically. They like their property and they want it to be like that in perpetuity to go beyond them, in that sense, but also because it opens up doors to people who are like-minded who get together, plus we provide a service to private landowners who have these agreements to help them manage their properties.

People do still enter into these schemes. Also, the Tasmanian Land Conservancy - the TLC - has a revolving fund where they purchase properties, put a covenant over them and then on-sell so that we get some through that sort of process as well, though not many. You can see over time now there is a small increase in number, but the days of significant amounts of money being handed over to enter into those agreements have ended.

**CHAIR** - Is there a concern that, because it is not happening quite as much - there is not necessarily the incentive there - we are going to put under pressure some of the threatened species in private land ownership at the moment? Is there any concern around that, minister?

**Ms ARCHER** - Only if they wish to do something with that land does it become apparent as to whether there is a threatened species, as I understand it. If land is lying dormant, it is not an issue, but when they decide they want to do something by either clearing it or otherwise, of course various assessments need to be done in relation to whether threatened species exist or not, and whether we then embark on any sort of permit process or requirement in that regard.

**Dr WHITTINGTON** - The minister is absolutely correct. Having land covered by a high conservation agreement is one form of protection, but of course there is the regulatory environment so things are protected unless they are permitted to be taken. It is just different ways of protection.

**CHAIR** - My next question is around the actual threatened species. If you go to the changes in status of threatened species, and in 2017-18 showing a decline, and there wasn't any? So we haven't had any threatened species added to the list? Is that what I am seeing here? Perhaps I am not reading it.

**Ms ARCHER** - I will just see if we can turn it up for you. I will let Dr Whittington answer this while I turn up mine.

**Dr WHITTINGTON** - What we have there is the performance, so that the 2017-18 actuals were zero and zero, and then the other target for 2018-19. What I can say is no-one truly expects to meet and exceed those targets. We have had the Threatened Species Scientific Advisory Committee becoming quite active this year in providing advice to the minister. Six species have shown an improved status so far this year, including one species that has been rediscovered after being considered extinct previously.

**CHAIR** - Was that a plant or something?

**Dr WHITTINGTON** - I knew you would ask me that and I cannot remember what it was.

**CHAIR** - That is okay. It is not a die-in-the-ditch question.

**Dr WHITTINGTON** - It was a plant species. It was *Veronica notabilis*. It was previously presumed extinct but has been found, so it is now in the endangered category.

**CHAIR** - My last question is around the Save the Tasmanian Devil Program. I know you will be expecting a question from this committee, particularly on behalf of the member for Rosevears. The number of devils within secure [inaudible] wild population, and the actual is 146 for 2017-18 with a target of 170. There is still a bit of work going on to secure that devil population for the future, yet the funding decreases, and then ceases in 2022-23. I know we have a fair way to go before we -

**Ms ARCHER** - Again, that is not unusual.

**CHAIR** - It will be renegotiated.

**Ms ARCHER** - It is not unusual in the budget environment that we do not go too far.

**CHAIR** - That you do not commit without evidence.

**Ms ARCHER** - There are other plans that come into play, other strategies. That does not mean that we will just cease it because, as evidenced by this Government's action in relation to the save the devils program, it has been significant and highly successful as well. However, we recognise we won't rest on our laurels either.

**Ms HOWLETT** - Minister, could you outline what the Government is doing to protect Tasmania's threatened species?

**Ms ARCHER** - We have already passed through both Houses the Threatened Species Protection Amendment Act 2018. The amendments increased the maximum penalty for deliberately killing a threatened species from \$16 300 to more than \$100 000, and provided for a potential custodial sentence for up to 12 months imprisonment. That was to send a very clear message because we had those eagle deaths in particular. The substantial increase in fines and the threat of a custodial sentence sent a clear message.

There is \$2.5 million to construct a new fit-for-purpose breeding facility for orange-bellied parrots. I look forward to opening that very soon, because it has been completed. It will expand the existing captive breeding capacity to double the number of birds available for release to the wild. We have also increased the annual funding to the orange-bellied parrot program by \$170 000, and this additional investment will support a range of actions, including the care and release of additional birds, and development of innovative partnerships with researchers.

We provided funding for a dedicated telephone hotline for reporting injured raptors and other birds, helping to ensure they can be located and collected for treatment as speedily as possible. I would like to thank Mr Craig Webb at Raptor Refuge in relation to the great work he is doing to help protect our magnificent birds of prey. I have visited his facility on a number of occasions. That funding is being provided to his service for that hotline.

We have also increased funding to the Save the Tasmanian Devil Program by \$450 000, resulting in an annual contribution to the program of around \$2.6 million.

**CHAIR** - Some of that goes to the Taranna Wildlife Park in the electorate of McIntyre, which does an awesome job.

**Ms ARCHER** - They would. And Maria Island as well. There are a few different locations. It is allowing us to continue to manage the captive population, and supplement the wild populations depleted through devil facial tumour disease, which we are all acutely aware of. We do that by translocating healthy genetically diverse devils. Since 2015, 110 disease-free devils have been released at four locations across the state. Another transfer and release of devils from Maria Island to Narawntapu National Park is scheduled for this month. This work will ensure an enduring population of Tasmanian devils survives where it belongs, and that is in the wild in Tasmania.

We also work strongly with the Commonwealth in relation to the practical conservation benefits for the swift parrot. Through this collaboration, \$297 000 has been secured for researchers for the ANU to continue vital monitoring of swift parrot migration and breeding in Tasmania until the 2019-20 year. Research shows that sugar gliders have a devastating impact on swift parrot breeding success. Our sugar gliders feed on the eggs, the chicks and even adult swift parrots, and it has been calculated that 79 per cent of nests and 65 per cent of breeding females on mainland Tasmania fall victim to sugar gliders each year. Combating the impact of sugar gliders is therefore critical, which is why we have provided \$150 000 for a project to determine if trapping and removing sugar gliders from swift parrot habitat is feasible.

We have also been doing work with respect to providing \$52 000 to UTAS to document marine natural values, including maugan skate in Macquarie Harbour

The Government allocated a further \$90 000 to skate research in early 2017, which in turn has helped deliver a \$280 000 research grant to investigate skate breeding biology. This will help clarify the relationship between the maugan skate and the Macquarie Harbour ecosystem, including the potential effects of aquaculture.

On skate habitat, we are also providing \$10 000 to kickstart the fundraising for the Handfish Conservation Project. In cooperation with Cradle Coast NRN and Birdlife Australia we have funded urgent surveys of the King Island scrub tit and King Island brown thornbill and their habitats.

I was delighted when the surveys confirmed the presence of King Island scrub tits at several locations and the King Island brown thornbills have been positively identified for the first time in many years. These surveys are providing invaluable information on the habitat requirements of these two species.

This demonstrates what priorities we have taken in relation to threatened species to date and what we continue to do in relation to any changes in status of threatened species across our state.

**Mr DEAN** - In relation to the Tasmanian devil, what is the breeding program on Maria Island doing? Do we have a rough idea of numbers and impact on the wildlife on the island?

**Ms ARCHER** - I am not sure about the impact on wildlife, but we could possibly have numbers.

Progress of establishing wild populations free from devil facial tumour, the disease continues. As at April 2019, the secure wild population comprises approximately 145 devils. Maria Island currently houses a disease-free population of 80 animals.

**Mr DEAN** - Approximately 80 on Maria Island?

**Ms ARCHER** - On Maria Island that are disease-free.

**Mr DEAN** - How many are there altogether?

**Ms ARCHER** - One hundred and forty-five.

**Mr DEAN** - Some of them are already diseased - is that what that is saying?

**Ms ARCHER** - No. The 145 is a secure wild population.

**Mr DEAN** - On Maria Island.

**Ms ARCHER** - No.

**Dr WHITTINGTON** - There are 145 animals DFT free in secure places, of which 80 are on Maria Island. All of the devils on Maria Island are disease-free.

**Mr DEAN** - How quickly are they breeding on Maria Island and what is the population likely to be? What is the extended position there?

**Ms ARCHER** - I am not sure specifically Maria Island. We have target statewide of 170 devils.

**Dr WHITTINGTON** - With Maria Island, the carrying capacity will depend very much on food availability, which is affected by seasons. At the moment the east coast it dry, as you would be aware, and the food resource on Maria Island is less than what it has normally been.

We regulate the population of animals on Maria Island. Take account of basically the amount of grass growing on the island and the amount of vegetation on the island. We have a program to manage wallaby populations and [inaudible] populations.

**Mr DEAN** - They are being culled?

**Dr WHITTINGTON** - Yes. At the appropriate time. With our devil population we want to ensure that matches the food availability on the island. We regulate the number of devils there through removal from the island and translocation. At the moment the island population is a little less than what we think the long-term capacity is, but it is sustainable and we can use the island to supply devils to relocation exercises.

The devils do really well on Maria Island. We don't have a problem there.

**Mr DEAN** - I want to raise the feral cat population and its impact on our threatened species. What are we doing and what threatened species is the feral cat a real concern for? I would say it would be most of them. What is the position, minister?

**Ms ARCHER** - Dr Whittington is able to answer that.

## UNCORRECTED PROOF ISSUE

**Dr WHITTINGTON** - As you are fully aware, feral cats pose a real problem to native wildlife, particularly shore birds and small mammals. I will use Tasman Island as an example, off the Tasman Peninsular, it had a population of about 50 feral cats. They were left over from lighthouse keepers' pets that ran wild. We estimated those 50 feral cats were feasting on probably 50 000 seabirds a year.

We had a program, and the Pennicott Foundation assisted in that. We have eradicated those cats from Tasman Island and now bird populations are responding. We know it indirectly, but have proven examples cats do have an impact. We have programs to eradicate cats where feasible to do so.

In high priority areas for conservation, we will have cat eradication programs like Tasman Island. High priority cat eradication works around sensitive penguin rookeries. More broadly across the island, though, eradication is unlikely to occur. It is about management. We have the Cat Management Plan and the work to suppress cat populations. The Government will be doing more work, not through this portfolio, but other portfolios in Biosecurity over the coming years.

Through Parks, local government and care groups there is localised activity to drive down cat numbers in environmentally sensitive areas.

**Mr DEAN** - Thanks for that. What are we doing about the whales? This program here is also protecting the threatened species including whales.

**Ms ARCHER** - Unless it is a threatened species of whale it does not come within my purview. It is very easy to see the environment as a whole issue and it is, but in terms of budget Estimates and what I have responsibility for, I do not have whales.

**Mr DEAN** - This output provides for the management and protection of threatened species and whales. There you go, minister, you do have responsibility for whales.

**Dr WHITTINGTON** - The way we manage wildlife in the agency is specifically listed as a threatened species. Wildlife more generally sits with Mr Barnett's portfolio. The whale program is one of those ones that sits on the boundary and administratively we administer the program through a part of the agency Mr Barnett has the line of sight on.

**Ms ARCHER** - I do not have the whole issue of animal welfare. I do not have seals or penguins, unless they become threatened species, it does not come across.

**CHAIR** - Seals actually threaten other species, called salmon.

**Ms ARCHER** - It does become confusing. I get confused at times.

**Dr WHITTINGTON** - There is a specific act, the Whales Protection Act, administered through this portfolio, but it is not one that bubbles up. The Princess Melikoff Trust is in the department, and it spends money across those portfolios - that was a trust set up by Princess Melikoff and we get an allocation out of that each year from trustees. That provides for work on both whales, seabirds and seals. We do seabird monitoring of albatross and the like from that program.

With whales we run the Whale Hotline and whale tracking through the season. That is about understanding migration routes with other international programs. It is also about whale rescue-type work. If a whale entangles in ropes and the like we have a program, train people to go out with volunteers to do the right thing with whales.

**Ms ARCHER** - Again, that's across agency.

**Output group 7**  
**Environment Protection and Analytical Services**

**7.1 Environmental Management and Pollution Control -**

**CHAIR** - Thank you very much Ms Armitage.

**Ms ARMITAGE** - I think I'll start with the Tamar River before I get on to the PM2s.

The Tamar River: obviously we know the issues, and I'm sure Mr Ford is well aware of the issues with the raw sewage going into the waterway at times of heavy flood.

I also notice there is a memo of understanding - MOU - with the Environment Protection Authority and TasWater. I understand that.

Through you, minister, or Mr Ford, would you like to explain the situation as you know it with the Tamar River? The current issue is that raw sewage from the City of Launceston is still going into our Tamar River, irrespective of an MOU with TasWater, in 2019.

**Mr FORD** - Launceston is renown and well-known for its wastewater problems. There are two fundamental issues within Launceston itself. The first is the combined system, which is historic and will take many, many millions of dollars and many years to fix.

**Ms ARMITAGE** - Over 9000 houses, I understand.

**Mr FORD** - That is one of the issues identified by TasWater in terms of its long-term strategic development.

The other is the Launceston redevelopment around Ti Tree Bend, and trying to upgrade Ti Tree Bend so that on-flood events and high-flow spills don't spill into the Tamar. Again, that is a major capital funding issue.

My understanding is that Launceston City Council and the state Government are looking at elements of that under the Launceston City Deal, and it is part of TasWater's long-term strategic process.

At a regulatory level, it is very difficult to regulate an outcome when there is not a capital investment to fix the problem. I think that is one of the reasons the state and the minister might choose to comment on this, but it is one of the reasons I think the state has chosen to invest in TasWater, as a co-owner, to assist TasWater with that long-term capital planning.

Yes, it is a recognised problem. Is it going to go away quickly? No.

## UNCORRECTED PROOF ISSUE

**Ms ARCHER** - And that is a statewide issue that Mr Ford has touched on in relation to the sewerage infrastructure, and the updating needed across the state.

**Ms ARMITAGE** - Does the EPA get regular reports of when it doesn't meet the standards? Do you actually get reports when the Tamar River is above the - ?

**Mr FORD** - We get regular, and in some instances continuous, data from TasWater. We are well aware of when there are exceedances, when TasWater is exceeding its -

**Ms ARMITAGE** - Are you able to advise how many you have had in the 2017-18 financial year? How many times it exceeded?

**Mr FORD** - That is a question we would have to take on notice.

**Ms ARMITAGE** - If you could take on notice. I think the member for Windermere and I have mentioned on many occasions the issues with regard to that. Also we are concerned, or more hoping, that it is dealt with prior to money being spent on, perhaps, Macquarie Point. When we look at issues like Macquarie Point needing \$140 million, we look at the Tamar River needing obviously money for the sewage treatment plant.

That is the first issue. I will leave that on notice.

My next issue is to do with air quality. I notice in output group 7, table 10.9, and I accept that in 2016-17 a lot of the PM2s and PM10s were due to bushfires. It says here the explanation that out of the nine days Launceston exceeded 2.5, six of those were bushfires, and I am assuming the other three would have been wood heaters. So, 2017-18, you had 16 days. The note only appears to relate to 2016-17, so 16 days that it actually exceeded 2.5 in 2017-18? Do we have any explanation for that?

**Mr FORD** - During that particular year, there was a fairly significant bushfire -

**Ms ARMITAGE** - That was a bushfire as well?

**Mr FORD** - Yes, in south-eastern Victoria, which was bringing smoke across northern Tasmania for 30 days. Also, if you look at the data just for this month, there has been somewhere between four and eight exceedances just in the towns around northern Tasmania, between Perth and Longford, and Launceston and Hadspen, because of people starting to light wood heaters.

Predominantly, the Launceston exceedances, the winter exceedances, will always be due to wood heaters, and summer exceedances will be due to wildfire, bushfire smoke.

**Ms ARMITAGE** - That leads me to my next question. I notice that the target is zero, so do you really believe that a target of zero, considering the inversion layer and the Tamar Valley is a realistic target of zero days?

**Mr FORD** - The target is set consistent with the national approach. The intent is to have zero exceedances at that level.

**Ms ARMITAGE** - Even though we know it's probably unrealistic.

## UNCORRECTED PROOF ISSUE

The other question, the Burn Brighter this Winter initiative, has it had any demonstrable effect in improving the air quality during the colder months of the year?

**Mr FORD** - It's very hard to measure. When there was funding available through a range of grant programs for the wood heater buy backs, there was definitely an improvement in air quality. Merely educating people, it's very hard to then translate that to a measurable difference, but that is not a reason not to seek to educate people around better behaviour. That is really what the Burn Brighter this Winter program is. It's to keep people front and centre and say, 'These are the sorts of things I can do to try to reduce the amount of smoke my wood heater is creating'.

**Ms ARMITAGE** - A bit like a little brochure on improving air quality.

Going on to the little brochure, I note that a council officer may issue an infringement notice. However, in the Launceston area, no fines have been issued in the past four years. Does the EPA issue fines? Is it purely up to council to issue fines on things like wood heaters, or are you actually issuing fines as well? The councils do not appear to issue many.

**Mr FORD** - The Environmental Management and Pollution Control Act clearly identifies roles for local government and for the EPA for the regulation of activities. Essentially, that act divides the functions into what are known as 'level 1' activities, and what are known as 'level 2' activities, and the demarcation is [inaudible].

Things that happen in a private residential sense [inaudible] category nuisance and generally those fall to local government and environmental health officers to deal with because they have the staff on the ground to be able to respond relatively quickly.

The EPA provides support to the councils in enforcing some of these and if, at a particular time, it was deemed there was a particular problem that needed to be addressed, we would work with the council.

For example, we have smoke monitoring equipment, a couple of sets of portable equipment, and we loan that out to council officers if they are doing an investigation on a particular problem. Generally the councils are going to be reluctant, and reasonably so, to issue infringement notices on single offences. We really try to deal with the long-term recidivists who just won't change their behaviour.

**Ms ARMITAGE** - One last question: I notice in March that the EPA gave the green light to a new mill for Bell Bay. It is always good to see new businesses. The EPA gave its approval for a new \$54 million woodchip mill at Bell Bay, and I note that it was determined the mill could be managed in an environmentally sustainable way, so far as certain air and noise emissions conditions were complied with. Air emissions will be addressed through emission limits on particulates and oxides of nitrogen with stack testing and noise will be managed through emission limits. Could you elaborate more on the mill particularly, given the PM 2.5 and 10s in the Tamar Valley area? What is the situation with regard to the mill?

**Mr FORD** - This is actually a particle board mill. With these type of premises, the issues the EPA is looking for from an assessment point of view is how are emissions going to be controlled, particularly in a facility like this where dust will be particularly an issue.

**Ms ARMITAGE** - For workers as well.

**Mr FORD** - Yes, but it is a work health and safety matter. What happens for workers within the work site is not a matter for the EPA.

**Ms ARMITAGE** - You are looking more at the homes around?

**Mr FORD** - We are looking at the emissions that leave the site. We look at the technology they have within what is known as a scrubber. Basically a scrubbing system takes particles out of air emissions. Have they applied the best technology? We operate within the air environment protection policy for Tasmania which sets up a process around specifying what companies have to use, current best technology. We set emission limits. As part of the process, our air specialists will look at the modelling undertaken to see where the particles will travel. They will look at the technology to determine what the likely success of pulling the stuff out before it is emitted and then the stack testing is in place to monitor how these are performing.

**Ms ARMITAGE** - You will continually monitor?

**Mr FORD** - It is not continually monitored.

**Ms ARMITAGE** - Or regularly monitored?

**Mr FORD** - It is regularly monitored, yes. Results have to be provided to us. The facilities are subject to audits. A facility like this would be audited annually for the first couple of years once it is functional and then when we are satisfied it is performing against the standards, we set the rate of audits would drop back a little.

**Ms ARMITAGE** - Shouldn't they increase rather than drop back? As facilities become older are they less efficient?

**Mr FORD** - That is a challenge of how you audit everything. We regulate over 500 premises in the state. From the regulatory staff we have about 40 regulatory officers who go and regulate these premises. We have a risk-based approach to auditing. We cannot audit everything regularly. We could do a whole more work but it is a whole lot more resources.

**Ms ARMITAGE** - I understand, but the fact you regularly look at them in the younger time but as they get older and perhaps, less efficient and require more auditing.

**Mr FORD** - That is a risk-based process. Some places we audit far more frequently because of exactly that.

**Ms ARMITAGE** - If you find deficiencies?

**Mr FORD** - We have a combined audit program. When our compliance audit program goes through we identify against the conditions, we advise the operator where they are compliant, where they are non-compliant. Often noncompliance will be minor paper-based - this report is not in the right place or this report not completed or not done on time. Sometimes they are more substantive. We give people a schedule that will direct them to fix things. Sometimes, we say, 'Fix it or we will come back in six months time'. Sometimes we say, 'You have four months to fix it depending on what it is.' Again, it is a risk-based approach. High-risk activity, high likelihood of environment impact, more immediate response, higher the consequences.

**Ms ARMITAGE** - Thank you. To point out my questions were not specific to this particular, and not attacking this business. It is great to see new business, but it was an inquiry with regard to your ongoing requirements and audits.

**Mr DEAN** - You were meant to say there are absolutely no risks for Launceston whatsoever, didn't you?

**Ms ARMITAGE** - I am not even thinking that. I am purely asking the question of the EPA.

**Mr FORD** - I would refer the committee to our annual report which is tabled in the annual cycle in October and details all the activities at a high level for the year and it gives people a good understanding of the regulatory response.

**CHAIR** - Minister, my question is around the state waste action plan. Local government has been very critical of the fact that for more than two years the state Government promised a state waste action plan and nothing has been done. It is due to be delivered in June and I am just interested in where that is. Are you aware that Tasmania lags well behind most other jurisdictions when it comes to how we manage our waste?

**Ms ARCHER** - I will correct the record and I know that you probably didn't mean to put it this way. It would be incorrect to say nothing has been done. An enormous amount of work has been done and I can say that we are on track to be releasing that draft waste action plan for consultation with local government and industry this month.

**CHAIR** - Does it include a container refund scheme?

**Ms ARCHER** - I hope to be able to make an announcement in relation to that very soon.

**CHAIR** - So it is on track for June?

**Ms ARCHER** - The waste action plan, yes.

**Mr WILLIE** - That was my question.

**Ms ARCHER** - Can I just say in relation to that the raft of work that has gone on in relation to that is also in relation to national policy. Members may or may not be aware that my ministerial counterpart meeting with all states and territories and the federal Minister for the Environment, we meet and there has been a lot put in place in relation to targets on waste. To produce a waste action plan has required an enormous amount of work from the department looking at those national plans as well to ensure we are consistent with the new national waste policy.

We are currently working with industry and all levels of government to develop an implementation plan for the national policy and so all those things need to line up, but I can confirm we are on track.

**CHAIR** - That is interesting that local government needed to put out a press release.

**Ms ARCHER** - I was a little bit concerned about that, but I have spoken to them and assured them that there is -

**CHAIR** - You've spoken severely to Mr Chipman?

**Ms ARCHER** - I haven't spoken severely, I've spoken very nicely to LGAT and others that we are on track to provide a framework for Tasmania to strategically address a range of waste management priorities that we have in relation to government commitments, such as making Tasmania the tidiest state with the lowest incidence of littering in the country, which is a very important target we would like to reach.

**CHAIR** - I apologise to Mr Willie - this is the third time today his question had been stolen before I got back to him.

**Mr DEAN** - It has been said, and a lot of people are saying, that there is under-reporting of raw sewage being placed into the Tamar River. Do you have any concerns about that?

I would be very surprised if it hasn't been brought to your attention. As a lot of people say, they would like EPA to be present when they are dredging the river because of all the products found within the water at the time. I mentioned during the reply to the budget speech that sanitary products are being dredged out of the river by the bucketful, or so people tell me.

I have been invited to go down and look at it myself and I haven't done it; I should do. Are you satisfied that all of the raw sewage being placed into that river is being reported?

**Mr FORD** - When you have a system operating in a combined stormwater sewer system, it reports to the river there is more sewage going in every time there is a high rainfall event through that combined system.

**Mr DEAN** - I don't think it's just with high rainfall.

**Mr FORD** - It is a combined system. One of the challenges collectively for TasWater and for Launceston City Council is to determine what effective collection of solids is in that system. That might be something you could pursue through the GBE process with TasWater.

**Mr DEAN** - Through you, Attorney-General. Do EPA see this as a critical issue, an issue that's got to at least have work done on it sooner rather than later?

**Ms ARCHER** - Mr Ford can answer that.

**Mr FORD** - Yes, it does. It needs to be prioritised by both TasWater and Launceston City Council to be able to resolve those issues.

**Ms ARCHER** - We have to be careful to delineate what the EPA's role in this is. It's more a for Local Government and TasWater management - sewage and stormwater.

## **7.2 Analytical Services -**

**CHAIR** - Mr Dean, I think you have a question under this item, and it'll be probably a brief one.

**Ms ARCHER** - You'll be asking about the increase in funding, no doubt, Mr Dean?

**Mr DEAN** - Yes, it is in relation to funding and what's happening in that area. My staff did a pretty good job on that. But I don't think why is Analytical Services Tasmania - AST -being given a one-off funding of \$1 million, seeing it was Tasmania's only environmental analytical testing laboratory and that it provides essential services. So, what's going on in that area?

The other thing was the rate at which these services have been provided. I think it's only 70 per cent. If we look at the jobs reported on time from Analytical Services, we're looking at only 70 per cent of reports being reported on time. So, what's the issue there? Is there not enough in the area to provide the reports?

**Ms ARCHER** - So you have a number of questions there.

I've been focusing on the initial question. Perhaps Mr Ford can answer the subsequent operational questions. The \$1 million is there because we recognise there's a need for the increased funding allocation. The changes in the client-base and types of testing have changed significantly since the current operating model was introduced around 15 years ago. Our Government invested \$1.2 million to upgrade the biotoxin-testing facility at Analytical Services Tasmania in order to provide a high standard of testing for Tasmanian shellfish industries. That new biotoxin facility was developed in liaison with the shellfish industry with the aim of providing the best possible market access for the product.

So, as a result of changes over the past five years the current operating model and level of public funding needed to be reviewed to ensure the ongoing viability of the laboratory. Over the next year the Government will be undertaking review work to see what the future requirements might be. There was also the loss of a TasWater contract. So, it was important for AST to focus on obviously other areas, as I said, with the biotoxin testing facility.

It's also really important to note it provides a testing service to the Tasmanian community. It's used by the public, by businesses and by local and state government agencies for a vast array of testing. It is the state testing laboratory. So, that \$1 million injection will enable it to carry on its increased load over the next 12 months while we conduct a proper review of what its future needs and requirements might be.

**Mr DEAN** - Does that mean more staffing in the meantime, or not?

**Ms ARCHER** - I think the \$1 million is specifically to keep the status quo.

**Mr DEAN** - Right, okay.

**Ms ARCHER** - That injection is needed because of the types of testing now being undertaken.

There was a subsequent part to your question, which I will pass to Mr Ford.

**Mr FORD** - For over a decade now Analytical Services has had its model that had retained this revenue. For many years it's been able to operate on its retained revenue. That's been diminishing, so we're at the point where this financial year we will have expended all the retained revenue. So, the additional \$1 million maintains the status quo for the current facility for the next financial year.

Nearly 200 000 tests done a year and the reporting is automated through the computer system. We have a problem with our computer system, which we're currently in the process of replacing. It reports things in 24-hour blocks. If you have a test that was due to be done in 48 hours and the result is delivered in 53 hours, it reports it as a day late. We do not have a mechanism that says that if you were to ask me a question how many results are completed within 24 hours of the technical due date, it brings that net figure much closer to 95 per cent.

In the new computer system, we are having built at the moment, those reporting issues in terms of the data and the statistics will be vastly more able to interrogate some of these things. As I look at it, I am troubled by it too.

**Mr DEAN** - When you look at it, you will not know what is going on.

**CHAIR** - Now we will break and change for Minister for Arts.

**DIVISION 11**

(Department of State Growth)

**Output Group 5**

**Culture and Creative Industries**

**5.1 Tasmanian Museum and Art Gallery -**

**CHAIR** - Welcome back, minister. We will begin with the 5.1 which is the Tasmanian museum and art gallery, affectionately known as TMAG.

**Ms ARCHER** - I invite Janet Carding to the table and have Jacqui Allen, Deputy Secretary, Cultural and Tourism Development.

**CHAIR** - So straight into questions?

**Ms ARCHER** - I can do an overview in relation to the arts. I did want to highlight in respect of the arts that the total expenditure across the arts portfolio is \$27.9 million. That is \$15 million for the arts, almost \$10 million for TMAG and more than \$2 million for the screen sector. There is a further \$5.6 million which has been invested in supporting key industry players such as Ten Days on the Island, the Theatre Royal, QVMAG and the Tasmanian Symphony Orchestra. There is also an additional \$1 million in a new permanent interactive children's exhibition at the museum which we can go through in a minute if you would like. It is often said arts is the poorer cousin, but when we look at the investment and then events funding, which is not within my Arts portfolio, but the Premier's -

**CHAIR** - We did that yesterday, minister.

**Ms ARCHER** - a lot of it does cross into the arts so there are a number of benefits in that area of funding. That will not stop me from always seeking to gain more money to the arts, though I like to refer to it as the cultural and creative industries.

**Mr WILLIE** - The projections for TMAG attendance go down from the actuals in 2016-17 to 2017-18; is there an explanation for this? This is under the performance information on page 285.

## UNCORRECTED PROOF ISSUE

**Ms ARCHER** - I ask Ms Carding to speak to that as to why we marked the projection lower. Sometimes, there is a very good explanation that I am not aware of.

**Ms CARDING** - It is a target rather than a projection and we have had a target set at 375 000. That has gone up from 366 000 which we had before because we comfortably exceeded that. Every year, it resets to zero and depends what exhibitions we have on that year and have a target of 375 000 and do our very best to exceed that. In previous years, we have exceeded it but an awful lot depends on all the other things that happen along the way.

**Mr WILLIE** - That's under-promise, over-deliver.

**Ms ARCHER** - At the moment Dinosaur Revolution brought in a lot of families and school groups.

**Mr WILLIE** - Yes, I have been there with my son.

**Ms ARCHER** - So exhibitions like that in any given year can obviously contribute to greater numbers.

**Ms CARDING** - That is absolutely right. At the same time, there is an opportunity to also put on very serious work and earlier in the year we had the National Picture. We knew that would not draw the same numbers as the dinosaur exhibition, but it was a very important exhibition to put on both at TMAG and later transferred to QVMAG. We want to make sure we are not so driven by the numbers that we can't also put on the important exhibitions.

**Mr WILLIE** - How many school visits have you had in the last 12 months?

**Mr CARDING** - Around 20 000 a year.

**CHAIR** - Is that 20 000 visits or 20 000 children?

**Ms CARDING** - Twenty thousand visits by children, so I do not know if the same child has come more than once with a school; if they may be transferred schools, they might. The number of school students is around the 20 000 mark.

**Mr WILLIE** - From across the state?

**Ms CARDING** - Yes, from all around the state and we also have a program of virtual visits where if it is too far for schools to come in one day, then we can link by computers to their classroom. We can walk around the gallery and show them that, and then they can experience things that we send out to them in boxes for the part of the experience as well. It is important that we reach across the whole state.

**Mr WILLIE** - Do you have mobile classrooms or do you get out to the regions with different programs?

**Ms CARDING** - We don't have a mobile classroom as such, but we do have educators who, for individual projects, go out in the community and do community-based work. We tend to do that project by project because some years we are doing dinosaurs and some years we are doing

something else. That is something that changes according to the shape of the program. It is something that we want to continue to get right out in the state, but we make sure we are working with the individual schools as to what they want and what they would like, with educators who can come into the classrooms at the moment.

**Mr WILLIE** - How many staff do you have in total at TMAG?

**Ms CARDING** - For the whole of TMAG?

**Mr WILLIE** - Yes.

**Ms CARDING** - In terms of FTEs, we are around the 75 mark.

**Ms SIEJKA** - Can we have an accurate figure?

**Ms CARDING** - Yes.

**CHAIR** - And the headcount that matches that.

**Mr WILLIE** - Is there a category of employment too? You just said there are educators, there would be curators, and others.

**Ms CARDING** - I don't have the detail of the different categories with me, but we employ curators, education staff, and a small number of specialists in different areas such as communications and IT to make sure we get the message out. We then have a number of front-of-house staff that staff the galleries. It is a combination of expertise: people who are skilled in putting together the programs and making sure we can operate the building safely.

**Mr WILLIE** - You don't run the café, do you? Is it leased?

**Ms CARDING** - The café is licensed so we issue a licence and it was bid for by a contractor. They operate the café and manage their own staff within the facility there.

**Ms ARCHER** - We are trying to turn up that staff figure. While we are still trying, we welcome other questions. If we can't find that figure, we will take it on notice in relation to the FTEs and actual numbers at the TMAG.

**Ms ALLEN** - The headcount is 86 but the paid FTE number is 76.5.

**Mr WILLIE** - How are the opening hours adjusted for seasonal tourism and things like that?

**Ms ARCHER** - We have a new statutory model that this Government brought on in relation to the independence of the board of TMAG. Ultimately, opening hours and other issues are a matter for the board. With the decision that was made on Monday trading hours, for example, it is my strong desire as minister for that to continue, but it is a matter for the board.

**Ms CARDING** - The opening hours are 10 a.m. until 4 p.m., and we open seven days a week from Boxing Day until the end of March and every Monday public holiday outside that period. We are closed on a Monday during the other months of the year where we do essential maintenance work.

**Mr WILLIE** - Do you open late for, say, Dark Mofo or anything like that in collaboration?

**Ms CARDING** - We do, in fact we will be open on Friday until 10 p.m.

**Mr WILLIE** - Any other occasions through the year where you're open late?

**Ms CARDING** - We are, and thank you to the City of Hobart, we have been able to work in partnership with the City of Hobart to put together a program of late-night openings which we schedule to coincide with important events. During our own Children's Festival we opened in the evening and had a fantastic event for the children. We are open several times during Dark Mofo and we open at other key times of the year.

**Ms ARCHER** - In Science Week too we do something on the weekends or evenings, don't we?

**Ms CARDING** - Yes.

**Ms HOWLETT** - Minister, could you provide an update on our thriving Screen industry, the jobs and economic benefits that it brings to Tasmania?

**CHAIR** - We haven't got to screen yet.

## **5.2 Arts industry development**

**CHAIR** - I asked the question prior to us sitting back down and moving into the arts, how much out of the arts industry development budget does actually go to the QVMAG? I'm only asking because we had a discussion prior, not because I'm northern based.

**Ms ARCHER** - In relation to QVMAG, the Government provides financial support to the Launceston City Council towards the operation of QVMAG.

**CHAIR** - In the order of?

**Ms ARCHER** - In 2018-19 funds of \$1 450 600 were granted to the Launceston City Council for the operation of the museum. A deed related to this funding was signed on 19 November 2018. The agreement that exists with QVMAG provides for a review every five years. I know that this is always of great interest to those in the Launceston area. It is a City of Launceston-owned facility. Having said that, I know TMAG does work very closely with QVMAG in relation to the management of collections and other assistance that we can provide. The state museum is TMAG. In relation to that agreement there already has been a highly productive meeting.

On 8 April this year, representatives from the Cultural and Tourism Development division of the Department of State Growth met with the General Manager of the City of Launceston and also the Director of Creative Arts and Cultural Services at QVMAG. All the parties agreed to investigate the potential for establishing agreed measures of performance in developing complementary strategies between QVMAG and TMAG. These conversations will continue throughout this year.

While it is of course recognised that QVMAG is a significant regional museum, it should be understood, again, that it is not a state museum, so an appropriate level of funding needs to be

agreed beyond when the review period is up, which is this year. The state collection is a responsibility of TMAG, not QVMAG.

**CHAIR** - In this particular area, are the number of artists, arts and museum workers supported? I am particular interested in this, minister, because in my electorate tour more recently in February, we went to Tony Smibert's gallery, which is just outside of Deloraine. If you get a chance, you should go there.

**Ms ARCHER** - You have spoken to me about that.

**CHAIR** - The offer was made on that day for Tony to be involved in a program where young artists - not necessarily young - emerging artists were supported. I see that there are no figures on the number of artists, art or museum workers supported. We would surely have a number of people who have received funds from this area to support them in their pursuit of excellence in their field of choice?

**Ms ARCHER** - Emerging artists are an important part of the art sector. 'Emerging' is a term not directly related to youth, though it can be. For us, 'emerging' captures artists of any age who are in the early stages of their careers, so it is important to note that.

There is a suite of opportunities that directly address issues of career development, and they are provided for in a number of ways, sometimes by Arts Tasmania, sometimes by Arts Tasmania in partnership with other organisations, and sometimes by arts organisations that are supported by Arts Tasmania to deliver programs for emerging artists. Some examples include emerging arts professionals, programs supported by Arts Tasmania, and the Australia Council for the Arts, which is the Commonwealth body.

This partnership supported an emerging Tasmanian curator, Sarah Samson, who travelled to Venice as part of the team overseeing Australia's representation at the Venice Biennale. Emerging arts professionals are exposed to a wide range of contemporary art practice and given access to a network of Australian and international art influences. Additionally, they will gain important experience in working on a large-scale international project, and the opportunity to develop new skills and knowledge that will benefit the broader Tasmanian and Australian visual arts sector.

Our longstanding support of Contemporary Art Tasmania has seen long-term development of the visual arts sector, including emerging practitioners. This includes mentorship opportunities in curatorship and governance, and the stimulation and development of Tasmanian contemporary artists and their practice. Contemporary Art Tasmania does this in a variety of ways, so through the Shotgun program, which provides a short and concentrated period of development, through to the provision of artists, studios and of curatorial mentorships.

Development of emerging artists in the performing arts provides opportunities for emerging artists to hone and develop their work through a range of residency programs delivered by Tasmania Performs. Expressions of interest for Tasmania Performs - the famed Tarraleah Artist Residency opens in June with intensive residency occurring in mid-October 2019. This is an opportunity for Tasmanian artists who are interested in live performances to come together and explore new project ideas, with applications welcome from people who are at the start of their artistic practice. This residency has played an important role in developing emerging artists, developing concepts and ideas through to presentation. Some important artists who have been on this journey with Tasmania Performs include Zeb Direen and Nathan Maynard, whom most of you will have heard of.

Blue Cow Theatre's Future Proof program, delivered in partnership with Australian Theatre for Young People and Australian Plays, offers a writing studio for young emerging Tasmanian playwrights aged 18-25.

I have a long list of things here. There's the Tasmanian Theatre Fund, in which Blue Cow Theatre will invite 12 young Tasmanian writers to come together with senior artists to create work written for young actors.

Music Tasmania provides a large range of services for emerging musicians, from song writing retreats through to professional development seminars and workshops.

We have The Tasmanian Aboriginal Arts Mentoring Scheme, which aims to develop the capacity of Tasmanian Aboriginal arts and culture practitioners to undertake projects that enable them to further their careers, enrich their artistic practice and contribute to Tasmania's art sector.

We also have consultation with Arts More, negotiation workshops, the Growing Pains in the Arts program delivered in partnership with the TSO.

We also have the Vita Brown Bequest Bursary, which provides funds to emerging artists to purchase equipment or materials, and the FIND Contemporary Jewellery Collective Bursary, which assists emerging and mid-career contemporary jewellers to undertake professional development activities.

The reason I mention all of those is it shows that the diverse range of things within the arts dealing with emerging artists. It is not just confined to one particular area. It's the whole of the cultural and creative industries, and we try to capture this through a number of different projects and programs across this very broad sector.

**CHAIR** - Do we have any numbers attached to all that? It says not available, but there must be something.

**Ms ALLEN** - This performance indicator is based on figures that we received from the ABS, so it's based on its Participation in Selected Cultural Activity survey. That's only done every three years.

We are in the process at the moment of reviewing and looking at our KPIs, and how we report these. The baseline data that would inform these has only just become available from the 2016-17 years, so that's why those figures are not available. We are investigating some more real-time measures we can use around KPIs.

**CHAIR** - What about the artists assisted in those programs? Surely there would be a list of the number assisted through those many and varied programs?

**Ms ALLEN** - It is a question of how we ask the information and collect. The way we have historically measured is by relying on the ABS data, which tries to capture everyone who has been involved. It is not simply a matter of counting the number of funding applications we support. For us to accurately collect statistics about the number of people involved in a project, we will need to adjust the information we ask for in applications and acquittals. That is something we are currently looking at.

**CHAIR** - So next year will we have something with the first figures to be available in 2019-20?

**Ms ALLEN** - Correct. Based on the ABS statistics, the basis of this measure.

**CHAIR** - So we really do not know how many people actually received support through the arts industry development?

**Ms ALLEN** - We know how many applications we support, but that is not a measure of how many people are involved in the projects.

**CHAIR** - How many applications did you receive then?

**Ms ALLEN** - I am not sure I have that information.

**CHAIR** - Happy to take it on notice.

**Ms ARCHER** - David Sudmalis, who is Arts Tasmania, has that figure; I am very happy for him to provide it.

**Mr SUDMALIS** - In 2018-19, 136 applications made to Arts Tasmania were successful, there were for competitive programs that had a financial component of support. Additionally, there were 17 other applications that provided support that was not financial, so it would have been expertise for a range of other programs and mechanisms. If I am may reiterate the words of the minister and the deputy secretary, that is the number of applications, not necessarily the number of artists who Artwork has supported through each of those applications.

**CHAIR** - How many were declined, have you got that number?

**Mr SUDMALIS** - A total of 397 applications were received with 136 successful.

**CHAIR** - Competitive field.

**Mr SUDMALIS** - Of the application received, 38.5 per cent was supported.

**Ms ARCHER** - We did not have the declined figure? Let's not confuse, if we do not have the declined figure you can work it out, but to make it very clear that was not the declined figure, that was the total.

### **5.3 Screen Industry Development -**

**Ms SIEJKA** - Is it correct Wide Angle Tasmania is still relying largely on philanthropic money? Are there any ways in which you are working with them to try to ensure their future?

**Ms ARCHER** - I have visited Wide Angle Tasmania and had a bit to do with them as does Screen Tasmania. There is a lot of collaboration. Screen Tasmania works closely with Wide Angle for a strategic delivery of services to the screen production industry. Wide Angle was successful in securing a \$40 000 grant in the first round of the Youth Arts Program. This was a 2017-18 Budget initiative, under which Wide Angle is delivering a series of programs from emerging youth filmmakers. I have seen some of the results which have been fantastic. Wide Angle is eligible to

apply for program funding under Screen Tasmania's industry development program, but it has not done so to date. Certainly, there has been collaboration and liaison in that regard between Screen Tasmania and Wide Angle.

In short, Screen Tasmania provides support and assistance where possible. As a result of discussions, Screen Tasmania offered a special round of travel support to filmmakers outside Hobart who were attending Wide Angle's screen entrepreneur workshop series. One emerging Launceston filmmaker was provided with \$300 travel support to attend the workshops. It might not sound like a lot, but it is to someone who's emerging. It is worth mentioning that type of assistance as well.

In addition, Screen Tasmania provides assistance to Wide Angle by speaking at events. I know Mr Sangston regularly speaks at events, as I have attended. They're actively engaging with Wide Angle for initiatives of benefit to the Wide Angle community and screen industry more broadly.

The screen industry is a bit of an ecosystem and the fact that philanthropy supports Wide Angle is extremely pleasing. It demonstrates the value of that organisation to the community. Wide Angle was active in the development of the Screen Industry Workforce Development Plan, which was funded by Skills Tasmania and delivered in 2017. Funding for implementation of the workforce development plan is a matter for Skills Tasmania. While the Arts output has a strong interest in the matter, it's not responsible for that particular avenue of funding.

I've tried to demonstrate that we are working with Wide Angle where we can, where their services can respond to Arts funding and we certainly encourage them to apply where they can for Arts funding.

**Ms SIEJKA** - My other question is around ensuring Tasmanian content is made. I had a couple of stakeholders who raised the need where current free-to-air networks have to have 55 per cent Australian content, cable networks 20 per cent and streaming networks don't require any. What are you doing to ensure the Tasmanian sector continues to provide good content? The sectors need flowthrough federally. I guess it's an advocacy question as much as ensuring that content is made and produced.

**Ms ARCHER** - I can give you a bit of background to this. Screen Tasmania, on occasions, and a bit unfairly, has been criticised for funding so-called inbound productions from interstate to the exclusion of Tasmanian development projects. This is a false assumption.

In project development over three years, only two of 41 funded projects are genuinely such projects; 23 are Tasmanian, with an allocation of funding of \$281 550; 16 are co-productions or have a Tasmanian key creative and funding for that totalled \$287 962. Only two are eligible because of an expat Tasmanian key initiative and that's \$21 000.

In production investment over five years, only four of 21 projects are inbound - *The Nightingale*, *Love Shack*, *Project Planet* and *Lambs of God* - totalling \$380 000-worth of funding. Five are wholly Tasmanian projects - \$267 312; 12 are co-productions between a Tasmanian and interstate company and/or have a genuine key creative, such as a producer, writer or director, and that's \$3 963 000.

In relation to every application that's assessed, I know that the Tasmanian content component or benefit to Tasmania is always assessed. Mr Sangston, do you have anything to add in relation to that?

**Mr SANGSTON** - Yes, we always consider the impact on Tasmania in every funding application we receive. In relation to the question of Tasmanian content on broadcasters, one of my major jobs is speaking to the broadcasters as much as possible and encouraging them to commission more Tasmanian projects. That is obviously subject to the funding requirements of the broadcasters themselves.

**Ms SIEJKA** - With those inbound ones, for example, are there also requirements? Do you have statistics that can demonstrate how many locals are in the cast and crew and attachments and things like that? There are a lot of positive things happening in the industry and it is good to be able to demonstrate what is happening locally. I know there is a lot of excitement about *The Gloaming*.

**Ms ARCHER** - The investment overall is always looked at. *The Gloaming* is a classic example where we estimate the value of goods and services that are going to be used throughout the production. They are all Tasmanian businesses that benefit from that as well as as you said training and attachment programs, which has been a highlight of Screen Tasmania because that is ongoing jobs.

In relation to the specifics, I notice that Mr Sangston has a spreadsheet there which I am quite happy for him to utilise.

**Mr SANGSTON** - On the specifics, for example, the projects that we funded in production investment in 2018-19, the current financial year, are still estimates because they are dependent on acquittal. But we have estimated 160 direct jobs created by our investments and 14 attachments on top of that.

**Ms SIEJKA** - Are they are ongoing because they are local?

**Mr SANGSTON** - Yes.

**Ms ARCHER** - There is always a ratio that is looked at too. If you could address that, Mr Sangston.

**Mr SANGSTON** - Every project we invest in that is a scripted drama, we require \$4 spent on Tasmanian goods and services for every \$1 we put in. For every documentary it is three to one. For the 2018-19 financial year, the estimated ratio will be 6.9 to one. Our investments in that will result in we estimate \$9.3 million of Tasmanian spend.

**Ms ARCHER** - That goes back into the Tasmanian economy. I think that is a very sound thing to note.

**Ms ARMITAGE** - Screen Tasmania's have state of the market sessions, Q and A sessions. I notice they had one on 29 March. Do they have those regularly and do they have them in other places apart from Hobart?

**Ms ARCHER** - That is a question for Mr Sangston.

**Mr SANGSTON** - We put up those sessions as we can. We regularly have them after our Screen Tasmania Expert Advisory Group meetings. To date those meetings have been held in

Hobart but our next meeting will be in Launceston at the end of July. We will almost certainly be doing a session like that outside of Launceston.

**Ms ARMITAGE** - They will be advertised widely?

**Mr SANGSTON** - Absolutely.

**Ms ARMITAGE** - Can you tell me how many people are on the Screen Tasmania Expert Advisory Group board?

**Ms ARCHER** - That is STEAG. That particular group was appointed in January of this year for a two-year term. We currently have nine people from across a range of different areas within screens, ranging from gaming to pictures, to productions to entertainment to cartoons. We basically cover the whole range of the screen sector.

**Ms ARMITAGE** - Do you happen to have their regional locations? Whether they are north, north-west, south, interstate. If not, could you take that on notice?

**Mr SANGSTON** - About half of the STEAG are from interstate because that is where the expertise in the screen industry resides. From those from Tasmania, one member resides in Devonport. The remaining Tasmanian members are southern-based.

**Ms ARMITAGE** - Is it a remunerated board or a voluntary board?

**Mr SANGSTON** - It is remunerated but not to a great extent. It is about \$550 a day.

**Ms ARMITAGE** - That is a reasonable amount.

**Ms ARCHER** - You should see the amount of applications they have to go through in that day.

**Ms ARMITAGE** - I can imagine. If you don't the figures now, could I have on notice the cost of the board, including the travel expenses, meals and allowances for the interstate members for the last financial year?

**CHAIR** - No more questions in this area? Thank you very much. We will now move to Racing.

## **DIVISION 10**

(Department of Primary Industry, Parks, Water and Environment)

### **Output Group 5**

#### **Racing Regulation and Policy**

##### **5.1 Racing Regulation and Policy**

**Ms ARCHER** - I have Dr John Whittington back at the table. He is the Secretary of DPIPW and Mr John King is Director of Racing and General Manager of the Office of Racing Integrity.

**CHAIR** - The Office of Racing Integrity - ORI - has a revolving door.

## UNCORRECTED PROOF ISSUE

**Ms ARCHER** - I can address that. I am very happy to say there has been a lot of stability in the last 12 months and certainly now in Tasracing, which will be the subject of GBE hearings. There is some stability there now as to permanent CEOs.

With respect to Mr King's appointment and staffing within this area, there has been a very good period of stability.

I will highlight a few things while we have the opportunity now we have caught up a bit.

I was appointed late last year to the Racing portfolio. I have always strongly supported the racing industry in Tasmania and recognise the important impact it has on our economy and our local and regional communities across the state.

This year's Budget invests more than \$36 million into Tasmania's Racing Industry, including for the Office of Racing Integrity, which will ensure our Government's plan for sustainable growth can be delivered. This funding means that investment in the state's racing industry has increased by more than \$2 million since we came to government. It is allowing the industry to grow whilst providing enhanced integrity services and increased focus on animal welfare and major improvements to racing infrastructure.

Tasmania's racing industry injects around \$103 million a year into our 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 the momentum in the industry continues.

The Budget includes funding of \$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. A strong integrity body is necessary to ensure the ongoing sustainability of racing in Tasmania and is a vital function carried out.

The Director of Racing on my left, 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 to the state's racing industry and ensures ORI continues to provide quality integrity services.

Importantly, the Budget also includes funding for two steward cadetship positions within ORI, as per our election commitment. This further strengthening ORI's integrity functions whilst providing more opportunities for young people in steward positions. That is a brief overview and I welcome questions from members.

**CHAIR** - On behalf of the committee we would like to congratulate Mr King on his five-year appointment. That will certainly give some confidence to the industry. Congratulations.

**Ms ARMITAGE** - Tasracing's gain is Tasmania Police's loss.

**CHAIR** - In regard to racing regulation and policy and the Greyhound Adoption Program, I feel sure you would have been expecting a question from me in regard to where we are, given that is an animal welfare policy and a very important policy for the greyhound industry. Where are we with the purpose-built facility in our state?

## UNCORRECTED PROOF ISSUE

**Ms ARCHER** - Yes, obviously a responsibility of Tasracing in relation to the purpose-built facility. I wanted to make sure I had the correct thing, because we are dealing with Tasracing, which is subject to GBEs. I am very happy to address it.

**CHAIR** - I thought about that, but when it comes to welfare and policy, I felt it came in that area.

**Ms ARCHER** - I wanted to get what I had here so I did not mislead the committee. With respect to animal welfare in this Budget, we have again allocated an additional \$30 000 to Brightside Animal Sanctuary to assist in rehoming greyhounds. That is in addition to the \$30 000 committed last year. That is on top of last year's \$100 000 commitment to expand the Greyhound Adoption Program with Tasracing now in the process of identifying a suitable greyhound rehoming facility.

Tasracing has advised the former proposal to build a facility at Pontville would become too costly and require a further unacceptable time delay to complete and bring online. They feel the purchase of a new kennel will deliver the quickest and cost-effective outcome for a dedicated greyhound rehoming facility. They have identified a site and it will be up and running by the end of the year. Rather than waste more time because of costly issues and planning issues at Pontville, the rehoming facility will now be on a dedicated site with a kennel facility.

**CHAIR** - It is already established?

**Ms ARCHER** - It's already established.

**CHAIR** - So we have wasted approximately three years?

**Ms ARCHER** - Well, the problem is when you identify a site and then you encounter planning problems with it - but they are not wasting any further time.

**Ms ARMITAGE** - I'm a little confused. I think anyone reading the Tasracing official industry website would be confused as well.

**Ms ARCHER** - I will caution members. Tasracing is not here; Tasracing is a GBE and there are GBE hearings later this year.

**Ms ARMITAGE** - Can I ask you about the board?

**Ms ARCHER** - No, because that is irrelevant to budget Estimates here.

**Ms ARMITAGE** - I'll leave it and come to another question, but the Tasracing website is confusing and they need to sort it out.

**Ms ARCHER** - I'm not quite sure what you were referring to because the board and Tasracing's activities - there are detailed GBE hearings at the end of the year.

**Ms HOWLETT** - Minister, could you please provide an update on how the racing steward cadetships are helping to attract and to retain new people in steward positions?

## UNCORRECTED PROOF ISSUE

**Ms ARCHER** - As I mentioned in my overview, we are now looking at cadetships which are helping to attract and retain new people in steward positions. It is an important role that the Office of Racing Integrity plays in the regulation of the racing industry in Tasmania. That is why we went to the last election promising to establish two new steward cadetship positions in the Office of Racing Integrity.

The Government committed funding of \$550 000 over four years in last year's Budget for ORI to create the new positions, with the first two cadets, both young women, starting in December last year. Since that time, they have been developing skills and experience in various roles associated with both race day activities and non-race day activities under the direction of highly qualified and experienced stewards and the Director of Racing.

If I can depart from my script here, I think it's wonderful that two young women are carrying that out because it has traditionally been a very male-dominated area. It's wonderful to have the expressions of interest coming from women to get into the industry and also to select the two young women.

**CHAIR** - I think that might be on the back of Michelle Payne.

**Ms ARCHER** - Possibly, with the renewed interest, you never know.

This is working 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. On that note, I am pleased to advise the committee that one of the cadets, Heather Edgecombe - and I have her authority to mention her name - has used her training to successfully obtain a full-time stewarding position with the Office of Racing Integrity in the last few weeks, which means that we will now advertise the cadet role that has become vacant.

Ms Edgecombe, who is 32, has lived in Launceston for about four years, 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 full-time work and has hopefully set herself up for a long and rewarding career in the Office of Racing Integrity. This is a great result and demonstrates the program's success in promoting career pathways and attracting new participants in this important industry. As a result of this appointment, advertisements will be placed shortly to fill the cadet vacancy. I'd like to take this opportunity to urge anyone interested in a rewarding career path within the industry to apply.

It's an exciting development.

**Mr WILLIE** - This is probably a Tasracing question so it is up to you if whether you answer it; but it is in our electorate, the Elwick Racecourse. Is that on track to be finished by the Hobart Cup next year?

**Ms ARCHER** - It is. It is something that's being managed by Tasracing, but I can indicate that it is on track.

**CHAIR** - I am pleased that Mr Willie got that question in before anyone else asked it.

**Mr DEAN** - Now, I always have trouble pronouncing this word - oripavine.

**Ms ARCHER** - Oripavine.

**Mr DEAN** - This has been an ongoing issue now for a long time and it has caused a lot of problems, a lot of concern, for people involved in the industry. The good reputation of a number of people has been severely tarnished. I, with the member for Launceston and the member for Rosevears, met with some of the racing area in relation to this matter and this was one of the issues raised. It is obtained out of feedlots, because of the poppy growers and so on, and these people are feeding their stock and do not know it is in the product at all, and they are being swabbed of course and found that they're positive to that. It does not enhance the ability of an animal, so we are told, and doesn't stop it from also racing at its best level either. What is the position with it, minister? Is it going to be looked at and considered? It will probably become a bigger issue in this state with the way poppies are growing and so on.

**Ms ARCHER** - Before I go to Mr King, because I'm sure he can provide far more detail on the more technical aspects of it, but as you've identified, obviously it originates from a particular type of poppy. It is regarded by veterinary officers as performance-enhancing or toxic at various levels. I can confirm that over the past year, certainly since there was one detection on 24 April last year, that there has not been any occurrences since then, so it is not an unmanageable problem.

What ORI is doing in relation to that is working with Poppy Growers Tasmania, with AgriGrowth and the racing industry to develop and implement education strategies around that to alert the racing industry of the risks of feeding opiate-contaminated feedstuffs to horses, and also the obligation of poppy growers to control poppy regrowth. I don't know if Mr King wants to add anything around that education aspect of it, but I just wanted to clarify that there haven't been any further detections.

**Ms ARMITAGE** - Before you go to Mr King, can I add something from that meeting, some notes that I took? I think it is important to add this little bit. We were told that a carload of stewards turn up at your farm four weeks later and test your oats and lucerne. They take 200 grams and then they say there is no evidence to support the claim that it is feed contamination, although you have loads of oats and lucerne - and that was from someone we actually met with. They thought the process was wrong; they said there is no evidence to support their claim and they were basically guilty.

**Mr DEAN** - And these people talking to us are virtually in tears, as one person was. You know who I am talking about, who has been involved in the racing industry all their life. It has just been a horrible situation for them, as they said, tarnished with being a cheat. That's what they say, they're tarnished with being cheats.

**Mr KING** - I can address a little bit of detail there. I suppose the conflict here is the advice that we receive in relation to whether oripavine is performance-enhancing. The advice that we receive from RASL - the Racing Analytical Services Ltd - which does all the drug testing, is that at different levels it can be therapeutic. It can also be performance-enhancing. It can also be toxic at all those various levels.

There is no actual use for the drug, so that is the problem we have. It has been suggested perhaps we could have a threshold in Tasmania because we are unique, and we have the thebaine poppy. That would put us at odds with the national rules. We are seeing that in other states with other medications and potentially performance-enhancing drugs, with Victoria against New South Wales, and that there's real conflict there, and it's not something we really want.

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The other problem is that because it is against the rules, whilst there may be people who are detected with this drug, their reputation as you said is in tatters or smeared. We also have to weigh that up against the other competitors in the race, who are racing with a clean animal and have presented their animal drug free. What do we do with that situation, when they claim that they shouldn't be competing against an animal that does have a prohibited substance under the national rules?

We are still looking at it very closely. We know it is a sensitive issue, but it is not as clear as simply introducing a threshold. Unless it is national, it will present a whole heap of new problems.

What we are doing is continuing in the education, as the minister said. We are liaising with the poppy growers, but just as importantly, we are talking to the industry at all our industry meetings. It would seem that when it is highlighted - and this is anecdotal, I will point out - that there is a lot of information out there about the dangers and watching where you get your feed from, we don't seem to have the detections.

That could be a combination of the growers being more careful with their regrowth, because we're in that space. It also could be the trainers buying their feed from places that are less risky. They are only in poppy-growing areas.

We aim to continue with that education. We also, in the background, have Racing Analytical Services looking at the Tasmanian situation. Whilst we report so many positives over the years, we do understand that there is potentially a screen limit in the labs, which is much, much lower, it is not recorded to us. We have asked Racing Analytical Services to start recording those really minuscule amounts to see if it is right across the population of racing animals, or in fact, it is just one or two, to help us understand the issue.

I think, potentially, on a national level, the situation might get some more attention as there are more poppy crops grown in other places throughout the country.

It is not as clear-cut as just putting a threshold in.

**Mr DEAN** - I think it has been accepted it was not deliberate in this one instance, and the people would be happy for me to give their name. I won't just here, but I am happy to do that at a later time. It wasn't deliberate; they had been racing for, I'm not sure how long, 30 to 40 years without breaches and so on, without any real issues.

In all of the circumstances, could it be considered that the record could be cleansed? Could there be something done? I think they were fined. I'm not quite sure what the amount was. I can soon get those details. Because it wasn't deliberate, they weren't aware of this substance being likely to be in the food, this was about two or three years ago. Surely there is something that could be done in the circumstances to help these people? They get teary-eyed when you talk to them about it.

**CHAIR** - This is an individual issue and I think we're mindful -

**Mr DEAN** - It is identifying though, what this substance is doing. There are others involved. It is not just once. It is an example.

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**Ms ARCHER** - It's by no means a simple solution, because we have to balance issues here. Just in relation to that last -

**Mr KING** - I suppose in that instance you mentioned a deliberate act. I don't need to point this out, there is a big difference between a deliberate act and then potentially not showing enough care. There is a range of actions there.

I know the case you are talking about. It was taken to appeal through the Tasmanian Racing Appeal Board, and that process effectively has done what you are suggesting we need to expunge. The penalty issued originally by the steward, which I don't recall what it is, was withdrawn by the track.

That is a public process and that has already occurred.

**Ms ARMITAGE** - I think they were concerned with the process, too. They had a lot of oats and lucerne there, and they took 200 grams.

**Mr KING** - With the process around the drug positive. What you are describing is exactly what happens. We do send a carload of stewards to a property. At least two, sometimes four.

The idea is when we do get a drug positive, we report to the trainer as quickly as possible for a number of reason welfare issues and also to prevent them from renominating an animal and being caught again. We go there to gather evidence in relation to the husbandry and treatment the animals undergoing at the time. One of the things we do is take a sample of the feed, because there is no other way we can do it. You can have a silo.

**Ms ARMITAGE** - They would have liked the stewards to have taken some samples of some of the other oats to show it was not just that bit of feed.

**Mr DEAN** - How many bookmakers are currently registered in the state and are they increasing or decreasing. Have there been any issue or concerns with any of those bookmakers?

**Ms ARCHER** - There are six bookmakers. As to any concerns I am not quite sure how Mr King can answer without talking about individual circumstance, so, if you can generally -

**Mr DEAN** - Any complaints in relation to bookmakers?

**CHAIR** - Does that come to ORI?

**Mr KING** - There are corporate bookmakers on the internet and they apply to Tasracing to be able to make the fields available for betting on. We do have traditional bookmakers at the track and there are six of those in the state, also six agents of those bookmakers who are like assistants.

**CHAIR** - They don't have their bag over their shoulder anymore.

**Mr KING** - They do and can also have laptops. I have not received any information since I have been in this role that has given me any concern. We are currently going through a registration process for the following year and that process involves us reminding the bookmakers of their obligations and reporting obligations. I do not have any concerns at this point.

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**Ms ARMITAGE** - For ORI, could you tell me the FTE please?

**Ms ARCHER** - As at March 2019, the FTE was 26.37.

**Ms ARMITAGE** - Can you also tell me the number of staff on sick, stress leave or workers comp for the last financial year? My advice is a few have, but that might not be correct.

**Ms ARCHER** - You are talking about ORI?

**Ms ARMITAGE** - Yes, that was the advice given. I was told morale at ORI was quite low and people had been on stress leave. It may or may not be correct.

**Ms ARCHER** - There is only one as a result of a trip, slip or fall.

**Dr WHITTINGTON**- We have had one workers compensation claim lodged in the period July 2018 to 31 March 2019.

**Ms ARMITAGE** - Do you have an inordinate amount of sick leave for the previous financial year? Whichever figures are easier for you.

**Dr WHITTINGTON** - I don't think I have sick leave data to hand. I would have to take it on notice.

**Ms ARMITAGE** - Please take it on notice. One other question about stewards - there has been advice there has been a shortage of local racing stewards: has that been addressed?

**Ms ARCHER** - That is the reason for our training cadetship stewards in recognition of the fact that we want to be training Tasmanians.

**Ms ARMITAGE** - What is the number of stewards we have?

**Mr KING** - We have 10 stewards. We have three chairmen, each of whom leads the codes. What you are referring to is a bit of history really. Over the last couple of years there have been some issues with a lack of stewards and at one stage we did have some interstate stewards coming in to assist. Race day goes on and we need stewards to keep the ball rolling. In the past 12 months -

**Ms ARMITAGE** - That is my next question. Are you bringing in stewards from the mainland?

**Mr KING** - No.

**Ms ARMITAGE** - Not anymore.

**Ms ARCHER** - We did have to, to boost numbers, but no longer.

**Ms ARMITAGE** - Thank you.

**Mr DEAN** - Does the registration of horses come under ORI?

**Ms ARCHER** - It does.

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**Mr DEAN** - There is a lot happening in the breeding program for harness racing in particular and thoroughbreds, and I understand it is dropping right off. That is the information I have. I hope to ask those questions in another area and I will do that. Is the number of horses being registered in all areas decreasing? I don't have the figures and couldn't find them in this.

**Mr KING** - I haven't provided that information on the number of racing animals per code. It is something we could report on if you need that.

**Mr DEAN** - If I could get that. I would like it over the previous three years because it is going to further questions I will be asking in this area on notice the week after next. I will put them on notice through the Legislative Council because they fall in the area of Tasracing.

**Mr KING** - Breeding and racing numbers are a balancing act. We have an industry. We would like to breed more to ensure we have enough animals to the fields, but we also have a welfare concern around what happens to all the animals after they finish racing, if I can use the greyhounds as an example.

**Mr DEAN** - That was going to be another question: what happens to them and what control do you have over that?

**Mr KING** - Yes, it's quite a balancing act and we are quite aware that although there are parts of the industry that would like to breed more, it is something that I am monitoring because I don't want to see it go the other way where we have too many racing animals and it becomes a welfare issue.

**Mr DEAN** - If I could get that on notice. What does ORI do in relation to the monitoring of these animals once they have finished racing? What is the responsibility of ORI?

**Ms ARCHER** - Are you talking about a specific code?

**Mr DEAN** - I think it relates to the thoroughbreds, harness and trotting. ORI has a part in that surely, or don't they?

**Mr KING** - We monitor the lifecycle of all the animals, the pacers and the trotters, the gallopers and the greyhounds. All the participants notify us of their movements and also of their retirement. We don't have a role after the animal is retired from the racing industry.

**Ms ARCHER** - It is only while they are racing that ORI obviously has that responsibility.

**Ms ARMITAGE** - I have one last question. Is Regu-Mate still allowed or has that been stopped in Tasmania? I was advised it does stop a mare coming into season and without it sometimes colts get frisky and can become quite dangerous.

**Ms ARCHER** - That is definitely a question for Mr King, not me. I won't go there.

**Ms ARMITAGE** - It was felt that there needs to be a local ruling about it. Has it been stopped?

**Mr KING** - I don't have that information. This could be the one that I referred to earlier where there is a different view from the states and there have been local rules passed by one or the other of the larger states, which is causing a bit of a problem.

In Tasmania, right across our codes, we stick with what the national body is recommending. I would have to look that one up.

**Ms ARMITAGE** - If you could take that on notice. It is Regu-Mate and it stops a mare coming into season.

**Mr KING** - Only whether it is still able to be used?

**Ms ARMITAGE** - If it is able to be used and whether there needs to be a local rule and it should be looked into. I can always bring that up at GBE time and can go further into it. Initially, it was raised in the meeting with the members for Windermere and Rosevears and I had with some of the local trainers that they consider it is dangerous when they can't give that to their mares because the colts become frisky.

### **Grants and subsidies -**

**CHAIR** - Moving on to Grants and Subsidies. There was a significant announcement in the Budget with regard to the new wagering tax. Because half of that money is going to be put into the industry, will that show in Grants and Subsidies? It is certainly not in the forward Estimates. Is there a quantum we are looking at?

**Ms ARCHER** - This issue is within the Treasurer's portfolio, but I am prepared to address it generally because it is to do with racing. It is something that has been the subject of national discussion and Tasmania is the last state to do so. The initial feedback from the racing stakeholders has been largely positive.

The percentage of the share is the subject of consultation with the industry and stakeholders to ensure the best possible outcomes. Nothing is set in concrete and that is why it doesn't show in the forward Estimates because that is yet to be consulted. The various parts of the industry have been pushing for it for some time and we want to thoroughly consult on the finer details of it.

**CHAIR** - Okay. That is about the tenth time I have asked that question and I still haven't got an answer. I will keep working on it.

**Ms ARCHER** - It is something that has come up for many years and we have said no, we are not introducing it, so I am pleased to confirm that we are now.

It is a tax on corporate bookmakers, it's not a tax on Tasmanians. It brings us into line with other states.

**CHAIR** - I understand that.

Minister, on behalf of the committee, thank you very much for a very long day. We particularly thank Dr Whittington and Mr King, who have put in the graveyard shift and are still here at the end. We know that a lot of work goes into preparing for the Estimates process.

**Ms ARCHER** - I thank all from my department who may still be listening. You would be surprised at how many of them still do watch. They obviously have a significant interest and they

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prepare a lot of work for these Estimates. I appreciate that the Legislative Council members always ask questions relating to the Budget. For that we are very grateful.

**CHAIR** - We do our best to get out of the overview and get into the line items.

**Ms ARCHER** - It is a thorough examination always.

**CHAIR** - Thank you very much and much appreciated.

**The committee adjourned at 6.44 p.m.**