

# UNCORRECTED PROOF ISSUE

Tuesday 28 June 2011 - Estimates Committee B (Wightman) - Part 1

## LEGISLATIVE COUNCIL

## ESTIMATES COMMITTEE B

Tuesday 28 June 2011

### MEMBERS

Mr Dean  
Mr Farrell  
Mr Finch  
Mr Gaffney  
Dr Goodwin  
Ms Rattray (Chair)  
Mrs Taylor

### SUBSTITUTE MEMBERS

### IN ATTENDANCE

**Hon. Brian Wightman MP**, Attorney-General, Minister for Justice, Minister for Environment, Parks and Heritage

#### Department of Justice

**Lisa Hutton**, Secretary  
**Michael Stevens**, Deputy Secretary  
**Robert Williams**, Deputy Secretary  
**Greg Partridge**, Acting Director of Prisons  
**Chris Jacoora**, Department Liaison Officer  
**Kerry Worsley**, Manager, Crown Law  
**Jim Connolly**, Administrator, Magistrates Courts  
**Mark Cocker**, Acting Director, Monetary Penalties Enforcement Service  
**Len Armsby**, Director, Office of Legislation Development and Review  
**Norman Reaburn**, Director, Legal Aid Commission of Tasmania  
**Elizabeth Knight**, Registrar, Supreme Court  
**Chris Batt**, Director, Office of Consumer Affairs and Fair Trading  
**Ginna Webster**, Director, Community Corrections  
**Stephen Morrison**, Director, Finance  
**Debra Rabe**, Manager, Victims Support Services  
**Julian Type**, Electoral Commissioner

# UNCORRECTED PROOF ISSUE

**Jane Bliss**, Acting Registrar, Guardianship and Administration Board, Mental Health Tribunal,  
Forensic Tribunal  
**Robin Banks**, Anti-Discrimination Commissioner

**Simon Allston**, Ombudsman  
**Tim Ellis**, Director of Public Prosecutions  
**Barbara Etter**, Integrity Commission

## **Department of Primary Industries, Parks, Water and Environment**

**Kim Evans**, Secretary  
**Michele Moseley**, Deputy Secretary  
**Robert Cockerell**, General Manager, Corporate Services  
**Kane Salter**, Manager, Finance  
**John Whittington**, Deputy Secretary  
**Kate Kent**, General Manager, Information and Land Services  
**Alistair Scott**, General Manager, Resource Management and Conservation  
**Brett Noble**, Director, Policy and Projects Group  
**Alex Schaap**, Director, EPA Division  
**Peter Mooney**, Deputy Secretary, Parks and Heritage  
**Pete Smith**, Director, Heritage Tasmania  
**Steve Gall**, Director, Aboriginal Heritage Tasmania  
**Lesley Kirby**, Director, Royal Tasmanian Botanical Gardens  
**Brooke Craven**, Specialist Policy Analyst

## **Ministerial Office**

**Denise McIntyre**, Head of Office  
**Brad Arkell**, Adviser  
**Alison Wood**, Adviser

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

**CHAIR** (Ms Rattray) - Minister, welcome. Can we offer, firstly, our congratulations on your first time at the Estimates process as a minister. We look forward to an enlightening day.

Minister, it is my intention today to start with output 1, 1.1, which is Supreme Court Services, and work our way through. We have got a bit of a timetable here: probably between 9 and 11 for Attorney-General; between 11 and 12.30, or around that mark, for Justice. We thought maybe you could have 10 minutes or so into the lunch break if we need to finish off that particular output group.

**Mr WIGHTMAN** - Sorry, which one was that?

**CHAIR** - That is Minister for Justice.

**Mr WIGHTMAN** - Okay.

## UNCORRECTED PROOF ISSUE

**CHAIR** - Between 11 and 12.30. And then at two o'clock we intend to go to the DPP, then the Integrity Commission and the Ombudsman.

**Dr GOODWIN** - Madam Chair, can I just interrupt. I think we agreed that we were just going to merge Attorney-General and Minister for Justice together for that whole session.

**Mr WIGHTMAN** - It is very difficult to separate.

**CHAIR** - You can't separate them?

**Mr WIGHTMAN** - No.

**CHAIR** - You might be surprised at what this committee can do!

**Mr WIGHTMAN** - I would never doubt the intellect of the committee.

**CHAIR** - We will just go to output groups as they come. I would like a bit of order, so we will see how we go. Thank you for that. I expect from about three o'clock onwards we will start with Environment, Parks and Heritage.

Minister, I have taken the opportunity to already sign a letter to Madam President to indicate that we could need to sit beyond five o'clock. We have nine hours, so we will see how we are going as the afternoon progresses. I can just indicate that yesterday we worked through to 7.30, with just an extra small break around 5.30. So that gave people a chance to stretch their legs and take a coffee break. We will just play it by ear a little bit and, as I said, we will invite you to introduce your crew and then provide a brief overview of your department.

**Mr WIGHTMAN** - Thank you very much, Madam Chair. I will go from my left: Denise McIntyre, who is my head of office; Cameron Lee, who is my senior adviser; Lisa Hutton, my secretary; Michael Stevens; and Robert Williams.

**CHAIR** - Some of whom we know very well, Minister.

**Mr WIGHTMAN** - Thank you, Madam Chair. I look forward to today and certainly having a good discussion and conversation with you all and providing as much information as I certainly can. I do not have an issue with questions being asked, particularly specific questions of staffing. I encourage that. So I look forward to taking as many of those questions as I can and also using my secretary and deputy secretary as well.

**CHAIR** - Thank you, Minister. We appreciate that, but it is protocol that the questions go to the minister and then they are allocated after that; otherwise, the team on this side might just decide anyone is a free-for-all.

**Mr WIGHTMAN** - I would like to make some introductory comments and then offer you some discussion around the overview, if you would like, before we move to outputs. I welcome the opportunity to discuss with the committee the outputs which make up the Justice portfolio. It would assist me, and no doubt members of the committee, if we can work through them in the order in which they appear in Budget Paper No. 2. This will also ensure that I have the relevant advisers on hand for each output. There are a number of people whom we will require at the table. I will be trying to answer as many questions as I can today during the session, but I recognise that

## UNCORRECTED PROOF ISSUE

from time to time some of the more detailed questions will need to be taken on notice. Where I can avoid doing that though I certainly will. For the first time we have a specific block of time set aside after the Department of Justice outputs for the three bodies which form part of the Justice portfolio but which do not form part of the justice department for budget purposes: the Ombudsman, the DPP and the Integrity Commission. I look forward to that discussion too, especially in terms of the Integrity Commission, which is a very new agency.

Perhaps the first thing I should say about the Justice budget for 2011-12 is that it is mostly a case of steady as she goes. The department will be making the savings required on a whole-of-government basis through measures such as vacancy control and reducing the cost of cars. On top of that there are some specific savings to be made in particular outputs, but these will be discussed when we get to those outputs. But steady as she goes does not mean that we are standing still. There are a couple of areas in the portfolio that will see significant change during the year and into the period of the forward estimates. The Magistrates Court of Tasmania is making greater and greater investment in therapeutic jurisprudence. This is an approach to justice that can take into account, where appropriate, the special characteristics of an offender in dealing with them in court. It is not about soft options, but it is about preventing reoffending.

So far in Tasmania this has included the mental health list, court mandated diversion for drug related offending and the latest initiative, the youth justice pilot, in the Hobart Magistrates Court running during 2011. The pilot sees a magistrate dedicated to hearing youth justice matters to allow them to be dealt with more quickly and, more importantly, to deal with alleged young offenders in a holistic way rather than a series of unrelated charges. As any parent knows, punishment or other intervention is more meaningful the closer it is delivered to the event. The early indications are that the pilot is succeeding in having cases listed much faster. This is not just thanks to the court, of course. The prosecution and defence need to be ready to go when the case is listed and the youth justice workers from DHHS have also been ready to play their part. The court has shown commendable leadership in bringing all of these elements together to get the pilot underway and I look forward to seeing the final evaluation.

One area of business the court no longer has to deal with is the high volume of minor traffic and other matters which used to include a court step before fines and other penalties could be collected. Frankly, this was a great waste of everyone's time and making this an administrative process for the vast majority of cases through the Monetary Penalties Enforcement Service was a great step forward. Like therapeutic jurisprudence, MPES also takes a client centred approach. Instead of a whole lot of agencies sending notices to the same person about a range of fines, MPES can deal with a person and the fines they owe as a package. It can be hard to face up to debt. It is frightening and the temptation is just to shove the notices in the bin or not to open them at all. MPES tries to work with clients to find ways for them to pay off their debt at a rate that is manageable for that client. This does not dilute the deterrent factor of the penalty but it makes it much more likely that the penalty will be paid in the end. The proof is in the current MPES collection rates, which have all increased in the past year.

The final thing I wanted to mention is the increased effort which is going to go into recouping from offenders the money paid as criminal injuries compensation to victims of crime. We are being realistic about this. Collection rates in other places that do it is only around six per cent. There are a number of reasons for this. Offenders are often the least able to pay, especially while serving a term of imprisonment, but this does not mean that we should not try. Repayment orders are being made by the criminal injuries compensation commissioners but we need to improve our processes for enforcing these orders, and I expect to be bringing legislative changes

forward which will take effect no later than 2012-13.

**CHAIR** - In relation to questions on the overview, I think most of those areas will be covered by members wanting to deal with each output group so I will invite Mr Gaffney to kick off in 1.1, Supreme Court Services.

**Output Group 1  
Administration of justice**

**1.1 Supreme Court Services -**

**Mr GAFFNEY** - There are a lot of us here who possibly do not know, because of the different agencies within Attorney-General and Justice, so could someone give us an overview of the staffing numbers and how that is worked out with responsibilities and wage packets so that we do not come back to this question all the time?

**CHAIR** - Usually they come flying across from both sides, Minister. That is the normal practice.

**Mr GAFFNEY** - While you are looking at those numbers for me, the second question would be: could somebody give us an indication of perhaps sick leave and staff stress leave so that we have an overview of what is happening within your portfolio?

**Mr WIGHTMAN** - Certainly. The administration of Justice, which includes the Forensic Tribunal, Guardianship Board, Legal Aid Commission of Tasmania, Magistrates Court, Mental Health Tribunal, Monetary Penalties Enforcement Service, Public Guardian, Supreme Court and Victim Support Service, has an FTE of 243.9. Central office, which is corporate services and the Office of the Secretary, has an FTE of 74.5. Obviously as Attorney-General I am across the whole of the agency. Some of these include Minister O'Byrne and Minister McKim as well. These figures are as at June 2011.

Consumer affairs has an FTE of 28.6; Corrective Services, Tasmania Prison Service and Community Corrections 422.3; electoral services - which is the Tasmanian Electoral Commission - 9.8; industrial relations services 13.5, which is made up of the Tasmanian Industrial Commission and the Workers Rehabilitation and Compensation Tribunal; legal services 76.7, which is made up of Crown Law and Legislation Development and Review; other services such as the Poppy Advisory and Control Board 6.8; Registration services 8.1 - which is Births, Deaths and Marriages; resource planning 39.6, which is the Resource Management and Planning Appeal Tribunal, Tasmania Planning Commission, the Sullivans Cove Waterfront Authority; review services, which is the Office of the Anti-Discrimination Commissioner 11.5 FTE; Workplace Standards Tasmania 161.7, which includes WorkCover and Workplace Standards Tasmania. As you can see, there are a number of areas in this portfolio and it totals around an FTE of 1 096.8.

**Mr GAFFNEY** - Just a quick snapshot of stress leave, that sort of thing. And if so, is it within any certain department that there is a concern?

**Mr WIGHTMAN** - I will ask the deputy secretary to take that one.

**Mr STEVENS** - We can get the numbers for you on stress leave. I have got some information on sick leave. The sick leave average across the department is 6.7 days.

## UNCORRECTED PROOF ISSUE

**Mr DEAN** - For each person?

**Mr STEVENS** - For each person. Probably a little more information which you would find helpful is that the Tasmania Prison Service is about 13.7 and the agency less. Sorry, the state service is 6.7, less the Tasmania Prison Service is 5.5 and for the prison service 13.7.

**Mr DEAN** - The prison service is 13.7.

**Mr STEVENS** - Yes.

**Mr DEAN** - It correlates with their overtime.

**Mr STEVENS** - For workers compensation it is also up this year and, as you are aware, there were a number of incidents in the prison last year which resulted in an increase in workers compensation. Our total numbers for 2011 were 76 claims being lodged, which is up from the last couple of years by about 30 per cent.

**Mr GAFFNEY** - I have three questions then. The allocation of funding in the area of Supreme Court services increased by \$564 000 from the 2010-11 budget when it was \$9 467 000 to \$10 731 000 in 2011-12 whereas the forward estimates for the area have seen an increase in figures of 287, 240 and 191. Can you explain the high increase in funding for the current budget year for the Supreme Court of \$564 000?

**Mr WIGHTMAN** - Bear with me. There is an explanation. The way that the Budget is set up is that overhead costs, which essentially include corporate services and the Office of the Secretary, do not actually have an allocation of their own within the Budget so they are spread across each overhead. In accordance with the Treasurer's instructions and in fact our own output methodology, we rebase those overheads every three to five years and this Budget actually has rebased those overheads.

[9.15 a.m.]

It is almost an accounting trick where you allocate the costs of corporate services and Office of the Secretary across all outputs and it reflects the amount that those outputs actually use in the nominal sense. I could say that the most important thing I guess for the purpose of today is that the actual allocation that goes to the Budget output for use has not changed; it is just that the overhead as allocated within an income factor plan includes a cost of the overhead.

**Mr GAFFNEY** - That would explain that in last year's Budget this one was going to be \$9 684 000. It is actually \$300 000 greater than was indicated last year.

**Mr WIGHTMAN** - Yes, for this particular output. So if you added all the outputs up you would find that in fact the overhead cost has not changed at all; it has just been reallocated to different outputs.

**Mr GAFFNEY** - Thank you. My last question is that, given that most recent performance measures available for the area from the 2009-10 year indicate there have been increases in percentages of pending cases older than 12 months up 2.5 per cent in the criminal jurisdiction and 4.8 per cent in the civil jurisdiction over the previous years from 2008-09 - and that is not there because those figures are the same - what measures are being put in place to ensure that the

figures do not continue to increase at such a pace? Assuming these percentage increases over the delays in cases, what within the organisation of the Supreme Court services is going to start that trend to go down?

**Mr WIGHTMAN** - Would it be helpful if I just gave some background and an overview about the Supreme Court? That might just lead into answering some of that question.

**Mr GAFFNEY** - And if it does not we will go back to it.

**Mr WIGHTMAN** - Yes, that is fine. The two primary indicators are the backlog indicator, which measures the age of the court's pending caseload against time limit standards, and the clearance rate, which is finalisations and lodgements, which indicates whether the court is keeping up with the caseload. In the criminal jurisdiction it is pleasing to see that the Supreme Court has maintained a low criminal backlog indicator in the proportion of pending cases older than 12 and 24 months. Of the pending non-appeal cases, 12.1 per cent was greater than 12 months old at 30 June 2010. This includes the four per cent which were greater than 24 months old. The Supreme Court has maintained this low backlog indicator despite an increase in the number of pending cases. As we said, it was 180 in 2006-07, 107 in 2007-08, 312 in 2008-09 and 321 in 2009-10. I understand that the increase in pending cases is as a result of changed criminal procedures which commenced in February 2008. The new procedures aim to minimise the number of attendances by defendants and shorten the time a case spends in the Magistrates Court before progressing to the Supreme Court. Generally while the new process increases the time a case spends in the Supreme Court, the overall time for the court process from first appearance in the Magistrates Court to finalisation in the Supreme Court is actually shorter. The clearance rate for criminal matters was 95.7 per cent, which indicates that the court is managing its criminal workload effectively, and the clearance rates for cases lodged over cases resolved is 95.7.

In the civil jurisdiction at 30 June 2010, 38.4 per cent, depending on appeal cases, were older than 12 months. This included the 11.8 per cent older than 24 months. Comparison of the backlog indicator across jurisdictions can be difficult for a number of reasons, including the different court structures around the country. Looking only at the jurisdictions that have a two-tiered court system - Tasmania, ACT and Northern Territory - Tasmania has the lowest percentage of civil non-appeal criminal cases in both categories, and that is older than 12 months and older than 24 months. The age of pending cases in Tasmania's Supreme Court may be due to the court's active case management process which focuses on ensuring cases are ready for trial. Once cases are ready for trial, there is a minimal delay in listing them before a judge. The clearance rate for civil matters was 118.3 per cent, which indicates the court is managing its civil workload. Cost per finalisation is a measure of efficiency used nationally. The cost per finalisation in the Tasmanian Supreme Court continues to be at the lower end of the scale.

**Mr GAFFNEY** - From that in relation to the targets that you have set for this year, 2011-12, in the Supreme Court, both criminal and civil, are you hopeful to reach those targets?

**Mr WIGHTMAN** - Yes. With regard to national targets, obviously in the civil jurisdiction that is difficult to compare nationally because we have a two-tiered court system as opposed to a three-tiered court system in other States, including the county courts for example in Victoria. So in the Supreme Court non-appeal cases, it is 12.1 per cent in Tasmania - and this is cases pending greater than 12 months; in New South Wales it is 16 per cent; Victoria, 30.6; Queensland, 17.2; South Australia, 14 per cent; ACT, 38.4; and Tasmania coming in at 12.1. That is not too bad a result.

**CHAIR** - There was a coloured version on the other side, Minister.

**Mr WIGHTMAN** - Yes, he has this highlighter strategy which I am not quite across yet. It will take time.

*Laughter.*

**CHAIR** - Mr Dean?

**Mr DEAN** - I have just a couple of questions and it is the same questions I will be asking when it comes to the magistracy as well.

**Mr WIGHTMAN** - Yes.

**Mr DEAN** - How many cases are currently being delayed within the Supreme Court relative to lawyers not having appropriate access to their clients? What is the impact on the court?

**Mr WIGHTMAN** - I cannot give you a definitive answer on that.

**Mr DEAN** - Can I get the answers? Can you get the answer?

**Mr WIGHTMAN** - I am not sure if we track that data.

**Mr DEAN** - It is an issue and it is a concern. It has been raised by courts.

**Mr WIGHTMAN** - So it is access of clients to lawyers?

**Mr DEAN** - It is Supreme Court matters not being able to proceed because lawyers have not been able to gain access to their clients.

**Ms HUTTON** - I presume Mr Dean was talking about access to defendants who are actually on remand.

**Mr DEAN** - Yes, I am.

**Ms HUTTON** - Or all people?

**Mr DEAN** - No, those on remand in the prison system.

**Ms HUTTON** - You may ask Robert to comment on that.

**Mr DEAN** - Rob?

**Mr WILLIAMS** - I think this was an issue that was raised yesterday in terms of the Law Society comments. Recently we have provided the Law Society with some data about the use of the available time slots for client access. We were expecting them to come back to us because it was raised yesterday that perhaps the time slots that we have recently increased are not the ones they need. So we are in a sort of negotiation phase with the Law Society on this. What the data did show was that the rate of the utilisation of the professional visits slots in the prison system



## UNCORRECTED PROOF ISSUE

was very low. There were a lot of vacant slots. We are not quite sure why the criticism is coming. We have also offered in a draft MOU to the Law Society an emergency number so that if someone needs access to a client and it does not fit the normal schedule they can access a manager - a senior manager - who will effect an alternative arrangement. We are hoping that what we have put in place - and when we have further discussions with the Law Society - will actually put paid to this issue.

**CHAIR** - Has anyone used that special number?

**Mr WILLIAMS** - No.

**CHAIR** - No? How long has the MOU been in place?

**Mr WILLIAMS** - The draft MOU went out earlier this year and I think, as Minister McKim said yesterday, the Law Society came back and said they were not happy with it. We have produced another one and also changed our procedures. Then we have sent them the data. I am waiting for a response from the head of the Law Society on that matter. So I am pretty confident we can work through this, have a standard set of arrangements and an alternative arrangement if the standard set does not work in any particular case. We are pretty conscious of that being an issue for lawyers.

**Mr DEAN** - My next question follows on, if I can, from that. In particular this has been an issue or a concern in Launceston in the north of the State. The question relates to the magistracy as well as the Supreme Court. Lawyers, to my understanding, have been asking for magistrates orders for prisoners to be conveyed to Launceston for contact with their solicitors, their lawyers, and there is a breakdown there as well. So is that issue being -

**Mr WIGHTMAN** - From the north-west coast?

**Mr DEAN** - No, Launceston, the north of the State. It is probably happening in the north-west as well; I do not know. But my information relates to the north of the State. Is that an issue and will that issue be addressed?

**Mr WIGHTMAN** - I will throw to Rob in a moment. I would like to make a couple of comments about my time so far as Attorney-General. Access to justice is a very important aspect of my work and something I really take quite seriously. Increasing access to justice and making sure that it is available in a timely manner is something that I really want to work particularly hard at.

In regard to lawyers right across the State, we have around 600 lawyers across the State, with the majority - 300 or so - based in Hobart and 150 dispersed around the rest of the State. Improving our access to justice is also about working with the lawyers and certainly having numbers of lawyers available in regional areas as well. I certainly, with regard to the solicitors, guarantee funding and the like. We have been doing some work in that area.

**Mr DEAN** - It seems to me, Minister, that you have some work to do there.

**Mr WIGHTMAN** - Yes.

**Mr DEAN** - I know one magistrate in particular - that is under the next area, but it relates to

the same issue, if I may, Madam Chairman.

**CHAIR** - I think we are doing it all together in some respect.

**Mr DEAN** - In fact Michael Hill, the magistrate has complained. He has complained about this lack of access for lawyers to clients and the lack of access to lawyers in Launceston as I understand it. So it is an area that needs some work, obviously.

**Mr WIGHTMAN** - I have had a number of conversations with Michael Hill, whom I highly respect. He is doing a terrific job as the Chief Magistrate in Tasmania. I have had a number of discussions with him and met a number of magistrates and I have had that particular discussion around access to justice. He did not raise it exactly with me as he may have with you in that regard. I also note that the Community Legal Centre and Legal Aid certainly provide access to lawyers and access to advice for people right across the State.

**Mr DEAN** - In protecting Mr Hill, he did not raise it with me but he raised it with some lawyers.

**Mr WIGHTMAN** - So it is hearsay evidence in that regard.

**Mr DEAN** - I would not think lawyers would mislead me. I do not think they would ever mislead anybody.

**Mr WIGHTMAN** - No, I am not disputing that. No, I do not think they would, Mr Dean, but I am telling you that I have direct contact with Mr Hill. I speak with him on a very regular basis. I have formed a really good relationship with him and I absolutely respect the work that he is doing in the Magistrates Court. I am saying that he did not raise it in that way that it was raised to you.

I have a note here from Cam. When I can actually decipher the writing I will read it to you: 'Video link in the witness room at Magistrates Court which lawyers can use to talk to people on remand right across the State'. I have seen that in each of the courts in Burnie, Devonport, Launceston and Hobart that I have visited at this stage early in my Attorney career. Certainly the use of technology in such a video link-up is available as well.

**Mr DEAN** - If I can just get the answer to the question. Lawyers are requiring personal contact. So will there be some changes or will it be considered the position of ensuring that clients are taken to Launceston so that lawyers can have access to their clients? Will that be addressed or at least looked at or reviewed?

**Mr WIGHTMAN** - I would say yes, it is currently being addressed. As I said, the use of video link-up is certainly one way that it is being addressed. I think we need to actually use that technology that we have as much as we possibly can.

**Mr DEAN** - I will now just go on to another question, unless somebody has also got one on this area. I am just going into the jury system as it works in the Supreme Court. Where are we with the jury system? Is the jury system going to be reviewed, or is it remaining exactly as it is?

**Mr WIGHTMAN** - It is remaining the same.

**Mr DEAN** - But in terms of their welfare - jurors' welfare and so on.

**Mr WIGHTMAN** - Yes, I certainly talk to people involved in the Supreme Court and the selection of juries. I think to get a jury pool it takes about 400. There is actually quite a large core of people who obviously have different occupations that excludes them or it might be a mental health issue or something like that - an issue around that. I was talking recently to Justice Wood, I believe, and others about this and about the support that we provide for jurors. One of the points - and I was in the Supreme Court recently having discussions in there - is the absolute serious way in which jurors undertake their role and the terrific work that the Supreme Court in Launceston was telling me about in the way they take on that role and about how important and how valued that is. I understand that for some of the cases that the 12 jurors hear it is actually pretty intense type of work that they do. It is a service obligation that they do, but obviously people have to perform that jury duty. I do not know of the exact counselling around that or what counselling might be provided after -

[9.30 a.m.]

**Mr DEAN** - The reason I ask is that a person very close to me has been caught up in a jury now twice in about three years or four years.

**Mr WIGHTMAN** - It is random.

**Mr DEAN** - And when there is a rejection, this causes them a certain amount of stress within the people who have been called up. Then they are, of course, thrown out as it were - not wanted on that trial. So that is the reason I asked.

**Mr WIGHTMAN** - Just to clarify, but there is no change in that. It is a random call-up. So we cannot really make a change for that.

**Mr DEAN** - But it is the rejection though. When they are called up and they are opposed and -

**Dr GOODWIN** - Nasty lawyers.

**Mr DEAN** - Nasty lawyers. You are right.

**Mr WIGHTMAN** - It does get explained to them at the time. I was talking recently in the Burnie Supreme Court telling them that there is actually a system in Victoria where they simply call out a number in that regard. We still use the names of jurors in our Supreme Court. As I said, I was discussing this in the Burnie Magistrates Court.

**CHAIR** - Is that something that you would consider changing there - to go to the number system?

**Mr WIGHTMAN** - No, not at this stage. I have certainly had correspondence from the Chief Justice of Tasmania, Ewan Crawford, and he articulates that he believes that it should still be name based recognition at this stage. So it is explained to them when they are called up that it is not a personal matter. I have actually found from the Burnie Magistrates Court that the lawyers are actually far more caring in doing that and dealing with jurors who are protested against - challenged; sorry, I will get the correct legal term. The lawyers are far more caring with them than once they were - maybe in your time when you were involved in the Supreme and Magistrates

courts.

**Mr DEAN** - On a common basis.

**Mr WIGHTMAN** - The point that the secretary makes, too, is that we actually have an issue around -

**Ms HUTTON** - It is more of a problem -

**Mr WIGHTMAN** - It is more of a problem not so much of that rejection but of people avoiding jury duty. To try to get a field of jurors for a particular trial, you are looking at getting 400 or so notices sent out.

**Mr DEAN** - What is the frequency then of jurors now being called up?

**Mr WIGHTMAN** - Can I just make the other point? Tasmania is a pretty small community. So conflict of interest issues or knowledge of a particular trial, or you are a teacher - or you might have an occupation that relates to the particular trial - is certainly not uncommon. We are a small community.

**Mr DEAN** - What is the frequency of a person being called up for jury duty?

**Mr WIGHTMAN** - How many adults? One in 200,000.

**Mr DEAN** - No, I mean how often can you be called up - every three years? Four years? What is the duration?

**Mr WIGHTMAN** - No, we do not have a percentage or a rate on that.

**CHAIR** - I have a feeling someone has the answer.

**Mr WIGHTMAN** - Ms Elizabeth Knight is the Registrar of the Supreme Court. She might like to join us at the table.

**CHAIR** - Welcome to the table, Elizabeth. I could see that you might well have the answer that the Minister was looking for.

**Ms KNIGHT** - Because of the random selection process, there is no set number of times that a person will be called up over a particular period of time. It is completely random. So they might be called up once; they might not be called up at all.

**Mr WIGHTMAN** - So it is completely random - permutations and combinations.

**Mr DEAN** - So they can be full-time jurors.

**Mr WIGHTMAN** - You would be pretty unlucky in that regard. Obviously, Supreme Courts then draw on a postcode type of area related to that. We do not make them travel extreme distances to be jurors in our courts.

**Mr DEAN** - Are there any resourcing issues within the Supreme Court, or are they satisfied

with the number of judges that we currently have? Is that moving ahead in the right direction?

**Mr WIGHTMAN** - Yes. From the feedback that I get at the moment, certainly they are able to deal with their workload. I did read the member's point last night. The Supreme Court reported 1.4 judicial officers per 100 000 head of population, which is on par with the national average of 1.2. So it is not too bad at all.

**Mr DEAN** - Thank you very much.

**CHAIR** - Dr Goodwin, our expert.

**Mr WIGHTMAN** - Yes, I am looking forward to the forensic -

**Dr GOODWIN** - Since we are on the jury theme -

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - As I understand it, the Chief Justice regards the jury facilities in the Supreme Court in Hobart, Launceston and Burnie to be inadequate. I am just wondering what is being done to try to improve those facilities. I think disability access is one particular issue that he has raised as well.

**Mr WIGHTMAN** - Dr Goodwin, the one thing that you would know better than anyone else is that it is a bit like when you walk into the House of Assembly for the first time. In our House, you realise how close it actually is within those courts. When I think of the Magistrates Courts and other courts as well, they are older buildings in that regard and the actual set-up of the jury boxes - how they enter the court and all of those logistical matters around that - is not perfect. It is certainly not perfect in that regard. For the Magistrates Court and others - the Supreme Court is obviously an older, heritage listed building; the one I know in Launceston - in that regard there have been some discussions, certainly, that I have had in the courts that I have visited about the logistics, about how witnesses enter, about how those people held on remand enter the court, where the jury sits and the like. Obviously, the cost of remodelling each and every one of our courts would be a pretty difficult task at the moment. Elizabeth, would you like to talk about the work that is being done on the Hobart court?

**Ms KNIGHT** - In Hobart, the jury box seating is being replaced this year to provide individual seats for each juror. Similar alterations are also going to happen in Launceston and Burnie. So the jury seating is being addressed as a priority.

**Mr WIGHTMAN** - Obviously, the old bench seating in these Supreme Courts in particular is fairly uncomfortable if you are sitting there all day. In Burnie they are putting individual seating in, and I think there was a court that was doing building works in Burnie as well around the seating gallery at the back of the courtroom as well. We had a squeaky chair issue out the back there.

**CHAIR** - So is there a disability access issue as well?

**Mr WIGHTMAN** - Yes, in the Launceston Supreme Court. Excuse me for knowing the Launceston court a little better - not that I have ever appeared there, Dr Goodwin. If a juror was in a wheelchair they would sit alongside the jury box. That is certainly something that needs

addressing.

**Ms KNIGHT** - With the new jury seating, part of the planning is to provide the ability for someone in a wheelchair to be seated either within the box or very close to it and also to provide - sometimes the court empanels 14 jurors rather than 12 - extra seating for that. So those plans are in train.

**Dr GOODWIN** - The former Attorney-General, David Bartlett, released a draft bill to stakeholders proposing a model of trial by judge. Can you provide an update on what has happened with that proposal and the other matters in the bill?

**Mr WIGHTMAN** - I hear it is in the Criminal Code Bill, which I have not been given back formally to consider. But we can deal with it in the legislation review section. So I will have some information then.

**CHAIR** - What is the time frame around that?

**Ms HUTTON** - It is in a later output.

**Mr WIGHTMAN** - I am happy to answer it. Within the next few weeks I will actually receive that advice. I have not formally received that advice. Those people will be here later and we might be able to answer it then.

**CHAIR** - We will come back to that question. Put an asterisk against that one, Dr Goodwin.

**Dr GOODWIN** - Perhaps then I will just ask some general questions. There is quite a bit of community angst about the adequacy of sentences, particularly in relation to sex offences. Do you have any plans to address that particular issue?

**Mr WIGHTMAN** - Do you mean sentencing in general?

**Dr GOODWIN** - Sentencing in general but specifically sex offences, because I know particularly on the north-west coast and probably in Launceston as well there has been quite a bit of coverage of concerns about the adequacy of sentences for sex offences.

**Mr WIGHTMAN** - I have considered this a lot. When you take on the Attorney-General role and the justice role, you realise your connection to the law. While it might not always be through an exact legal sense, it is obviously through a common understanding from what you read and what you watch on TV and from previous roles that I have played. I will just talk a little bit about minimum penalties and also some research that we have done which may allay some of your concerns around sentencing.

I appreciate that some sentences can generate anger within the community, particularly from those who have lost a loved one, and I really do understand that. I also appreciate that it is difficult for the public to understand why a court imposed a particular sentence. However, it should always be remembered that the media tend to only report the most newsworthy - and this is not a criticism of the media in any way.

**Mr DEAN** - It sounds like it.

**Mr WIGHTMAN** - I will give you some statistics around that. It is certainly not a criticism. But you would know the majority of newsworthy, high-profile cases, and even then you will only hear particular snippets of the case. You do not get the full understanding particularly of all the evidence offered, and you do not receive the entire picture. In fact, 95 per cent of court cases are unreported, uncontroversial and follow a standard sentencing practice.

The following is a statistic that I found most interesting - one of the most interesting in my time as Attorney-General so far. Members may be interested to know that, in a recent study of Tasmanian jurors from 138 trials, when it came to the actual case the jurors had just heard, more than half would have given a more lenient sentence than the judge and 90 per cent thought the actual sentence was appropriate. When you consider 138 jury trials, that is statistically relevant. That is a huge amount of research done around that. Just to reiterate that point: 90 per cent thought the actual sentence given was appropriate. Now, 138 cases would involve a range of criminal trials, from sex offences right through. That is the point I want to make around that.

**Dr GOODWIN** - I just make the point that the Tasmanian Law Reform Institute produced a report on sentencing a few years ago now. One of the things that was recommended in that report was that the issue of sex offences and the sentencing of sex offenders should be looked at and perhaps referred to a sentencing advisory council in the event that one was established, which of course it now has been.

**Mr WIGHTMAN** - And I am happy to make a couple of general points on the Sentencing Advisory Council while we are on this point. The Sentencing Advisory Council is now fully established, as Dr Goodwin said, and operational. Its first meeting was held in December 2010. Since then, the council has met on a monthly basis. It is undertaking some work relating to arson sentencing and the first of its referrals from the Attorney-General, which is presently with the council awaiting approval. We also referred some work there - this is prior to me taking on the role of Attorney-General - regarding assaults on emergency workers. That is some work that the council is undertaking at the moment. The Sentencing Advisory Council has also begun consultation on the establishment of a sentencing database for Magistrates Court matters to improve the quality of information available and sentencing practices in Tasmania. I just reiterate the point that it is hard to avoid the data around the 138 trials and the fact that 90 per cent of jurors found that the decisions were appropriate.

[9.45 a.m.]

**Dr GOODWIN** - I might be wrong, but I thought that in that study there were some concerns raised or the findings were slightly different in relation to sexual offences and drug offences. I might be wrong about that.

**Mr WIGHTMAN** - I am happy to look at that.

**Dr GOODWIN** - I suppose the question I am asking you is: do you think it is something worthy of consideration by the Sentencing Advisory Council? Do you have any plans to refer that issue to them? I also flag that, as I understand it, the chair of the council did make some comments in the media about this issue and suggested that they would be willing to have a look at it but that they would need some resourcing to do that. I am just wondering whether it is on your radar, whether it is something that you have considered at this point in time. If you have not, well -

**Mr WIGHTMAN** - That is fine. I think the sentencing around sexual offences - as the

Attorney, members of parliament and the general public - is something that is always on your radar, Dr Goodwin, and something that we all take an interest in and sometimes unfortunately take an interest in. With particular reference to sexual crimes, no, I have not considered sending this issue to the Sentencing Advisory Council at the moment other than to say that it is certainly on my radar and I am happy to look at more information around that. We have also asked the Sentencing Advisory Council to look at guideline judgments as they potentially reduce the tension between needing to maintain appropriate judicial discretion and ensuring consistency across a range of cases. While it is not directly about sexual offences or sexual crimes, we are looking at it in a broader sense.

**Dr GOODWIN** - The Sentencing Advisory Council has the capacity to initiate its own research projects presumably.

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - How does it get funding for those things?

**Mr WIGHTMAN** - That is a good question. I will throw that one to Ms Hutton.

**Ms HUTTON** - Dr Goodwin, it is currently funded through the surplus from the Solicitors Guarantee Fund. It has a four-day-a-week researcher who does the heavy lifting for the council. But obviously they do need the skills and knowledge of the individual members. They are a fairly disparate group, but they come from a lot of different disciplines and they have got something to bring to the sentencing debate.

**Dr GOODWIN** - So its core funding comes from the Solicitors Guarantee Fund?

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - What amount?

**Ms HUTTON** - Basically it covers the salary of the executive officer. It has some money for grants for additional consultancies if it needs to. It is really modest.

**Dr GOODWIN** - If it wanted to take on a new project, it would have to take that to you?

**Mr WIGHTMAN** - They would resubmit their budget.

**Dr GOODWIN** - And seek funding again through the Solicitors Guarantee Fund?

**Mr WIGHTMAN** - Which is a terrific fund, Dr Goodwin.

**Dr GOODWIN** - It is.

**Mr WIGHTMAN** - It does a lot of great work.

**Dr GOODWIN** - Is there any capacity in that fund at the moment?

**Mr WIGHTMAN** - As you would know, I think it is legislated - I am sure it is legislated - for \$3.5 million to be kept in there. We actually keep it at \$4.5 million. That is my understanding,



which is something that the former Attorney-General -

**CHAIR** - Which one?

**Mr WIGHTMAN** - Lara Giddings. It is something that the current Premier brought in. While it is under the statute of \$3.5 million, we keep it at \$4.5 million and then have surplus funds above that to distribute for worthwhile legal products right around the State. If they were interested in doing some further work, they could certainly resubmit their budget to me and it might include a proposal for additional research, which we would consider. I would consider those recommendations.

**Dr GOODWIN** - Can I just ask one final question on this sentencing theme, and that is whether you have considered any bail and/or sentencing options such as home detention and electronic monitoring, which gets a mention in the Breaking the Cycle corrections plan?

**Mr WIGHTMAN** - That is a good question. I will let Robert speak about that in a moment. I will just make a couple of general points about that. Yes, I have certainly considered bail conditions. I need to do some further work around that, as you would appreciate, in understanding it. I have talked to magistrates around bail conditions in particular and the process that they actually go through in setting those bail conditions. With regard to home detention and the use of -

**Dr GOODWIN** - Electronic monitoring?

**Mr WIGHTMAN** - thank you - electronic monitoring, it is certainly something that I am willing to consider. I will allow Rob to provide more detail.

**Dr GOODWIN** - Please do not fob me off on this, because I did ask a question of the Minister yesterday and I also asked this question last year. I found that it was getting pushed between the Minister for Corrections and the Attorney-General as to whose responsibility it is. I would like a definitive answer on this, please.

**Mr WIGHTMAN** - Can I just make the point that bail conditions is certainly something that I am interested in and I have talked to magistrates as well - and particularly youth justice around that as well. I obviously have some experience in that regard. There is a major review around it in New South Wales going on at the moment and I would be interested to see what they come up with as well.

**Dr GOODWIN** - Maybe you could just clarify whose responsibility it would be to advance a proposal for home detention or bail with electronic monitoring?

**Mr WIGHTMAN** - For bail conditions?

**Dr GOODWIN** - Both. Home detention as a sentencing option and bail with electronic monitoring.

**Ms HUTTON** - Dr Goodwin, the answer is not one perhaps that you would find very comfortable because it is both. The legislation under which the change would be made is administered by the Attorney and, therefore, the Attorney would need to be the proponent of it, if you like. However, the resourcing would fall in the Corrections portfolio or potentially even the

## UNCORRECTED PROOF ISSUE

Police portfolio, depending on how the Government decided to organise its business. Therefore, it would be a matter where the Attorney would play a lead role.

**Mr WIGHTMAN** - I take the lead role because the Bail Act and the Sentencing Act belong to me but the funds -

**Ms HUTTON** - However, the impacts would fall in -

**Mr WIGHTMAN** - It is one of those crossovers where the impacts would actually fall to Corrective Services. So the legislative role is mine.

**Mr GAFFNEY** - That is a win for you.

**Mr WIGHTMAN** - No, they are whole-of-government responses.

**Ms HUTTON** - Then it would come down to the resources that the Government wishes to put into it.

**Dr GOODWIN** - Of course, but at least we have it on the record now that the Attorney-General would be taking the lead role on this.

**Mr WIGHTMAN** - Because the legislation belongs to me.

**Dr GOODWIN** - So the next time I ask about it, hopefully I will not be fobbed off.

**Mr WIGHTMAN** - I would not do that to you, Dr Goodwin.

**CHAIR** - We might have to tighten up questions and answers if we want to leave sometime today. I just remind everyone.

**Dr GOODWIN** - Sometimes it takes a while to get to the answers.

**Mr WIGHTMAN** - I am trying my best.

**CHAIR** - I am sure you are.

**Mr WIGHTMAN** - You know me well, Madam Chair.

**CHAIR** - We are just trying a strategy over here and we are not sure if it is working. It is my understanding that in the Magistrates Court there is a contest mention process. So is there any consideration being given to using that system in the Supreme Court?

**Mr WIGHTMAN** - In the Magistrates Court Michael Hill is using it, and a number of the other magistrates are using it as well and are keen to keep working on that. It would require a different model to the Supreme Court. I have not had an opportunity to meet with the Chief Justice yet because he has been away. It is certainly a proposal that we have and something that we are going to discuss with the Chief Justice.

**CHAIR** - Okay.

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - But it is working well as far as I can understand. From my discussions with Michael Hill, it is working well in the Magistrates Court. I just make the point it would have to be a different model in the Supreme Court, but I am happy to have that conversation - and I will have that conversation - with the Chief Justice.

**CHAIR** - Is that something you would also discuss with the DPP?

**Mr WIGHTMAN** - Yes.

**CHAIR** - Have you had any of those discussions?

**Mr WIGHTMAN** - No. I have not had discussions with the DPP about contest mentions.

**CHAIR** - Has that office had any discussion -

**Mr WIGHTMAN** - Regarding content?

**CHAIR** - Yes.

**Mr WIGHTMAN** - I am hearing that former Attorney-General Bartlett had discussions with Tim Ellis and the Chief Justice about it. I am saying that in my short time so far I have not had -

**CHAIR** - It is not on the top of your priority list?

**Mr WIGHTMAN** - It is not the first thing - I do not know about that, Madam Chair, but it is not something that we have had an opportunity to discuss yet. But I am meeting regularly with the Crown Law officers.

**CHAIR** - Mr Dean, I think you have something to finish off in this output group and then we will move to 1.2.

**Mr DEAN** - I just want to raise the issue of the backlog and the backlog in relation to -

**Mr WIGHTMAN** - The Supreme Court backlog?

**Mr DEAN** - The magistracy in the Magistrates Court as well. Currently in the Magistrates Courts the target set for this year is to reduce pending cases older than six months back to 30 per cent.

**Mr WIGHTMAN** - Can we do that in Magistrates Court, or did you want to make this about the Supreme Court first?

**Mr DEAN** - I thought we were doing them both together. I do not mind.

**CHAIR** - I was trying to keep them separate.

**Mr DEAN** - If we can separate them, I will keep it under the magistracy area then. The question is going to be under the Supreme Court as well. Is the backlog similar throughout the State or is there a difference in the south, north and north-west in relation to backlog?

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - Would you like to deal with the Supreme Court?

**Mr DEAN** - We can deal with the Supreme Court.

**Mr WIGHTMAN** - So can you just ask your question again?

**Mr DEAN** - We are talking about the backlog older than 12 months in the Supreme Court. Is that backlog different in the different regions of the State or is it similar?

**Mr WIGHTMAN** - I will talk generally about the backlog, but as to the actual split across the regions I would have to ask Elizabeth.

**Ms KNIGHT** - It can be different in different regions. For example, in the last financial year there was a comment made I think by the Chief Justice in the annual report about the number of criminal cases in Burnie.

**Mr DEAN** - Which is the reason I asked the question.

**Ms KNIGHT** - From time to time the situation in the centres is reviewed and if there is a need to perhaps hold an additional set of days in terms of criminal days up there, an additional judge may be made available. It is kept under review and part of the equation is the role of the DPP and his office in presenting cases to the court. Again, the Chief Justice in the last annual report commented that there had been some resourcing issues with the office of the DPP in Burnie. In each centre it is kept under review and action is taken if the Chief Justice considers it warranted.

**CHAIR** - Can we get the list at a later time?

**Mr WIGHTMAN** - A breakdown? Would you like a breakdown?

**CHAIR** - Yes, a breakdown region by region of the Supreme Court and then we will ask the same in magistrates.

**Mr WIGHTMAN** - This might be something you would like to ask the DPP later on today. In a major initiative, the DPP is opening a regional office in Burnie to ensure appropriate statewide services. That might be something you could ask him when he comes in at 2 p.m.

**Dr GOODWIN** - Has any consideration been given to extending the court-mandated drug diversion program?

**Mr WIGHTMAN** - No, not at this stage, because we require Commonwealth funding.

**Dr GOODWIN** - Just in relation to some items in the annual report for the Supreme Court, in 2009-10 \$326 080 was spent on computers and IT compared to about \$200 000 the previous year. I am just wondering what that extra \$100 000 might have been spent on this year.

**Ms KNIGHT** - There has been a project going for a number of years now to introduce a new civil database system into the Supreme Court and Magistrates Court and also the WRCT. The expenditure would be largely related to that, plus we have had some, I believe, need to upgrade some of the other equipment in the court, such as court reporting equipment and

videoconferencing equipment. So it would all relate to the database system in the main, but also other equipment from time to time.

[10.00 a.m.]

**Mr WIGHTMAN** - If I can just make a point about that, the civil registry management system - CRMS - is a good example of collaboration between the courts and tribunals to make effective use of technology. I talked about the increasing importance of technology earlier in the court system. CRMS is a single software system used by the civil jurisdictions of both the Supreme Court and the Magistrates Court. CRMS will be implemented in the Workers Rehabilitation and Compensation Tribunal now - June 2011.

**Dr GOODWIN** - My final question is expenditure on consultancies in the Supreme Court. Is it possible to get a breakdown of those? I think there were about 85.

**Mr WIGHTMAN** - I actually do believe that we have a breakdown on that. I was reading a breakdown of those at some stage.

**Dr GOODWIN** - Yes, it would be useful to get it across the whole department.

**Mr WIGHTMAN** - I have a breakdown. Rather than reading them out, I am happy to table that. There are quite a number of consultancies, so rather than going through each one -

**CHAIR** - Minister, were you looking for an answer there?

**Mr WIGHTMAN** - No, I have provided the answer.

**CHAIR** - Can I ask you about the Legal Profession Board? Is this the area?

**Ms HUTTON** - It is probably in output 2.2.

**CHAIR** - Thank you. I am guided by Ms Hutton's expertise. We will move on now, then. There are no other questions in 1.1.

## **1.2 Magisterial court services -**

**Dr GOODWIN** - The new package of legislation being developed for the Magistrates Court, which is expected to help reduce delays in court, among other things -

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - How far away is that legislation from being brought before the Parliament?

**Mr WIGHTMAN** - I will provide some background to that. Before I start answering that, can I invite to the table Mr Jim Connolly, the administrator of the Magistrates Court.

**CHAIR** - Welcome to the table, Jim. Please come to the chair next, if you can. It just might help with the microphones. Would you like that question asked again?

**Mr WIGHTMAN** - Can I just provide some background, please?

**CHAIR** - Brief background, thanks, Minister.

**Mr WIGHTMAN** - Work continues on developing a package of modern procedural legislation for the Magistrates Court's criminal and general jurisdiction. The current legislation is 50 years old and it is not appropriate for a modern, high-volume court that is involved in many interesting initiatives, such as problem-solving courts for offenders with drug, mental health or family violence issues. Consultation with all stakeholders will occur later this year, including the legal profession, the prosecution agency, the prison service, Community Corrections, Legal Aid, and various support agencies in both the government and non-government sectors.

The complete package of the proposed legislation will make substantial long-awaited changes to the operation of the Magistrates Court in Tasmania. It will serve to enhance respect for the court and for the criminal justice system generally. I will throw to Jim in a moment, other than to say that, as I said, that consultation will occur later this year. Obviously you have a consultation period, a drafting period and so on after that. So it is a little bit of time away in that regard, but it is certainly high on our priority list.

**Dr GOODWIN** - So there is not a draft bill as such at the moment that the consultation will be on?

**Mr WIGHTMAN** - Yes, I am hearing that it is with parliamentary counsel for drafting at the moment.

**Dr GOODWIN** - Right. So then that draft bill will go out for consultation with those people, the first stakeholders that you mentioned?

**Mr WIGHTMAN** - Yes, for public consultation. Jim, would you like to make any further points?

**Mr CONNOLLY** - It has been in the incubator for quite a while, I must admit. We were anxious to get the bill drafted and out there for consultation. The current legislative framework that we have is enough or it is adequate for us to operate obviously, because we still are and we have had piecemeal amendments over many, many years. But the time has come for a complete overhaul. So that is what we are putting our efforts into at the moment. We are up to about version 10 of the bill, which is not unusual in one sense, because it is quite a large bill and it takes a lot of drafting.

**Mr WIGHTMAN** - Technical.

**Mr CONNOLLY** - Yes, there are some technical components to it. Then we have a court management group at the Magistrates Court - a subcommittee of that - which is working through all of the individual provisions in the bill. Hopefully we will have a version that is ready for consultation later this year.

**Dr GOODWIN** - With the Magistrates Court, you do have some backlog issues, which the Auditor-General recently highlighted again. Is this package something that will assist in reducing that backlog? What are some of the other strategies that you are working on to address that issue?

**Mr CONNOLLY** - I think the new legislative framework will help to address some of those

backlog issues. I hasten to add that the backlog issues are not, in my view, extremely serious at all. They are very manageable. The new bill will contain some provisions which may assist in the criminal procedure running a bit more efficiently and a bit quicker. For example, prosecution disclosure is an issue that can sometimes cause some delays to creep in. With the prosecution disclosing all of their evidence and statements and that sort of thing to defence counsel or to the defendants in person, this legislation, for example, has some specific provisions that says that that disclosure process will follow a certain sequence. Of course, at the moment it is a draft proposal because it has not been consulted on yet.

**Mr WIGHTMAN** - Can I just make a couple of points there? The analysis of the causes of court backloads is a complex area, as Jim has alluded to. There are a number of factors that lead to that, as you would well know, Dr Goodwin, but some of the other members may not know. It also noted that the Magistrates Court's performance is affected by the performance of a large number of other participants in the litigation process over whom the court does not have complete control. So you are relying heavily on parties to do their bit as well and do their work. That could be right through - the magistrate, or the bench justice, the court clerk, the courtroom, the availability of the courtroom, the security guard, the court files, any specialist equipment required, the prosecutor, the defendant, the defendant's solicitors, witnesses and then possibly youth justice workers, probation officers, mental health liaison officers or interpreters. So for that case to be heard, obviously you are relying on a number of different things to fall into place.

**Dr GOODWIN** - I think there are some proposed enhancements to the CRIMES system that again might help to better manage certainly the reporting. Is that process in train?

**Mr WIGHTMAN** - I hear that there is a business plan being run for that at the moment. But current financial restraints mean that is going to be extremely difficult.

**Dr GOODWIN** - Has the Children's Court pilot been evaluated internally?

**Mr WIGHTMAN** - Yes. I would really like to talk about this. Obviously this is something that, with an education background, I have been particularly impressed with. It is a good initiative of the Magistrates Court. Congratulations to Michael Daly on the work that he is doing in this area. It started in 2011 and it continues to develop a best practice case management approach to youth justice and child protection matters. Magistrate Michael Daly has been sitting as the youth justice magistrate since January 2011 and the pilot period was for 12 months in the Hobart Magistrates Court. Magistrate Daly is backed up by Magistrate Catherine Rheinberger.

The aims of the pilot project are to better achieve the objectives of the Youth Justice Act with a more holistic approach to young offenders. The absolute key, as many people would know about working with young people, is to have that holistic approach - to have all the agencies in the room or available to work with young offenders. Other aims are to consolidate multiple charges against a single defendant; better coordinate the youth justice support services to the court; improve timeliness and early finalisation of cases with fewer listings before a magistrate; encourage more consistency in the court's decisions; develop and apply greater expertise in youth justice issues - this is an area that we must have expertise in; and increase the collaborative approach between agencies, as I mentioned before. If you think of those involved in working with young people who are involved in a legal proceeding, they include police prosecution, Legal Aid and youth justice services from DHHS who do a marvellous job. The education sector also has a role to play and I myself have done some work in this area.

## UNCORRECTED PROOF ISSUE

Prior to the commencement of the pilot, a consultation working group with relevant stakeholders was set up. I want to make a couple of points around that. The stakeholder group that was set up included youth justice and forensic mental health services, the Department of Health and Human Services, police prosecution, education, Legal Aid, the Commissioner for Children and private legal practitioners, and it is chaired by Magistrate Michael Daly.

In July 2010 - this is some evaluation of it; I will have to check on formal evaluation, Dr Goodwin - only 31 per cent of matters were listed before a magistrate within two weeks of lodgement and at the end of January this had increased to 76 per cent. The earlier the first appearance can lead to the earlier finalisation generally, as few youth justice matters proceed to trial. This enables offenders to commence supervisory rehabilitation programs earlier and break the offending cycle. The age of the pending case load of youth justice matters is also reducing in the Hobart court region. This is a good news story - 24 per cent of pending cases were more than six months old as at 30 June 2010; that now has become 16 per cent as at 31 January 2011. That will continue hopefully to decrease over time. It will plateau at some point, as statistically it often does.

I absolutely commend the work of Michael Daly and the youth justice pilot. We know that timely access to the law in particular in facing the courts for young people and getting everybody together to work on those matters is the key to rehabilitation. I am also advised that, once the youth magistrate pilot has passed its initial stage, the court will consider bringing child protection matters within the scope of the pilot, but this will depend on the case load that they are able to cope with. Hopefully it can be done because those of us who have been involved in child protection matters over time know how difficult that work is and to have some expertise particularly of a youth magistrate working in those areas - Mr Gaffney, you would know this as well - is extremely important and actually helps the situation.

**Dr GOODWIN** - So is there an external evaluation of the pilot?

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - Yes?

**Mr WIGHTMAN** - Sorry, I do not know. So that was, yes, I will find out - just to correct the *Hansard*.

*Laughter.*

**Mr CONNOLLY** - It is actually being evaluated by the deputy administrator of the courts who is involved with the running of the evaluation process. But it is with the benefit of a steering committee, which involves representatives from external agencies like Legal Aid, the police, youth justice and those sorts of people. It does not have a dedicated academic researcher doing that evaluation.

**Dr GOODWIN** - So do you expect to get a report out of it at the end?

**Mr CONNOLLY** - Yes, we intend to publish a report.

**Dr GOODWIN** - And make it public?



## UNCORRECTED PROOF ISSUE

**Mr CONNOLLY** - That will be subject to discussions with the Chief Magistrate. But we have made our previous evaluations of the Mental Health Diversion List and drug diversions and that sort of thing public, so I would expect that to be the case.

**CHAIR** - Thank you. Before I hand over to Mrs Taylor, I just remind people at the table that this hourglass is a signature piece and it is not just for looking at. I do intend to use it.

**Mrs TAYLOR** - Just looking at the numbers, the budget for the magisterial court services is obviously down. It is not down all that much - \$209 000, I think. Is this in relation to the fact that things that would have been dealt with in the Magistrates Court can proceed through to the Supreme Court more easily? No? Your budget is down. You still have a fairly high level of cases older than six months. How are you going to reduce the waiting list with a decreased budget?

[10.15 a.m.]

**Mr DEAN** - Or leave it all until 2012-13 when your budget goes up.

**Mrs TAYLOR** - I am happy to have Mr Stevens answer.

**Mr STEVENS** - As happens every Budget time, there is a succession of ons and offs, but there is a specific saving that we need to find as part of the Budget process of the Magistrates Court. It is not a huge amount of money. Then we have the re-basing of the overheads that we talked about and there are other ons and offs with salary indexation et cetera.

**Mrs TAYLOR** - So how is that going to affect the waiting list? That is the question.

**Mr STEVENS** - It should not. It is probably best handled by the administrator.

**Ms HUTTON** - Can I just add that there is no change in the number of magistrates or court staff reporting to magistrates. So in that sense it should not change the rapidity of which matters are to be listed.

**Mrs TAYLOR** - But we actually want to reduce that because there is a fairly high level of cases older than six months. So how are we going to reduce that waiting list?

**Mr WIGHTMAN** - I just talked about that fairly extensively. It is not always in the court's hands, Mrs Taylor, as I explained to you. It is about having people around at the right time.

**Mrs TAYLOR** - I understand that.

**Mr WIGHTMAN** - It depends on a number of different factors.

**Mrs TAYLOR** - I suppose my question is particularly related to coronial services, because that is an area that is particularly difficult and causes unnecessary distress to grieving families when sometimes they take a long time.

**Mr WIGHTMAN** - Yes. What is your specific question?

**Mrs TAYLOR** - How are you going to reduce those waiting lists? How are you going to reduce the time it takes in particular for coronial services?

## UNCORRECTED PROOF ISSUE

**CHAIR** - Do you not think it is up to you?

**Mrs TAYLOR** - We are passing the buck here.

**Mr WIGHTMAN** - No, we are not passing the buck.

**Mrs TAYLOR** - I know it is a hard question. But I am presuming that nobody is happy with the situation as it is, and you have had a decrease in your budget.

**Mr CONNOLLY** - As I mentioned before, the backlogs are not out of control. They are in line with national averages. They are sometimes better than national averages; sometimes they are a little bit behind, but it is all manageable. That is the first point I would make. The second point is that we all manage the case load within our existing resources. The key to it is not in the one sense the amount of dollars that you throw at the issue; it is how your case management procedures are. So whether it is in civil, criminal, coronial, tribunals - whatever we do - we have quite well-defined case management procedures that aim to get to the finalisation point in every particular case at the earliest possible time consistent with giving people a fair trial or conducting a fair inquiry or investigation into a coronial matter.

So it really means that magistrates and coroners and tribunal members have to make every listing a worthwhile listing to move the matter towards a conclusion. That can involve everything from, for example, encouraging early prosecution disclosure and similar matters that I mentioned before that can often be cause for delay. So if we can remove that cause of delay or reduce it then we will get to the end point quicker and we will gradually erode the backlog. There is a combination of a lot of factors involved that will actually improve those figures, but as I say the figures are not of themselves at the moment a cause for concern in a very serious way for us. We are managing it quite well.

**Mrs TAYLOR** - It is a bit like a piece of string though, is it not? If you are the person who is involved, then for you it is a long time.

**Mr CONNOLLY** - Absolutely.

**Mrs TAYLOR** - Obviously you would want to make those as short a time as possible. What you are really saying is that you have got systems in place and you think you are doing as well as you can do or you are still working on making them better or what?

**Mr CONNOLLY** - Always planning to improve.

**Mr WIGHTMAN** - It is a continuous improvement. I know this does not alleviate concerns of individual people. I can imagine a coronial inquiry is incredibly difficult, but if you look at the Coroners Court and the judicial officer's full-time equivalent per 100 000 people, in Tasmania we have 0.1 and that is consistent basically right across the country. Victoria has 0.2 per 100 000 people. Interestingly enough, the Northern Territory has 0.7 per 100 000 people. But that is fairly consistent right across the country, with only Victoria with 0.2 and Northern Territory with 0.7 actually different. With regard to the backlog for the Coroners Courts, cases greater than 12 months are 29.6, which places us fourth across the country, and cases greater than 24 months is at 9.3, which places us second right across the country. But for those people involved, even a short period of time would be a long time to wait.

## UNCORRECTED PROOF ISSUE

**CHAIR** - Thank you. I will now ask Mr Farrell if he would like to ask his question.

**Mr WIGHTMAN** - Mr Farrell, I was not expecting it.

**CHAIR** - So you do not have the answer?

**Mr FARRELL** - I have sat here quietly thinking. Can you provide an update or statistics on the Mental Health Diversion List, please?

**Mr WIGHTMAN** - I certainly can.

**CHAIR** - So you do have the answer.

**Mr WIGHTMAN** - I try to have the answers, Madam Chair.

**Mr DEAN** - You have had all the answers so far.

**Mr WIGHTMAN** - I do not know about that.

**CHAIR** - It is just the timeliness.

**Mr WIGHTMAN** - I know. It is an intriguing area of discussion. The Mental Health Diversion List delivers diversion and support to people with mental health issues who are referred from the mainstream criminal jurisdiction of the court. It operates within the Hobart and Launceston registries. By April 2011, 231 persons had been referred to the Mental Health Diversion List operating in Hobart, of whom 178 are being accepted onto the diversion program. Since its commencement in May 2007, 154 people have successfully completed a supervised mental health diversion program in Hobart. Eligibility for participation in the Mental Health Diversion List is limited to adult defendants with impaired intellectual or mental functioning as a result of mental illness. Defendants are required to provide their informed consent before they enter the diversion list. This is an important point to make: the Mental Health Diversion List is only available where the defendant with a mental illness is charged with a summary offence or an indictable offence triable summarily and excludes - and this is the point I would really like to make quite strongly - offenders under 18 years of age at the date of the offence, sexual offences and offences involving the infliction of actual bodily harm that in the court's opinion is not minor harm. A person can refer themselves into MHDL or be referred into it by the family, other magistrates or by Justice and Health agencies. If a person is assessed as eligible and provides their consent, the person appears before a specialist magistrate who uses bail conditions to facilitate further assessment and development of a treatment plan based on advice from Health and Justice professionals. The plan's duration is tailored to each individual. I could go on, but -

**Mr FARRELL** - No, thanks. That covered the issues particularly in my area.

**Mr WIGHTMAN** - I recognise that. Can I just make one more point, Madam Chair? Would that be okay? I recognise your question now in that regard. A 2009 evaluation of the Hobart MHDL considered the reoffending outcomes for a small number - that being 52 program participants - finding 83 per cent had committed an offence in the six months prior to their participation, compared with just eight per cent in the six months post participation. That is pretty impressive. Furthermore, 79 per cent of these participants had reduced their offending level post participation. Only six per cent exhibited an increase in the number of offences they committed

post participation, which leads to the problem-solving work that the judiciary is certainly aiming to do at the moment.

**CHAIR** - Mr Dean?

**Mr DEAN** - I want to go back to the coronial issue, if I can, just very briefly. The decrease this year was going to be an almost 10 per cent decrease. Are we on track to achieve that decrease in coronial completions? We have 29.6 pending cases older than 12 months in this current year. This year's target is to decrease the outstanding matters to 20 per cent. All I am asking is: are you on target to achieve that 10 per cent decrease?

**Ms HUTTON** - I am not sure that we know the answer to that yet, Mr Dean, because obviously we are still in 2010-11, but Jim may be able to tell us how we are tracking.

**Mr DEAN** - I would have thought you could tell me how you were tracking, because we have only got two or three weeks to go. So you must know roughly where we are at.

**Dr GOODWIN** - Less than that, in fact - a few days.

**Mr CONNOLLY** - That spike in 2009-10 reflects a slight change in approach that the coroners have decided to take as far as holding more inquests to publicly ventilate the issues and the evidence that relates to preventable deaths, because we looked at our overall figures in previous years and realised that there were a lot of very useful findings that coroners were making in chambers and were publishing on our website, as we do with virtually all our findings. So when you have more inquests it takes longer to finalise the matters so it pushes out your backlog figures. We are maintaining a bit more of that approach - to have more inquests - so it may well be that the figures for next year may be showing that the backlog is higher than 20 per cent, although that is our target, because we have a different approach to the way we are dealing with our coronial cases. We are giving them more intensive effort and we are also listing them for public inquests rather than purely doing them by investigations and chambers findings.

**Mr DEAN** - So when can we be told how much a little bit more than 20 per cent is?

**Mr CONNOLLY** - We will not be able to do that until the end of that reporting year.

**CHAIR** - The next budget session.

**Mr CONNOLLY** - 2010-11 is the target of 20 per cent, so we will be measuring that at the end of this month and it will be published in our annual report next month.

**Mr DEAN** - The other question I had was just in relation to country courts. How many Magistrates Courts have we still got operating around the state?

**Mr WIGHTMAN** - There is certainly one in Scottsdale.

**CHAIR** - St Helens. There is probably one in every major town.

**Mr WIGHTMAN** - George Town no longer, as far as I am aware. Obviously there is northern bias here.

## UNCORRECTED PROOF ISSUE

**CHAIR** - I have no northern bias, Minister.

**Mr WIGHTMAN** - No, absolutely. It is such a large electorate.

**Mr DEAN** - Is it a cost-effective way now to manage the courts by having the country courts? Is that a good way to proceed? Is that being reviewed at all?

**Mr WIGHTMAN** - My answer to that would be that we would always be reviewing that. There certainly have been some closures of country courts in some areas. I think the use of technology, too, will certainly aid access to justice or access to the courts in regional areas. Whether we can keep all of the country courts open right across the State is something that we will have to consider.

**CHAIR** - They are mostly housed in local government facilities.

**Mr WIGHTMAN** - Yes, at Dorset we know, in particular, and at Scottsdale at the council chambers.

**CHAIR** - Unless we are going to close down the local government offices, I'd say there is always going to be room.

**Mr WIGHTMAN** - But there are the facilities there as well, as far as I understand, for video.

**Mr DEAN:** And I ask the same questions as I did before.

**Mr WIGHTMAN** - In some.

**Mr DEAN** - Thank you. That is in relation to - I do not think I asked it again - the backlog. How is the backlog situated around the State? What is the backlog in the south, the backlog in the north and the backlog in the north-west, because that is an issue that is often raised?

**Mr WIGHTMAN** - I do not think I have the breakdown. Can we provide the breakdown? We do it with regard to the Supreme Court -

**CHAIR** - And the Magistrates Court.

**Mr WIGHTMAN** - in terms of a backlog breakdown - I just make that clear in my own head - and the magistrates backlog breakdown.

**Mr DEAN** - Thanks, Minister.

**CHAIR** - If you are having trouble, the Auditor-General has a table in his report. It is just not region by region. Thank you. Dr Goodwin?

**Dr GOODWIN** - Just on that backlog point, the north-west has been a bit of an issue?

**Mr WIGHTMAN** - Yes, additional magistrate.

**Dr GOODWIN** - And that is helping to alleviate?

**Mr WIGHTMAN** - It certainly is. Jim can probably talk about this in a moment. Certainly, yes, in Devonport in particular there is a backlog there in cases to be heard. But an additional magistrate there will certainly make a difference going forward.

[10.30 a.m.]

**Mr CONNOLLY** - Yes, the additional magistrate has been in office now for just over 12 months and is making inroads into that backlog with his colleague up there. It is still something that we are trying to manage better. We are introducing again those case management procedures and we have introduced contest mentions on the north-west coast more recently. We have had what we call a hearing blitz recently where we concentrate all our hearings in a three- or four-week period and allocate one magistrate solely to do hearings and then case manage it to conclusion. We send other magistrates from other regions there to assist if one is on leave, for example, up there. We are trying to impose a strict adjournment policy. The whole thing is affected by differences in the adversarial culture in the legal profession around the State in different areas. There are definitely different approaches by some members of the legal profession in some areas who will contest virtually every issue if it is arguable, whereas in other regions some counsel may choose the issue that they want to defend the matter on. Sometimes when you put all those factors in the pot, it can push out your finalisation rates. I expect that is what is happening in Devonport.

**Mr WIGHTMAN** - So to reiterate those points around additional magistrates, contest mention and certainly the courts on the north-west coast, it is busy.

**Dr GOODWIN** - It is interesting to hear about that cultural difference in being adversarial or more adversarial in some regions than others.

**Mr WIGHTMAN** - Do young lawyers do that, Dr Goodwin? I would not know.

**Dr GOODWIN** - Can I just ask a question about child protection matters and the clearance rate for those? Can someone let me know how that is tracking and how we compare to other States and Territories?

**Mr CONNOLLY** - I do not have that here. We can provide that.

**Mr WIGHTMAN** - I do not have any information on that, but we could take that on notice. Can we just make a note of that please?

**Dr GOODWIN** - One of the issues that was raised in Budget estimates last year was that there was an issue with the clearance rate and it was suggested that there was a shortage of psychologists and psychiatrists to prepare reports and that was contributing to these clearance rate issues, but the court was taking some initiatives of better case management. I do not know if you can add anything further?

**Mr CONNOLLY** - We have established a child protection case management committee and report and we have members from the legal profession and the Family Law Practitioners Association. We have also had interesting discussions with the Family Court and Justice Robert French from the Family Court about how they case manage these sorts of issues as well. So we are kind of getting a cross-fertilisation of ideas. We are also developing at the moment some rules for the Magistrates Court children's division in which these child protection matters

## UNCORRECTED PROOF ISSUE

are listed. We use a lot of mediation in child protection. Very few - it would be less than five per cent - of child protection matters ever go to a family hearing. They go through this mediation process under the Children, Young Persons and Their Families Act. It is quite effective. As I say, all this stuff is constantly under review and we are trying to improve the way that we manage the cases through to conclusion. In terms of the availability of experts in child psychology, family assessment - all that sort of stuff - the demand exceeds supply.

**Dr GOODWIN** - Can I ask about JPs here?

**Mr WIGHTMAN** - Yes, I do not mind talking about JPs.

**Dr GOODWIN** - Am I in the right spot to ask about JPs?

**Mr WIGHTMAN** - We can talk about JPs.

**Dr GOODWIN** - I am just wondering what sort of administrative support is provided to JPs through the Department of Justice and what that amounts to in FTE terms, if possible?

**Mr WIGHTMAN** - I will get Ms Hutton to make a point and then I will come back to my thoughts about it.

**Ms HUTTON** - I do not think we have put an FTE figure on it, Dr Goodwin, but the appointment is done by our human resources staff as an adjunct to their other duties whereas the support in terms of training and more policy methods, if you like, around what JPs can do and how they should do it is handled by the Magistrates Court. I would doubt that Jim would be able to put an actual figure on it, either.

**Mr CONNOLLY** - No. Obviously when justices of the peace are sitting at bench we provide them with all the administration support they need, like a clerk in court, for example, and the registry staff. The court administration prepares professional development materials for them for training prior to appointment, post-appointment training and that sort of thing. I could not quantify an FTE at the moment.

**Mr WIGHTMAN** - Can I make a couple of general points about JPs. They are very proud of the role that they perform, particularly in our local regional communities, and I applaud them for the work that they do. I have been interested to talk with one at this stage - there are three regional bodies around that provide some support for JPs. Not every JP is a member of this body. I think it costs around \$30 and they provide some administrative support and some professional learning and things like that. Nigel Forteath, whom I know reasonably well, is in charge of the Launceston part of that. What I see happening is actually working with those three groups initially - and that might give me a target group - just to get around and talk to and look at having a database, particularly around the JPs that we have.

**Dr GOODWIN** - I think that would be great to have a database. Do you mean that members of the community could search to find JPs in their local area?

**Mr WIGHTMAN** - I believe there are some privacy issues. I am not 100 per cent sure on that, Dr Goodwin.

**Ms HUTTON** - You can ring a toll-free number with Legal Aid to seek a JP in your area.

That exists already.

**Mr WIGHTMAN** - Where I am going to start is at the three regional groups. I have had a discussion with the chair of the north-west group - if that is his title - to start with. We will look at having a database, particularly with those three groups to start with. As I say, there are a number of other JPs who are not members of those groups.

**Dr GOODWIN** - What sort of ongoing training do JPs get, because there is obviously quite a bit for them to keep up with? There are legislative changes.

**Mr WIGHTMAN** - Jim made mention of - did you make mention of professional learning offered through the courts?

**Mr CONNOLLY** - Yes. Before you are appointed as a justice of the peace you have to attend a level 1 training course. The core materials are provided to them in hard copy and are presented by representatives of the three regional JP associations. That is level 1. Level 3 is where you actually want to be appointed or approved by the Chief Magistrate to sit as a bench justice. To do that you have to do a separate training course that the court runs itself. It involves a number of seminars plus some in-service training - observing in court and that sort of thing. In between is the level 2 training, which is ad hoc training sessions that the association has organised. They are things like a visit to the local police station to see detention facilities, for example, and a guest speaker from the police will talk to them about that or someone from Youth Justice will come to talk to them about youth justice issues. But they are ad hoc.

**Mr WIGHTMAN** - The records have been difficult to maintain. If you have a JP move address or -

**Ms HUTTON** - Pass away.

**Mr WIGHTMAN** - pass away -

**Ms HUTTON** - Or go into a nursing home.

**Mr WIGHTMAN** - then the records are difficult to change in that regard; you do not get the notification. I also want to discuss with them in what way we contact them around privacy issues involving, when listing addresses, possibly having contact phone numbers and that sort of thing. We need to have some discussions about that.

**Dr GOODWIN** - I am glad to hear that you are going to have a chat to them because I think there are some issues with JPs. I have heard about people still being on the active list of JPs, if you like, when in fact they have Alzheimer's. I think there are some issues there that need to be addressed to make sure that they are getting adequate training and that the list is current.

**Mr WIGHTMAN** - I thought about where my starting point is. I think my starting point at this stage is those three regional bodies. We are very appreciative of the work they do. They do wear their JP title with a lot of pride.

**CHAIR** - They do. Can I suggest you put the fees up for being one and that will soon bring them out of the woodwork, Minister. It usually does. Dr Goodwin, has that finished your area?



## UNCORRECTED PROOF ISSUE

**Dr GOODWIN** - I have just one final question. I am not sure where this sits. One of your agency savings strategies is to try to better recoup criminal injuries compensation. You did touch on that, but can you flesh that out a bit more?

**Mr WIGHTMAN** - I certainly can. That is under 1.4.

**CHAIR** - No, we do not want to move to 1.4. One magistrate question - thank you, Mr Dean - and then we are going to break.

**Mr DEAN** - What are the issues that are coming up in the Magistrates Court currently? What are the issues that are surfacing? What are the main number of offences that are coming into the court? Have there been changes in that? The reason I ask that is that I was going to ask the question in the monetary penalties enforcement area: with all of the licence suspensions that we now have, are we seeing more disqualified drivers coming into the Magistrates Court for alcohol offences? Are there any figures on those?

**Mr WIGHTMAN** - I have had discussions with magistrates around this about the sorts of issues that they see before them and if there is a common theme around that. I do not have any hard statistical data on that at the moment. I certainly have had those discussions about the different types of matters that appear before the magistrates.

**Ms HUTTON** - Mr Dean, if you would like to put a little more detail around the time period and the offences that you are interested in, I think we could probably take that on notice for you.

**Mr DEAN** - I am wanting to know if there are any changes in the types of offences that are coming into the Magistrates Court.

**Mr WIGHTMAN** - I think there would be. I understand what you are asking.

**Mr DEAN** - Over a 12-month period.

**CHAIR** - We have that question noted. Thank you, Minister. I think we will take this opportunity to suspend the hearing until 10.55 a.m.

**The committee suspended from 10.41 a.m. to 10.55 a.m.**

**CHAIR** - Thank you. We will resume. I just remind everybody that we intend to get to the end of output group 7, Other services, before lunch. So that will depend when lunch is because we still need to be back at 2 p.m. So whatever we need to finish off in this area will impact on our lunch break. That is just a little warning. I invite the Minister to invite whomever he wishes to the table.

**Mr WIGHTMAN** - I invite Mark Cocker, who is the Acting Director of the Monetary Penalties Enforcement Service, to the table.

**CHAIR** - Welcome to the table, Mark. I invite Mr Dean to open the questions.

### **1.3 Enforcement of monetary penalties -**

**Mr DEAN** - My first question deals with the funding. I have read what is in the documents in relation to the increased funding for all of the extra activity that is going to occur in this area. Then we have a significant drop-off identified for the year 2012-13. Is it expected that there will be a real step up in the area of MPES this coming financial year but then it will drop back to where it was? What does that identify with? What is the increased activity?

**Mr WIGHTMAN** - Firstly, it is a \$1.2 million increase over two years. Mark, would you like to comment on what the increased activity will be?

**Mr COCKER** - Yes, certainly, Minister. The increased activity will include the surge in sale of assets from a range of enforcement debtors who have failed to comply with previous requests for payment. It will also include the redirection of moneys held in bank accounts and salaries. It is anticipated that, with the beefing up of our enforcement activities over the next 12 to 18 months, that will have a future flow-on effect to compliance rates where the number of persons voluntarily paying will increase - which at the end of the day is what it is all about: to reduce expenditure in terms of enforcement and to encourage people to voluntarily meet their obligations to pay their fines, and a percentage of those people will increase over time.

**Mr DEAN** - Let me get this clear. So it is expected that, once you get that into place, the extra funding will not be necessary in 2012-13 because you will have this in place and hopefully working. Is that what you are saying?

**Mr COCKER** - Yes, that is correct. Certainly the number of sanctions required to be imposed will drop off over time because of the initial work.

**Mr WIGHTMAN** - Treasury will also evaluate the extent to which the money has made a difference, and we will make decisions based around that as well.

**CHAIR** - In relation to the recovery of funds, Minister, do you think it would be more cost-efficient to actually outsource that type of thing in that area?

**Mr WIGHTMAN** - No, I do not.

**CHAIR** - Especially in relation to bad debts?

**Mr WIGHTMAN** - Mr Cocker's agency has the best return rates in Australia. So, for people collecting on fines that are owed, we have the best collection rates right across the country. So I think it is something that we have started, it is working well and we should keep it going.

**Mr DEAN** - My next question in this area goes to the publicity that was identified earlier in the year about the number of drivers that are now being pulled off the roads in the last year as the law relates to -

**Mr WIGHTMAN** - It is a consequence of not paying the fine.

**Mr DEAN** - Yes, as a consequence of not paying the fine, and about the number of registrations, I suspect, in the same regard to vehicles as well. What is the fall-out of that in other areas in courts. What effect is it really having?

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - I have had some anecdotal discussions with magistrates on that matter, but the point we have to make there is that people break the law, get a fine and have to pay it. They should be required to pay it. When we are collecting at a rate higher than any other place in the country, that is a very important point. When there is a fine to be paid and we collect it, that is extremely important. There have to be consequences for those people who are not paying the fine.

[11.00 a.m.]

**Mr DEAN** - What is it telling us? Is it telling us that people really do not care too much about losing their licence? If that were the case, I thought we would have had these people trying to enter into some other agreement for the payment of their fines. But it would seem from what is happening that they are quite happy to give up their licence. That either means that they are going to continue to drive or are accepting of that.

**Mr WIGHTMAN** - In saying that Mr Cocker is very serious about what he does, particularly around the collection of fines, I think his opening comments about the seizure of assets make it pretty clear that we are committed to recovery of those fines.

**Dr GOODWIN** - We need every dollar we can get.

**Mr WIGHTMAN** - It is not about revenue raising; it is about deterrence, as you well know, Dr Goodwin. No, we would not put 10 per cent on the top of fines. Can you repeat the question?

**Dr GOODWIN** - Sorry.

**Mr WIGHTMAN** - No, it was a good one. I was waiting for it.

**Mr DEAN** - I do not know if I can repeat it. It was in relation to seizures.

**Mr WIGHTMAN** - It is about getting the balance right. If someone gets a fine, we would expect them to pay it. If you do not pay it, we are going to come and knock on your door and make sure you pay it. It is not about being the bad cop in that regard. There are a lot of steps in the process that happen before there is a cancellation of a licence or a cancellation of registration. It is very much a customer service approach in that regard, and there is always somebody that those people can contact. The way I describe that is, yes, we are serious about what we do but we are not inhuman about what we do in that regard. There are a number of processes in place before we get to the point where registration and licences are cancelled.

**CHAIR** - Garnisheeing wages and the like.

**Mr WIGHTMAN** - And the seizure of assets and whatever it might be.

**Mr DEAN** - Are those numbers of licence suspensions and registration withdrawals continuing to go up or are they plateauing? Is it about where it is going to stay?

**Mr WIGHTMAN** - I am not sure.

**Mr DEAN** - I am wondering whether there will be an increase - whether the graph is telling us that the number of licence suspensions will continue to go up.

**Mr COCKER** - In terms of the imposition of a licence or vehicle registration suspension

sanction, they have plateaued and have started to decrease.

**CHAIR** - So the message is coming through.

**Mr COCKER** - The message is certainly getting through.

**Mr WIGHTMAN** - I just want to make a couple of comments there. What happens in some cases is that people do not appreciate the fact that they have a fine. They will put it in the top drawer and leave it there and not pay that fine. This provides a mechanism where we are ensuring that -

*A committee member interjecting -*

**Mr WIGHTMAN** - I am not going to mention individuals. They do not just put it in the top drawer. We will follow through. I think there is a mentality sometimes that people will get away with it. They will put it in the top drawer and forget about it. We are providing a service that will stop that. In making my point that we are serious about the collection of fines and the repossession of assets - we are really serious about that - there are repayment plans organised. There are number of steps put in place to try to assist people and remind them and help them. In some cases we need to provide the structure so that they can work out a repayment plan with MPES.

**Mr DEAN** - I wanted to touch on the repossession of property. What sort of property is being repossessed and what is happening with that property that is being repossessed? Where is it going, how is it being sold off or is it held until the fine is paid?

**Mr WIGHTMAN** - That is a good question. I will ask Mark to answer that one.

**Mr COCKER** - Today we have not implemented our seizure and sale sanction. That will happen in the next few months. We will be targeting assets owned by some of our enforcement debtor clients who owe a considerable amount of money. We have a target group of 2 840 people, all of whom owe more than \$5 000 each. We will be looking at motor vehicles. The vehicle will be seized, taken to an auction house and sold at public auction. The proceeds of the sale will pay out the fine. Any money remaining will be returned to the enforcement debtor.

**Mr DEAN** - What is the position in relation to that, Minister? I do not disagree that that should happen. What is the criteria around that when a car might well be taken possession of when it is the only family car and it is needed within that family by the wife or partner or for whatever reason? What is the criteria?

**Mr WIGHTMAN** - The criteria is about getting the balance right in that regard. As I said before, there are a number of steps that are in place and that would be taken before you would finally take the family car. I have said a few times already that a number of steps would be put in place to organise repayment plans before we got to that final point. It is a last resort in that regard.

**Mr DEAN** - Is the number of fines remaining unpaid also going up or plateauing?

**Mr WIGHTMAN** - I thought I had some data on that.

**Mr DEAN** - The collection rate is identified in there, but I cannot see the number.

**Mr WIGHTMAN** - I am happy to give some background on that, if you like. There has been a 35 per cent reduction in the number of monetary penalties referred to MPES for enforcement in 2010-11.

**Mr DEAN** - Have you got the numbers, Minister?

**Mr WIGHTMAN** - I do not know if this answers your question. The total value of outstanding monetary penalties has reduced in the 10 months to 30 April 2011 by \$0.3 million. As at 30 April 2011, the total amount owed in monetary penalties by all creditors is \$68.8 million, of which \$53.5 million is owed to the Consolidated Fund.

**Mr DEAN** - So \$68.8 million is outstanding and how much is owed to the Consolidated Fund?

**Mr WIGHTMAN** - \$53.5 million.

**CHAIR** - That would help the bottom line of the Budget.

**Mr WIGHTMAN** - That is why we are serious about it. This is the point I make. This is why we are serious about collecting those fines in that regard. This is not a bottom line Budget matter; this about deterrence so that people do not just put the fine in the top drawer and so that they realise that if you break the law and there is a fine it will be collected upon.

**CHAIR** - But in real terms it would substantially help the bottom line of the Budget.

**Mr WIGHTMAN** - Yes, but I make the point that a fine has a deterrent value to not commit a crime again.

**Mr DEAN** - The other question, then, is: where does local government fit into the priorities around resolving these issues? Can you give me the amount of outstanding fines to local government that are being pursued?

**Mr WIGHTMAN** - I read some information about that, too, at some point.

**Mr DEAN** - Also, Minister, what is the cost to local government to have fines collected through MPES?

**Mr WIGHTMAN** - Mark, can you provide some detail on that?

**Mr COCKER** - I certainly can. With respect to the first question, Mr Dean, in relation to what is owed to local government, as of midnight last night \$9.3 million was owed to all local government councils. That is both in court imposed monetary penalties and in infringement notice penalties that have been referred to my service for enforcement. In terms of the cost per referral, each infringement notice referred to the Monetary Penalties Enforcement Service by a local government council for enforcement is charged a fee of \$39 for each infringement notice referral.

**Mr DEAN** - So irrespective of -

**Mr COCKER** - Irrespective of the value of the monetary penalty, it is a flat rate of \$39 per

infringement referred.

**Mr DEAN** - Thank you very much.

**Mr GAFFNEY** - Minister, I just want to put on the record congratulations to the staff who work in Mr Cocker's agency. I am sure that a couple of people I have worked with will think twice about throwing that fine in the top drawer because they have gone through the process and they realise they are not going to get away with it. Staff I dealt with over the phone in terms of their professional development were very, very good. What do you put aside to get those people who work for you to such a standard? They handle some very difficult individuals. I was really impressed with how they did that. As part of your budget, is there professional development that you provide people coming into your organisation?

**Mr COCKER** - Yes, there is. Initially there is a lot of in-service training, coordinated or undertaken by myself. We also use a lot of other training providers to initiative appropriate training in telephone techniques, call-handling systems, dealing with difficult clients, negotiation, conflict resolution and so on.

**Mr GAFFNEY** - Well, I was really impressed with them.

**Mr COCKER** - Thank you.

**CHAIR** - Dr Goodwin?

**Dr GOODWIN** - I want to ask about the outstanding amount of unpaid fines and if you can identify how many individuals that equates to, because you mentioned the 2 800 who owe \$5 000 or more who you are specifically targeting. I just wondered if you could provide that.

**Mr WIGHTMAN** - I do not have anything before me on individual statistics.

**CHAIR** - I think you will find that the answers are at the other end of the table.

**Mr COCKER** - Minister, \$68 million is owed by 59 822 enforcement debtors, consisting of 437 127 individual monetary penalties.

**Dr GOODWIN** - As of midnight last night?

**Mr COCKER** - As of midnight last night.

**Mr WIGHTMAN** - I will just reiterate the point that there has been a 35 per cent reduction in the number of these penalties referred to MPES for enforcement in 2010-11.

**Dr GOODWIN** - Are you able to provide some figures on the full range of enforcement sanctions imposed over the last year?

**Mr COCKER** - As of midnight last night, looking at sanction movements within the previous 12 months - that is from 1 July last year until midnight last night - there have been 18 208 movements in sanctions. We have had 2 195 movements in terms of publication of name sanctions, where 21 were imposed in the previous 12 months.

## UNCORRECTED PROOF ISSUE

**Dr GOODWIN** - Is that name and shame, is it?

**Mr COCKER** - It is the publication of name and address on our website and 2 174 were revoked because of payment in full. So 21 publication of name sanctions were imposed last financial year and 2 174 were revoked within that same period. With regard to the redirection of earnings, 37 have been imposed, one of which has been paid in full; suspension of driver's licence, there has been 9 507 movements in that particular sanction last financial year where 3 084 remain active and 6 423 have been revoked due to payment in full; and suspension of vehicle registration, there have been 6 469 movements of that particular sanction where 1 999 remain active and 4 470 have been revoked.

**Dr GOODWIN** - There have been some issues with the FIND system. Are there any outstanding technical issues was that system?

**Mr COCKER** - I think as I indicated last year, given that it is an IT system and that IT systems inherently have problems, yes, there are issues.

**Dr GOODWIN** - Okay.

**Mr COCKER** - Not of any great import, if I could add, but there are still some teething problems that we are having.

**Mr WIGHTMAN** - Can I just make a couple of points there. The collection rate for referred debt is 102 per cent up from 90 per cent last year. The infringement collection rate is 89 per cent, which is up from 75 per cent last year, and the court fine collection rate is 136 per cent, up from 129 per cent last year.

**CHAIR** - And how do you get 102 per cent?

**Mr WIGHTMAN** - You collect more than comes in. You eat into the old debt.

**CHAIR** - Thank you.

**Dr GOODWIN** - Can I just go back to the FIND system. I suppose I am trying to work out the technical issues, but is this something that was created specifically for Tasmania or is it along the lines of similar jurisdictions?

**Mr WIGHTMAN** - Can I just make the point that there are now people coming down to Tasmania from other jurisdictions to see the work that we do and that is absolute credit to Mark and his team. I am not 100 per cent sure of the base of it -

**CHAIR** - So you have locked the door to make sure that Mark will not be able to get out?

**Mr WIGHTMAN** - Absolutely, or I am going to fine him. It is a purpose-built system.

**CHAIR** - So was it done by someone locally? Yes, it was done by someone locally?

**Mr WIGHTMAN** - Mark?

[11.15 a.m.]

## UNCORRECTED PROOF ISSUE

**Mr COCKER** - Yes, the software development was undertaken by a local IT company.

**Dr GOODWIN** - Okay. You mentioned interstate people coming to have a look at it.

**Mr WIGHTMAN** - Yes, that was a point that Robert made to me.

**Mr WILLIAMS** - Yes, last year it was recognised by the rest of the country that the collection rate that we were getting - up around 100 per cent - was the highest and it is because we take a customer-centric focus, as the Minister said. Those other jurisdictions have started to come and have a look at our operations, because they tend to track the infringement notices rather than deal with the person as a whole. When you deal with the person as a whole, you can have a sensible conversation with them about their overall debt to government and make an arrangement that is sensible rather than making a number of different arrangements and it basically becomes very confusing, unwieldy and they tend to drop out and not pay the money back. I think that is why the 102 per cent collection rate that we have now is a reflection of that customer service approach. In terms of the other sanctions, like seizure of assets and property, it means that we are doing the best we can to do everything before we get to that last stage. Certainly, on a national basis no-one does better than the MPES service that Mark heads.

**Dr GOODWIN** - So whatever those problems are with FIND, they are of a major nature, obviously, because they are not having an impact on your collection rate?

**Mr WILLIAMS** - Over the last year we solved a lot of the issues. Since the last time, we have solved a huge number of issues. There are still some.

**Dr GOODWIN** - Thank you. I just have one last question.

**CHAIR** - That means that we have three left.

**Dr GOODWIN** - The figures on how many people have taken their infringement notices to court in comparison with the total number.

**Mr COCKER** - Seven hundred and forty-eight people this financial year are believed to have contested their infringement notice offence in court.

**CHAIR** - How many won?

**Mr COCKER** - I do not have those figures.

**CHAIR** - That is very surprising.

**Mr DEAN** - Just on the statistical side, how many have shot through and there is no further contact? Do we have the numbers of those - the percentage of those?

**Mr WIGHTMAN** - I do not have any. Mark may have.

**Mr COCKER** - Our returned mail percentage is that eight per cent of all documents issued are returned as undelivered. We have, out of our total debt book, about 7 987 debtors who we are currently skip-tracing, if you like, or trying to identify their current whereabouts.



**Mr DEAN** - The other question I have is: have you got personnel around this state or is most of this done through technology?

**Mr COCKER** - We are geographically based in Hobart but we undertake campaigns in regional areas. We visit the Launceston, Burnie and Devonport court regions quite regularly so that people can drop in and speak to an MPES officer. We take persons under repayment plans or look at lifting sanctions and so on and so forth. So it is not as if we are locked in Hobart, as such, and do not go past Oatlands. We do that quite regularly.

**Mr DEAN** - And I think you gave the figures of salaries and wages.

**CHAIR** - Thank you, Minister. After that input from Mark I can understand completely why you have every faith in the system that you have.

**Mr WIGHTMAN** - You might have heard that at the start.

**CHAIR** - I did and I had to ask the question and I understand your confidence.

**Mr WIGHTMAN** - Yes.

#### **1.4 Support and compensation for victims of crime -**

**CHAIR** - Can we move now to 1.4, which is Support and compensation for victims of crime and others. I invite Mrs Taylor to open the questions.

**Mr WIGHTMAN** - Can I just invite someone to the table?

**CHAIR** - You may.

**Mr WIGHTMAN** - Can I invite Debra Rabe, Manager of the Victims Assistance Unit, to the table.

**CHAIR** - Welcome, Debra.

**Mrs TAYLOR** - It is a very straightforward question. You have said in the notes that the decrease - obviously, you have a drop of \$1.3 million between 2010-11 and 2011-12 in this year's Budget. You have said that the decrease reflects the transfer of responsibility of the Australian Government funds of the C&D program to community corrective services. Can I just ask the amount of that transfer? Is it actually the \$1.3 million, or is it more or less?

**Mr STEVENS** - It is \$1.3 million.

**Mrs TAYLOR** - Okay. So your budget for this year is exactly the same?

**Mr STEVENS** - With the ons and the offs that we talked about, the overhead rebasing - and there is a budget initiative of \$190 000 for the change in legislation to recover from offenders.

**Mrs TAYLOR** - Have you got any cost-saving measures being implemented this year within the department in this area or not?

## UNCORRECTED PROOF ISSUE

**Mr STEVENS** - We have got the standard vacancy control across all agencies plus the transfer of awards against offenders will be offset by the amount we collect.

**Dr GOODWIN** - I think you were going to explain how you were going to do that in this output.

**Mr WIGHTMAN** - Yes, certainly, Dr Goodwin. You would not be surprised to know that MPES will probably, more than likely, be involved. In the 2011-12 budget the government recently announced planned reforms to improve outcomes for victims of crime. The community expects that offenders should be more responsible for their behaviour, and paying financial compensation to their victims is one of the ways we can do that. When a financial award is enabled to a victim of crime under the Victims of Crime Assistance Act, the Criminal Injuries Compensation Commissioner can make an award that the offender pay back the amount of that award to the government. Reforms will be made to strengthen the enforcement of such orders against offenders by using the Monetary Penalties Enforcement Scheme. These changes will require a review of legislation to support this new process and the Department of Justice will commence this review as soon as possible. These reforms will ensure greater accountability of offenders for their actions that have harmed others and for which the state has already provided compensation to their victims. It is only fair that perpetrators should, where possible, pay the compensation to their victims rather than the taxpayers. The interesting point in this is that the money is paid by the government and then the money will be recouped from the individual perpetrator and we are looking to extend the role of MPES to be able to do that. I have confidence in their ability to do that.

**Dr GOODWIN** - When you get that money in, does that offset the money that you have had to -

**Mr WIGHTMAN** - It is savings. It is a trust fund.

**Dr GOODWIN** - Okay, it will go into a trust fund.

**Mr WIGHTMAN** - It will go into a trust fund.

**Dr GOODWIN** - What does that mean? Potentially more services for victims or what is the implication?

**Ms HUTTON** - It just reduces the call on the consolidated fund.

**Dr GOODWIN** - Right, okay.

**Mr WIGHTMAN** - So it is an offset of the savings that we have to make in budgetary measures. We are realistic about this. In other jurisdictions that do this sort of work, around six per cent of the money is collected in that regard. So obviously we are not collecting money at this stage. To collect some money, whether it be six per cent or whatever we possibly can, is a good start.

**Dr GOODWIN** - Sorry, you said you are not collecting money at the moment. What does that mean? The orders are made, are they, or what is happening at the moment?

**Ms HUTTON** - Going back a bit, Dr Goodwin, the orders were not made simply because

## UNCORRECTED PROOF ISSUE

there is an issue with the legislation that needs to be corrected. There was a Supreme Court case - I cannot think of the date of it - which indicated that offenders should be heard, for procedural fairness reasons, if an order was going to be made affecting their interests. The policy position taken was that it was not fair to victims to revictimise them by having a hearing involving the offender again. They had already probably confronted that in a court setting and did not want to replicate that. So the capacity of the commissioners to make orders was not put into full effect. They have started making those orders though more recently. But that is the other correction we need to make to the legislation: to remove the right to be heard.

**Mr WIGHTMAN** - So the victim does not have to reappear.

**Ms HUTTON** - Right.

**Dr GOODWIN** - So that with the orders they have been making recently they have had to give the offender the opportunity to be heard, have they?

**Ms HUTTON** - Not as such, but at the moment that correction will be through the Supreme Court, I believe, and that is a fairly cumbersome and costly process. It is probably fair to say we are waiting until we can get MPES to do the enforcement for us because it will be more effective and cheaper.

**Dr GOODWIN** - Last year there was a change to the delivery of victims of crime counselling to in-house delivery rather than outsourcing as was previously the case.

I am just wondering if that change in delivery saved the department any money and also how well it is working because I think there was going to be a review of performance after a year.

**Mr WIGHTMAN** - I will ask Debra to answer that, if that is all right.

**Ms RABE** - The Victims of Crime Service was previously managed by Lifeline. It did a fantastic job. There was an issue around the dollar value of the contract for Lifeline to continue to operate the service. On that dollar value it would mean that they would be decreasing services to victims of crime state-wide. We did our sums and because Victim Support Services have infrastructure across the state - offices in Hobart, Launceston, Devonport and Burnie - we were able to incorporate the Victims of Crime Service within our service at the same budget amount that had been allocated for the contract cost.

We have continued to operate the service at that cost, but we have been able to extend the amount of face-to-face hours for counsellors and clients state-wide. We have increased a day in both Devonport and Burnie. So before there were two days and now there are three days a week in each area. The client feedback has been excellent. They like the fact that they can come and get face-to-face counselling, have a victim impact statement done, talk to somebody about victims of crime assistance and talk to court support people if that is what they want to do. The feedback has been great and we are really happy with the changes, and certainly there has been no additional cost.

**Dr GOODWIN** - So it has become more of a one-stop shop for folks because everything is there for them to access in the one place, essentially?

**Ms RABE** - That is right, and it is interesting to sit and watch people swapping offices or

## UNCORRECTED PROOF ISSUE

staff coming to talk about a particular area. We obviously keep the face-to-face counselling and the financial assistance separate. What we do is we just bring another staff member in to discuss that rather than the victim having to make another appointment to source somebody. It is working really well.

**Mr FARRELL** - With criminal injuries compensation, what initiatives have been developed there?

**Mr WIGHTMAN** - I just answered that.

**Mr FARRELL** - That covers that?

**CHAIR** - That covers that. Your answer was pretty much what you had. Are there any other areas? Dr Goodwin?

**Dr GOODWIN** - Last year there was mention of work being done on the victims of crime charter for Tasmania. Has there been any progress on that?

**Mr WIGHTMAN** - I thought you might ask that.

**CHAIR** - You have got the answer ready, Minister?

**Mr WIGHTMAN** - It is interesting to note that a charter of rights for victims of crime was actually formally adopted by the Tasmanian Government on 11 November 1991. At the time the administrative direction was issued to all relevant Government agencies to comply with the charter when dealing with victims. The charter is based on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power created by the United Nations in 1985 and includes all the points suggested in the draft charter recommended by Victim Support Services. The department is currently seeking opportunities to promote the current charter. So it has been there since 1991. It was presented to the House by former Attorney-General Ray Groom and then brought in on 11 November 1991. So we just need to get out there and promote it some more.

**Dr GOODWIN** - So we didn't know we had it?

**Mr WIGHTMAN** - Didn't know we had it?

**Dr GOODWIN** - Yes.

**Mr WIGHTMAN** - It has been there since 1991, Dr Goodwin.

**Dr GOODWIN** - Yes, I know, but I have asked previously about this and there was stuff on the website about us developing one.

**Mr WIGHTMAN** - Well, Dr Goodwin, you didn't know we had one.

**CHAIR** - You got a scoop.

**Dr GOODWIN** - I didn't know we had one.

**Mr WIGHTMAN** - As the new Attorney just coming into the role, I know we have one and

we are going to do some work with it.

**CHAIR** - I would suggest that that is the scoop for the day.

**Mr WIGHTMAN** - It is the scoop for the day.

[11.30 a.m.]

**Dr GOODWIN** - We have found the long lost charter of victims' rights.

**Mr WIGHTMAN** - I will look forward to telling the younger Groom about that.

**Dr GOODWIN** - The other question is have the demands on your services increased? Are there any more victims coming to you for assistance and, if so, why do you think that is?

**Mr WIGHTMAN** - Good question.

**Ms RABE** - We have had a 25 per cent increase on calls to the service. I think that is more around the fact that it is getting out that the service exists, that people are having a positive experience with the service so they are telling other people to come and get it. We also have a vote of thanks to people around this table. Politicians regularly refer to this service. We have also been doing a lot of work with GPs and other health providers so that they know the service exists. We have also had occasions when magistrates have referred to the service.

**Mr WIGHTMAN** - I do not know if it was said there, but from July 2010 to May 2011 the number of clients was 1 945.

**Dr GOODWIN** - Okay. Can you give us a comparison figure?

**Mr WIGHTMAN** - Yes, it is up 500.

**Dr GOODWIN** - Up 500?

**Mr WIGHTMAN** - Yes, from June 2009 to June 2010 it was 1 491.

**Dr GOODWIN** - Thank you. Have we finished with that?

**CHAIR** - We would like to - no offence to you, Debra.

**Dr GOODWIN** - I have one very quick question. This is a fairly important area. Are there any changes to the current model of delivery of the various services that you offer with victims of crime that you are thinking about? Last year there was reference to looking at what Queensland has been doing. I am just wondering if there was anything that has been considered in terms of changes.

**Mr WIGHTMAN** - Yes, that is a policy matter for me and I will need to take some further advice in consideration of that.

**Dr GOODWIN** - So will you come back to us at some stage?

**Mr WIGHTMAN** - Next year. We will do it before next year. Certainly, victims of crime

## UNCORRECTED PROOF ISSUE

are something that I take seriously. I just have not had the opportunity to look into it yet in my short time in the role.

**Dr GOODWIN** - Okay. Maybe I will not wait until next year; I will put through a question.

**Mr WIGHTMAN** - Come and have a chat.

**CHAIR** - I certainly did not mean any offence by the fact that this was not an important area. I am just mindful that we need to move on.

**Mr WIGHTMAN** - Thank you, Debra.

**CHAIR** - It gives me great pleasure to invite Mr Finch to begin on 1.5, Legal Aid.

**1.5 Legal Aid** -

**Mr WIGHTMAN** - Can I invite the Director of Legal Aid - someone you may know - Norman Reaburn to the table.

**CHAIR** - Welcome, Norman.

**Mr WIGHTMAN** - He has seen plenty of estimates days, I would suspect, in his time.

**CHAIR** - We have had a few announcements today. Any announcements that you might not be with us next year, Norman?

**Mr FINCH** - That is my question. Why is he going, Minister?

**CHAIR** - People are choosing to retire but, if you are not, fantastic.

**Mr FINCH** - Minister, I am sure you agree with me that an adequate legal aid system is really vital to our community here in Tasmania. The system is under pressure elsewhere. I know the UK is flagging that it might even drop the system. So I am pleased to see the steady increase in expenditure over the forward estimates here. In terms of this joint State-Federal Government funding agreement, I would just like to get some understanding of that. Is the funding expected to keep pace with Tasmanian funding? Is it enough to provide this adequate legal aid service? Can I just get some understanding, please? This figure that we have here - the \$11 238 million and the \$11 253 million over the next year - is that the total of the Australian and Tasmanian contribution to this funding?

**Mr WIGHTMAN** - Yes, I will talk a little bit about that. As far as I am aware, it has always been joint funding. So it stays together.

**Mr FINCH** - Half and half?

**Mr WIGHTMAN** - Not quite and I will let you know about that. The State funding for the Legal Aid Commission has increased this year in dollar terms from \$120 000 and it now stands at \$5.492 million. Commonwealth funding for the 2011-12 year has increased by \$100 000 in 2010-11 to \$5.836 million. The increase is in accordance with agreed funding under the National Partnership Agreement on Legal Assistance Services. The State funds 48.5 per cent of the

## UNCORRECTED PROOF ISSUE

commission's total activities and the Commonwealth 51.5 per cent.

**Mr FINCH** - Okay. I want to talk about some of the areas of legal aid - the legal aid telephone advice service particularly I want to comment on. It is available to everyone. It is a great service. I am sure it helps put many people's minds at rest. Can you give me some idea of how many people use it each year and is that use increasing?

**Mr WIGHTMAN** - I might call on Norman to answer that question.

**Mr REABURN** - About 24 000 people use it each year and it has been stable for quite a long time. We regard that as being an indication that it is reasonably well known across the whole State and people who have a problem are quite happy to come and use our services. But we are obliged under the new national partnership agreement to increase the levels of service we provide in what the agreement calls preventive and early intervention services. The telephone advice covers both of those areas. So we will be looking to boost it up a bit over the next two or three years. We will do that by putting greater emphasis and effort into travelling around the State and reminding people of the existence of the service. We will be adopting some new technological approaches to fit in with the rollout of the broadband in the more remote areas of the state. We will be expanding the size of the unit and hoping to set up a component of it in the north. At the moment it is all in Hobart.

**Mr FINCH** - Yes, and I might point out a very good service, too. I phoned it this morning and it was good to be able to speak -

**Mr WIGHTMAN** - Is there something that you need to tell us?

**CHAIR** - He has been doing his research.

**Mr FINCH** - What I did appreciate about it, Minister, was that you speak to a person straightaway. You do not end up in a queue and that is really good. When you are in a situation where you might need to call Legal Aid, you make the phone call and there is a person to talk to straightaway.

**Mr WIGHTMAN** - That is critically important. The advice being time imperative is very important and critical right at that time when someone rings, because it might not be at the start of when they need the advice; it may be far closer to a court date. So it is really important to get that timely advice to the people when they need it the most. Obviously, when there is a criminal issue that a person might have it is a pretty stressful time. So having that opportunity to speak to somebody on the phone and actually speak to a person and not an automated service is really important.

**Mr FINCH** - I am just curious as to whether young people are more likely to access this service, or is it across the demographic that people come to the service?

**Mr REABURN** - If I could just commence with the advertisement, we are still the only jurisdiction in Australia where, when you ring the legal aid assistance number, you talk to a lawyer straightaway. With all the others you go through a kind of a sieve of people who are nonlawyers and you need to be passed on to a lawyer. We are still the only jurisdiction in the country that does that.

## UNCORRECTED PROOF ISSUE

We do not obtain a lot of data about the people who call. We know where the call is coming from, because the system does that for us automatically. So we know a lot about the calls, but we do not know a lot about the people. We know whether they are male or female and we know the nature of the things that they want to talk to us about and that is the kind of data that we keep. So we do not keep addresses or ages or names or anything of that kind for a couple of quite good, practical reasons. All I can say to you is that, anecdotally, from the sorts of things that people who answer the phones tell me, we have a pretty good spread across all the age ranges. My sense is that we probably do not pick up a lot of the younger teenagers. You actually have to be going out a bit more to pick up the younger teenager. But for the older teenager -

**CHAIR** - You might have to get on Facebook, Norm.

**Mr WIGHTMAN** - Summonses have been served on Facebook recently in Victoria.

**Mr REABURN** - We are looking at that. But we do a lot of work with schools. People who do the phones also do the community education outreach. We do a lot of work with schools and other youth organisations in that context.

**Mr FINCH** - I was going to ask how do people become aware of Legal Aid and the service that is offered?

**Mr WIGHTMAN** - From my experience, community legal centres and Legal Aid often have a reasonably strong presence in neighbourhood houses. So that is one way of actually getting to those people who require access to justice, leaving a brochure or something like that. That is where I have noticed it.

**Mr REABURN** - We do a bit of publicising. If we go and do a session at St Helens or St Marys or somewhere like that, we will put that in some kind of weekly local newsletter and so forth.

**CHAIR** - *Valley Voice*?

**Mr REABURN** - Yes. So we do quite a bit of that. Another way, for example, is that the *Advocate* in the north-west a couple of times a year has special supplements in the paper that address legal issues and we always feature in that. So we are always looking for ways. I can give you a fridge magnet.

**Mr WIGHTMAN** - I am happy to play a role too in assisting them in my leadership role as the Attorney-General and Minister for Justice. I see Legal Aid and people's access to it of critical importance. So I certainly keep a keen eye on it and am keen to play a role in that.

**Mr FINCH** - From these discussions on the phone then comes the advice and the channelling of people into the area where they need help to get through the court system. That is generally done through the lawyers who are available - their own private lawyer. They are able to go to them and then Legal Aid will provide them with remuneration.

**Mr WIGHTMAN** - Yes, and Legal Aid have a fairly strict criteria that they have to adhere to as well on who can gain Legal Aid funding.

**Mr FINCH** - For the clients who can gain Legal Aid funding, yes. They are means tested, I



would imagine?

**Mr WIGHTMAN** - Yes.

**Mr FINCH** - I am just wondering about the efficiency with which Legal Aid remunerate the lawyers who get involved. Is that a system that is streamlined and does it work efficiently?

**Mr WIGHTMAN** - I am hearing that it is actually the best in the country, particularly around turnaround times and that is because of the use of electronic means in that regard.

**Mr REABURN** - Applications for aid are made through lawyers' offices and they are made electronically. So applications are dealt with on the working day on which they are made essentially. We are the fastest in the country in dealing with applications. Our system generates the lawyer's invoice, so the private lawyer does not have to spend resources on preparing a bill for us. When the private lawyer has completed the work for which aid was granted, his or her office certifies on the already prepared invoice that the work is completed and it is submitted electronically. Our guarantee to the private practitioner is that the money will be in their bank account within 24 working hours. It is essentially because our system does it. There is no other Legal Aid Commission in the country that does that or that can make those promises about efficiency of cash flow.

[11.45 a.m.]

**Mr FINCH** - So if I were to talk to lawyers I would not get feedback that they do not appreciate the legal aid system because they are not dealt with in a proper way, that there is a delay in their remuneration.

**Mr REABURN** - Yes, I would trust so and particularly if you were to talk to lawyers who had experience of dealing with the Legal Aid Commission in other jurisdictions, because particularly in the north of the State the lawyers there do more cross-jurisdiction boundary work for Legal Aid Commissions in other States. I know from my talking to them that they find the comparison extremely interesting. I would trust that lawyers would say that. Mind you, who can say? A lawyer who knew nothing else might very well have found something that they would like to raise, particularly in the context of the fact that the money we give them is not very much. We all know that the money we give them is not very much. So being administratively efficient and giving them very rapid cash flow are a couple of things that we can do to try to make up for the fact that the money is not that good.

**Mr FINCH** - Thank you. Minister, I want to talk about the Solicitors Guarantee Fund.

**Mr WIGHTMAN** - Excellent.

**Mr FINCH** - From which \$502 000 came to your department and then you were able to put that towards Legal Aid. Does that factor in here or is that extraneous?

**Mr WIGHTMAN** - No, it is extraneous. It is additional. I am happy to go through that a little bit, if you would like. So \$502 000 came from the surplus of the Solicitors Guarantee Fund - with much pleasure, that was when I first met Norman only recently; it was one of my first very pleasant roles as Attorney-General - and that will be spent during 2011-12.

The grants are made up of \$90 000 to continue the appointment of an additional duty lawyer

- a duty lawyer picks up clients on the day at the court; we made this announcement at Devonport - in the north-west for a further year to meet the increased workload resulting from the appointment of an additional magistrate in the region. There is \$105 000 to fund an additional lawyer to undertake youth justice work associated with the pilot program - so putting these policies and practices in place and then supporting them - of the youth justice court in the Hobart Magistrates Court. There is \$132 000 to expand the services in the Guardianship and Administration Board, the Forensic Mental Health Tribunal and mental health jurisdictions. There is \$175 000 to ease restrictions on providing aid for some traffic matters and non-indictable drug matters.

The commission will also administer a State grant program totalling \$300 000 to support the employment of legal practitioners in regional areas of Tasmania. This funding is sufficient to support the appointment of four lawyers over a period of three years. I talked quite extensively about that when I was in Devonport. Like many professions, trying to attract young people - young lawyers, young professionals - to regional areas is a difficult task. It is no different from teachers, I might say.

**CHAIR** - There will be a few spare ones perhaps.

**Mr WIGHTMAN** - They will all be employed. The State grant totalling \$300 000 will help individual firms to be able to employ lawyers in those areas.

**Mr FINCH** - Thanks.

**CHAIR** - Minister, I want to ask a question in relation to an issue that has come across my desk about legal aid representatives going into some of the country areas. I instance St Helens. There has been a bit of concern that the lawyers are not available or that legal aid is not available on the day that people are required to go to court in those areas. Is that something that you are aware of at all?

**Mr WIGHTMAN** - Yes. There are two points to make. I think people often seek representation late in the process. The duty lawyers play a role in our courts by picking up those people who the court feels require legal representation but do not for some reason pursue it or decide to take it in that regard. With regard to regional areas and St Helens, is your point that they have a court date and they cannot get a lawyer?

**CHAIR** - And there is not anyone there. In this particular instance someone did turn up but they did not know there was going to be somebody there. So they thought they would have to represent themselves. I am just wondering whether that is a common occurrence, that there is not anyone available to represent their interests on the court day?

**Mr WIGHTMAN** - I would hope that the additional funds to help in regional areas, although a small amount with regard to four lawyers, might actually assist in that regard. But I am not aware of that individual case.

**CHAIR** - I guess my question is: is that something that will continue to be on your radar in relation to representing outside the city areas, if you like?

**Mr WIGHTMAN** - Yes.

## UNCORRECTED PROOF ISSUE

**CHAIR** - If we are still going to have courts outside of those areas then the representation needs to be there.

**Mr WIGHTMAN** - People still need advice and the use of technology certainly assists that. I am aware of regional areas and I am aware of attracting professional people to regional areas and having them available for those people who live in those districts.

**CHAIR** - So, therefore, there would be lawyers available in some of those areas but they might need to be recompensed in a higher manner and then they might be more available. Is that something you would look at when the Budget allows so that they are retained?

**Mr WIGHTMAN** - Increasing the money to Legal Aid lawyers?

**CHAIR** - To people who are representing.

**Mr WIGHTMAN** - I guess you are talking about positive discrimination around regional areas. I would not be looking at it individually at this stage.

**CHAIR** - But it would be on your radar for sure?

**Mr WIGHTMAN** - There are a lot of things on my radar. Regional areas, as you well know, Madam Chair, are always on my radar.

**CHAIR** - I know. That is where you got elected.

**Dr GOODWIN** - Previously due to a shortage of legal aid funding, Legal Aid had to stop acting for parents in child protection matters. Also restrictions were placed on traffic matters. What is the situation now? Are there any matters that are still ineligible for funding?

**Mr WIGHTMAN** - I am unaware of child protection, so I will ask Norm to talk to you.

**Mr REABURN** - The limitation on acting for parents in child protection matters was lifted at the end of last July, but the commission reserved the discretion to decline to act for a parent in circumstances where it felt that all the necessary interests would be well presented before the court. That applies particularly in circumstances where there is an independent children's lawyer in a child protection matter and that independent children's lawyer, of course, is supplied and supported by the Legal Aid Commission. There are some restrictions on some traffic matters and some non-indictable drug matters. The grant from the Solicitors' Guarantee Fund will help us to be more generous within those restrictions - not get rid of them completely.

The commission has for the last year been following a policy of declining to assist people in family law matters where the applicant has a history of violence involving the other party to the matter for which aid is being sought. That policy has just been reviewed and there will be an announcement about changes in that policy in the next week or two coming from the commission. We are still having to ration, but we are doing our best to get as many grants as we can and to lift those aspects of the commission's rationing policy where whole areas are blanked out and to fall back far more on simply discretion and judgements about the availability of funds.

**Dr GOODWIN** - In an ideal world, how much extra funding would you need to be able to do everything that you would like?

**CHAIR** - Just pretend the minister is not here.

**Mr WIGHTMAN** - I love this ideal world.

**CHAIR** - Do you think that might be a little unfair?

**Mr REABURN** - I might have to take that on notice.

**Mr WIGHTMAN** - I will bring that novelty cheque back down and you can fill it in!

**Dr GOODWIN** - I do have a related question on that family violence issue. I am wondering if there is a particular policy around successive breaches of family violence orders and whether it gets to a point where Legal Aid will say, 'Look, no, I am not going to represent this offender because they have breached the family violence order so many times.' Does that occur, or is it a case-by-case thing?

**Mr REABURN** - It is case by case. We become involved in those kinds of situations in a range of areas. Firstly, our criminal practice or a private professional criminal lawyer might be representing a person who is charged with breaches, and that would come in under our normal rules about representing people in criminal matters. The service we provide under the Safe at Home umbrella, which is primarily a kind of victim of violence support operation, would be involved but not with the perpetrator and not through a grant of Legal Aid; it is through the providing of a service which is independently funded by the State Government. We might find that there are also family issues or child protection issues tied up with the same people and they would be coming at it like that. We do not have a rule that says, 'We will only represent you for X number of breaches of family violence orders,' but we do have a merit test that everybody has to pass. It is not impossible - I am not predicting - that at some point the person who makes the decisions about grants of aid might look at a situation such as the one you have described and say that it has reached the point where there is no merit in providing this person with a taxpayer funded defence because it has no impact. That is particularly so in circumstances where we might on that particular day be feeling the tightness of funds. It might be enough to drop that matter down below the cut-off point for lack of funds.

**CHAIR** - Thank you, Dr Goodwin. We will now move to protective jurisdictions.

#### **1.6 Protective Jurisdictions -**

**CHAIR** - Thank you, Norman. We will see you at the table next year.

**Mr REABURN** - I sincerely hope so.

**Mr WIGHTMAN** - Can I just invite Anita Smith? She is not here? We have nobody here.

**CHAIR** - I feel sure, Minister, that you will be able to handle these questions.

**Mr FARRELL** - I have just noticed in table 7.4, right down the bottom, there is a line 'matters listed for hearing but discharged prior to hearing'. According to the notes, this is a new performance measure for the 2011-12 Budget. These percentages are around the halfway mark. I am just wondering why almost half the matters listed are discharged prior to the hearing.

**CHAIR** - It is on page 7.9 - the table - of the Budget papers.

**Mr WIGHTMAN** - It is just simply because the matter has been resolved before it gets to hearing.

**Dr GOODWIN** - I just have a couple of questions on this particular area. One concerns the Office of the Public Guardian, which has had an increased demand on its services. I understand that the Department of Justice was giving them some assistance to have a look at this issue and do a review of the office. I am just wondering whether that has been done and what the outcome of the review has been?

**Mr STEVENS** - Dr Goodwin, the review is being done and is scheduled to be finalised in about mid-July, so we should be getting its report at the end of July. We will be looking at processes and procedures and interaction with the guardianship board as well, so hopefully we can improve some of those components.

[12.00 p.m.]

**Dr GOODWIN** - The other question I have relates to the Criminal Justice (Mental Impairment) Act. The annual report for the Tasmanian Forensic Tribunal raised its concerns about the indefinite detention of some individuals subject to forensic orders and suggested that perhaps there was a need to review that legislation to have a look at forensic orders both in terms of their duration and revocation. I am just wondering whether there has been any progress on that, basically.

**Mr WIGHTMAN** - I will just take some advice on that. No.

**CHAIR** - We will not hold our breath for the Mental Health Act, Minister.

**Mr WIGHTMAN** - No, there has not been any work we are doing in that space that I am aware of.

**Dr GOODWIN** - Could I urge the Attorney to have a look at that issue, because I think it was a fairly significant point that was raised by the chair of the Forensic Tribunal.

**CHAIR** - Cameron is writing it down.

**Dr GOODWIN** - It was about being kept in the Wilfred Lopes Centre for indefinite periods of time and becoming institutionalised. We did try to move away from that with the closure of Royal Derwent. So I think it is certainly worth looking at and having a chat to your colleague the health minister. If I could urge you to take that on board?

**Mr WIGHTMAN** - Yes.

**Mr DEAN** - I am not sure whether you were asked a question on this. The 2009-10 matters determined within a statutory time frame was down to about 90 per cent and in 2010-11 - this year - the target is 97 per cent. Is that likely to be reached? What happens when the statutory period is not met? Is there a default? Is there any penalty imposed? What is the significance? I had a table that I was referring to. Are you trying to find that?

**Mr WIGHTMAN** - No, I have it. It is page 7.9.

**Mr DEAN** - Right. I knew it was there somewhere.

**Mr WIGHTMAN** - So your question was that it was 90 per cent in 2009-10 and we are looking to target -

**Mr DEAN** - It is a target - the 97 per cent.

**CHAIR** - 99.

**Mr DEAN** - Ninety-nine per cent in 2010-11. It is 97 per cent at the top there. So it is 90 to 97. So my question is: is that target likely to be met? If the statutory period is not met - if it is set aside for this - what is the penalty? Is there any penalty, or is there any issue?

**Mr WIGHTMAN** - No, there is no consequence. There is no penalty around that statutory time frame. It is a target that we are aiming for.

**Ms TAYLOR** - It was 98.7 in 2008-09. So, obviously, you have reached it before.

**Mr WIGHTMAN** - Yes, 100 per cent in 2011-12. I have some further points there. The board is required under the legislation to conduct a hearing within 45 days of receiving the application. This is achieved in 90 per cent of all cases, which is at the forefront of best practice in Australia. The matters falling outside this time frame are usually the result of less restrictive alternatives being pursued or where the board needs to obtain specialist reports.

**Mr DEAN** - Right. I just note there that it is going to be 100 per cent in 2011-12.

**Mr WIGHTMAN** - It is a good aspirational target.

**CHAIR** - Thank you. Seeing that we have spent three hours on output group 1, we are going to try to deal with the next five before lunch. Let us see how we go. I will invite Dr Goodwin to open the question on 2.1, Crown Law.

## **Output group 2 Legal Services**

### **2.1 Crown law -**

**CHAIR** - Do you need to bring anyone to the table?

**Mr WIGHTMAN** - I would like to call Kerry Worsely to the table. She is the Manager of Crown Law.

**CHAIR** - Welcome, Kerry.

**Dr GOODWIN** - My question relates to the Office of the Crown Solicitor. The Department of Justice annual report for the year just gone mentions that in 2008-09 the Office of the Crown Solicitor was unable to generate sufficient income to meet its financial obligations. Things improved in 2009-10 because a surplus was generated, largely due to two large projects that they

dealt with.

**Mr WIGHTMAN** - That is correct.

**Dr GOODWIN** - I am just wondering what the situation has been this financial year.

**Mr WIGHTMAN** - Firstly, I will make the point that it is a matter that I am certainly aware of and actively considering at this stage and I have had continued discussions with Crown Law about that. I believe Kerry has some further points on it.

**Ms WORSLEY** - This year, Dr Goodwin, the office is making a small profit - about \$28 000. So on the basis of a cost-recovery exercise, I would say we were about right.

**Dr GOODWIN** - I guess this brings to mind a broader issue, because it is mentioned also in the annual report about trying to make sure that the office has a greater capability to meet the needs of the government and that it hopes to see a reduction in the number of matters briefed out to external legal contractors. Has that eventuated?

**Mr WIGHTMAN** - Can I make just a couple of general comments on that? Yes, certainly, it is something that I have become aware of early in my Attorney-General career, one might say, and it is something that certainly is a matter that we are working through and we hope to make some improvements there in the future. Crown Law obviously provides a service to Government, particularly the Solicitor-General and the Crown Solicitor, and provides a very good service at that. I certainly take a proactive role in encouraging Ministers to be aware of legal matters and to use the Office of the Crown Solicitor and the Solicitor-General. That is a privilege that I have as Attorney and it is something that I take very seriously and regularly encourage my Ministers to do. Your specific question is around the outsourcing; is that right?

**Dr GOODWIN** - Yes.

**Ms HUTTON** - That is covered by a Treasurer's instruction and that instruction will be changed. The question of whether or not to outsource is addressed case by case by the Crown Solicitor's office. So it is in their procurement guideline.

**Dr GOODWIN** - If I could just ask a broader question, because I was not quite sure where this slotted in. It is something of concern to the legal profession about State Government legal work going to the mainland. I am just wondering, because they are concerned about the impact, obviously, on the profession locally and what is going to happen in the future with training lawyers and all of those sorts of things.

**Mr WIGHTMAN** - Yes, I understand that.

**Dr GOODWIN** - I am just wondering if you are aware of that issue. I think they probably have already raised it with you. What is being done about it?

**Mr WIGHTMAN** - Yes, I am aware of the issue. In my role, in the way I am working as Attorney obviously, that decision is for each agency to in fact make those initial decisions about where legal advice is sought via the Crown Solicitor. But my first point of encouragement is for Ministers to work with Crown Law to use the legal services that we have in place for the Government. There are times I am aware where specialised legal services would be sourced from

the mainland.

**Dr GOODWIN** - Is there any sort of data available on how much is outsourced to the mainland?

**Mr WIGHTMAN** - And how much is done locally? We can get you that information. I do not have the information to hand.

**Ms WORSLEY** - The reality is that a very small amount of legal work is actually outsourced. The small amount that is outsourced is usually, as the Minister says, for very specific parts of projects. For example, it might be a specific issue on an area where we do not possess particular expertise within Crown Law - for example, a complex superannuation issue on the sale of Government business or something of that nature. Where that occurs, generally the advice is sought from the mainland, because the very best expertise does not exist in Tasmania. So we have to look at it from the point of view that Crown Law, we like to think, is the better, if not the best, legal practice in Tasmania. Where we need to go beyond our own resources, we generally look beyond the State, because those resources are not readily available in our State.

**Dr GOODWIN** - It would just be useful for me to get some idea of the extent of the problem, because it has been raised with me.

**Mr WIGHTMAN** - Yes, sure. We will undertake to get you some further information on that.

**CHAIR** - I have a question in relation to the Solicitor-General's advice in relation to the Department of Education having to repay BER funding.

**Mr WIGHTMAN** - Yes.

**CHAIR** - In that case, would you seek a second opinion? Obviously there are the two different lawyers with two different opinions and we know that often there can be a third opinion.

**Mr WIGHTMAN** - The legal opinion that was offered to the education minister from the SG belongs to him, so I am not going to comment on that advice that has been sought.

**CHAIR** - But in your position would you not attempt to seek clarification or a second opinion on that, given that we have already had another contrary opinion from the Federal -

**Mr WIGHTMAN** - The Solicitor-General's advice is binding on the Crown.

**CHAIR** - So you never seek a second opinion or never would, particularly in this case? It could cost millions of dollars.

**Mr WIGHTMAN** - Not usually would we seek a second opinion.

**CHAIR** - But in the case where there could be repercussions that the State could have to repay millions of dollars back to -

**Mr WIGHTMAN** - I think your question needs to be asked of the education minister.



**CHAIR** - I did.

**Mr WIGHTMAN** - Well, that is where it should be asked to start with.

**CHAIR** - I did. I asked and he said he had an opinion. I am just asking you in your position -

**Mr WIGHTMAN** - That is right, and I am not going to talk about that opinion that was given from the Solicitor-General to the education minister.

**CHAIR** - Thank you. You support the Solicitor-General's opinion and are not seeking a second opinion.

**Mr DEAN** - I have a question that I think has been partly been answered in relation to the chargeable time from the Crown Solicitor's office. They do other work outside, do they?

**Mr WIGHTMAN** - Outside of government?

**Mr DEAN** - Outside of government, do they?

**Mr WIGHTMAN** - They charge agencies.

**Mr DEAN** - So that is a charge against the agencies -

**Mr WIGHTMAN** - Correct. The Crown Solicitor charges out to agencies.

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

**CHAIR** - Thank you very much. We will move on now to 2.2, legislation development and review, which is dear to the heart of all MPs.

**Mr WIGHTMAN** - I welcome Len Armsby, who is the head of this division, to the table.

**CHAIR** - Welcome, Len, who often sits in front of the Legislative Council.

**Mr WIGHTMAN** - He does.

**CHAIR** - He is not a stranger.

**Mr WIGHTMAN** - And another one who I am just working through understanding his handwriting, as we do on the floor of the House.

**Mrs TAYLOR** - From this morning's discussions, you are obviously going to be very busy in this area. You have indicated a number of areas of your own and also the department's. It is great to see that you are enthusiastic about wanting to formulate some of that new legislation, but how is that going to be possible with effectively a decrease in your Budget? You got \$3 000 extra - in real dollars, I assume.

**CHAIR** - Do not spend it all at once.

**Mr WIGHTMAN** - We certainly will not be changing staffing in that regard. In a lot of

## UNCORRECTED PROOF ISSUE

cases, much of the work - whether it be through discussion papers in particular - has already begun and we will continue to undertake it.

**Mrs TAYLOR** - So the work has started?

**Mr WIGHTMAN** - Yes. The resources of the office have not changed.

**Mrs TAYLOR** - No, I understand that. But you have quite an ambitious program.

**Mr WIGHTMAN** - I am certainly ambitious in the role. It is an absolute privilege, as I said, to be Attorney-General not only with my relationship with the crown law but also with our law reform agenda.

**Dr GOODWIN** - I wanted to ask a couple of questions that perhaps touch on your law reform agenda that you just mentioned. I asked a question in the Legislative Council a while ago about progress in relation to the review of sections 14, 14A and 124 of the Criminal Code, and this came out of the child prostitution case. The Tasmanian Law Reform Institute was meant to be having a look at that and releasing an issues paper midyear. It is approaching midyear. I am wondering if you can provide an update on progress.

[12.15 p.m.]

**Mr WIGHTMAN** - Yes, I certainly can. The former Attorney-General, the Hon. Lara Giddings MP, was provided with a memorandum of advice from the Director of Public Prosecutions. While my predecessor was confident that the decision of the Director of Public Prosecutions was sound, she also recognised that the case caused a great deal of concern in the community. She therefore asked the Tasmanian Law Reform Institute to advise on whether there was a need to review sections 14, 14A and 124 of the Criminal Code to consider if any other issues of law raised by this case require reform, as you mentioned. In particular, the institute was asked to review the mistake and consent provisions of the code to ensure they achieved an appropriate balance between the need to protect young persons from sexual exploitation and the rights of the accused person. The work has been done on that. We are now waiting on Professor Warner, who had a heavy teaching load, to put that together and give it to us.

**Dr GOODWIN** - I think the Department of Justice provided some funding for that. That was mentioned in -

**Ms HUTTON** - I believe there was a small amount of funding, Dr Goodwin. That was to cover the post-grad student and some of the director of the institute's time. But, as you know, it is a fairly small, almost virtual body and the speed with which they can do things depends really on whether they have an appropriate person available.

**Dr GOODWIN** - I am just interested in the quantity - if you know or could provide it, just out of interest.

**Ms HUTTON** - I could certainly get that to you. It was relatively modest.

**Dr GOODWIN** - Now, there have been a number of other reports, particularly in the area of criminal law reform, that the Tasmanian Law Reform Institute has provided over the last few years, including things like the consolidation of arrest laws, racial vilification and racially motivated offences, criminal liability of organisations, intoxication of criminal responsibility.

## UNCORRECTED PROOF ISSUE

I am just wondering whether you are planning to act on any of those reports in the future.

**CHAIR** - I expect that Dr Goodwin has read them all, Minister.

**Mr WIGHTMAN** - She has forensic training, so I suspect she certainly has.

**CHAIR** - You can see why we are always pleased to have her as part of this committee.

**Mr WIGHTMAN** - Indeed; as am I, Madam Chair. There have been two recent reports by the Tasmanian Law Reform Institute: one on racial vilification, which unfortunately has been in the media again in recent times; the other on consolidation of arrest powers. I have asked my department to look at those with a view to possible legislative changes around those. When these projects are completed - obviously it will depend on the resources available and the priorities within the department - we want to have a look at possible legislative changes. I can talk more about racial vilification.

**CHAIR** - Thank you. But if Dr Goodwin wants some extra -

**Mr WIGHTMAN** - We can provide it for her.

**Dr GOODWIN** - I have one major point. Are there any other areas of law reform that you are looking at or that your department is involved in providing resources for?

**Mr WIGHTMAN** - Obviously the matter of altruistic surrogacy is in the upper house. It is something that we will certainly be looking to continuing. Coming up is the SCAG meeting in July, which is now called the Standing Committee on Law and Justice. A key point of that will be the R-rating video game classification. I certainly support that. It will be an interesting discussion in SCAG and right across the country about whether we bring in the R-rating classification for particular video games. So there is surrogacy and the video games with regard to SCAG. There are other pieces of legislation that we wish to look at or introduce - right to information and so on.

**Dr GOODWIN** - Is the charter of human rights and responsibilities off the agenda for now?

**Mr WIGHTMAN** - I thought you might have got that. Certainly the former Attorney -

**CHAIR** - Which one?

**Mr WIGHTMAN** - The Hon. Lara Giddings, MP, was very much in favour of him and talking of the human rights and responsibilities charter. We certainly continue to do some work on that. We have received feedback on that from the community. We are currently working through the 289 responses that we received with regard to that. All of these responses are on the Department of Justice website at the moment. We are certainly looking at it at the moment and considering the human rights and responsibilities charter.

**Dr GOODWIN** - You do not still have the time line?

**Mr WIGHTMAN** - No.

**Dr GOODWIN** - The only other one was, very quickly, the euthanasia bill. Are you having any involvement in that at all or is it -

**Mr WIGHTMAN** - No, that is a private member's bill.

**Dr GOODWIN** - Just departmental resources being utilised?

**CHAIR** - Is this Dying with Dignity?

**Dr GOODWIN** - Yes.

**Mr WIGHTMAN** - No more resources that I am aware of have been used on it since the Hon. Lara Giddings, the Premier, was Attorney-General.

**Dr GOODWIN** - Is it still on the radar?

**Mr WIGHTMAN** - It is a private member's bill. It is a matter for her. I cannot answer that.

**CHAIR** - I can think of a one-liner, but I will not. Mr Dean has on overarching question before we leave Legal Services that I have been good enough to let him ask.

**Mr DEAN** - It relates right back to the first areas, and it is an important question with Justice here. It is a question that has been asked in the north of the State, and I think you know what it is.

**Mr WIGHTMAN** - Yes.

**Mr DEAN** - What is Justice doing in relation to the removal of police from the courts in Launceston? Where are we at? Is it totally abandoned now, never going to happen in this Government's life?

**Mr WIGHTMAN** - It is certainly something we hope to do into the future. We cannot do it at the moment.

**Mr DEAN** - But you have been saying that, Minister, for the last 10 or 15 years.

**Mr WIGHTMAN** - I have not been. I have not been saying that.

**Mr DEAN** - No, but the Government has been saying that. This Government has been saying that ever since they have been in power. Ever since they have been in they have been saying this.

**Mr WIGHTMAN** - Obviously it is an issue around the Budget at the moment and having the resources to be able to do that.

**Mr DEAN** - It was not three years ago when you held all the money.

**Mr WIGHTMAN** - I am sorry; I cannot answer that, Mr Dean. I was teaching at the time.

**CHAIR** - Thank you. The point has been made.

**Mr WIGHTMAN** - The point has been made and I am well aware that he is going to make that point.

**CHAIR** - Appreciate that the honourable member has his role in making -

**Mr WIGHTMAN** - Absolutely. I thank you for that.

**CHAIR** - We will move on now to output group 3, Registration Services. I thank Len for his time at the table.

**Output Group 3  
Registration Services**

**3.1 Births, Deaths and Marriages -**

**CHAIR** - Do you need anyone to join you, or do you think you will be able to handle this one? You have experience in births and marriages.

**Mr WIGHTMAN** - I certainly have - marriage. Births, yes, but I played a minimal role in it.

**CHAIR** - That is right; it is me who has the experience in marriages, Minister.

**Mr WIGHTMAN** - Chris is here. I welcome Chris back to the table.

**CHAIR** - Welcome, Chris. We have seen quite a lot of your team, Minister. My question relates to retained revenue. Obviously this is where the department generates some revenue that they are able to keep and use for appropriate purposes. Can I assume from this that there will be an increase in the fees to register births, deaths and a marriage or more?

**Mr WIGHTMAN** - So your question specifically is: will there be an increase in the charges? Is that right?

**CHAIR** - Sorry?

**Mr WIGHTMAN** - Can you just ask that question again for me?

**CHAIR** - I am talking in relation to retained revenue. There is an increase, budgeted increase, for retained revenue. It is my understanding that that would have to be from an increase in fees and charges.

**Mr WIGHTMAN** - It is just CPI.

**CHAIR** - But if it is retained revenue, retained revenue is generated by fees and charges. So that is not CPI, is it?

**Mr WIGHTMAN** - They have gone up by CPI.

**CHAIR** - So that is the CPI increase for the registration in relation to those particular areas?

**Mr WIGHTMAN** - Yes.

**CHAIR** - And that happens on a yearly basis?

**Mr BATT** - If I am able to answer that, it is just the normal adjustment under the Fee Units Act and that is an automatic adjustment.

**CHAIR** - Thank you. Is everyone happy that we just continue to work through to finish these output groups? I am mindful that in a couple of minutes we will be heading into the designated lunch break. Are you happy with that, Minister?

**Mr WIGHTMAN** - Yes, sure.

**CHAIR** - I do not have any other questions in relation to this. There is plenty of information in the papers relating to it and I should expect that it will be another one of your very efficient departmental areas.

**Mr WIGHTMAN** - Absolutely.

**Mr FINCH** - But it goes on and on and on.

**Mr WIGHTMAN** - Nothing but continuous improvement here, Mr Finch.

#### **Output Group 4 Review Services**

##### **4.1 Anti-Discrimination Commission -**

**Mr WIGHTMAN** - Could I invite Robin Banks to the table. She has been waiting very, very patiently and hopefully we have not discriminated against her.

**Mr FINCH** - I will see if I can drill down deep enough so that we can include you. The estimates for the Anti-Discrimination Commission show a progressive increase, as you would expect. Does this reflect information, as we heard just a moment ago? Is that CPI or is that preparation for additional work that might come in? It reflects to me that discrimination is not going away.

**Mr WIGHTMAN** - No. Can I just make a couple of points about that, about it not going away, in that regard. At the end of May 2011 the level of complaints received by the OADC, the Office of the Anti-Discrimination Commissioner, was up 35 per cent on the same period of the previous year. It has been advised that the rise in level of complaints is likely to continue to increase as the broader community develops greater awareness of the application of anti-discrimination laws. So that increase is due to the fact that people are more educated and aware of the role that the Anti-Discrimination Commission plays. Michael, would you like to make a couple of points?

**Mr STEVENS** - I was just going to make the point again that it is all the ons and the offs, but essentially the increase is two per cent for salary increases and 2.5 per cent for non-salary increases and then there is a range of ons and offs each year. So it is not directly correlated to the CPI but it would be the general government increase index flowing through.

**Mr FINCH** - And at least that has been maintained and, as you say, with the increase of 35 per cent, well, they have got more work to do, haven't they?

**Mr WIGHTMAN** - They do. There has been an increase in complaint numbers but the commission, through Robin's terrific work, has been able to maintain a timely response to complaints and meet its statutory deadlines for complaint handling to the same level as the previous financial year, so congratulations in that regard. In the 2009-10 annual report the commissioner noted concerns about the capacity of the office's data collection system to accurately record and report that complaint data. In response to this, the Department of Justice has provided one-off funding for the development and implementation of a new complaint management system for the OADC. This system is currently in the testing phase and is anticipated to be operational in early August 2011.

**Mr FINCH** - If I could just ask about staffing, too, please, Minister. We have heard that some of this is to offset staff increases - salary increases. I am just wondering how many are actually employed in this division in the commission?

**Ms BANKS** - There are nine staff and myself - not all full time. In effect the total staffing is 9.6 effective full time. Of that, four are involved directly in complaint handling to educators and the rest are across the organisation and there is my role as commissioner.

**Mr FINCH** - Thank you very much. The commission launched an investigation into the possible discrimination on age grounds against volunteers and organisations by insurance companies and I just want to know have grounds for that investigation firmed up since it started, when is a report likely and if some insurers are refusing insurance on age grounds what can actually be done about it?

**Mr WIGHTMAN** - Robin looks ready to answer that question.

[12.30 p.m.]

**Ms BANKS** - Thank you. Yes, we have received a number of submissions already to the investigation and they indicate that there is a level of discrimination going on on the basis of age against volunteers in Tasmania and, I suspect, nationally. As I indicated when I launched the investigation, it is not a Tasmania specific problem; it just has a particular effect here. I have invited all of the insurance companies that provide volunteer insurance to provide me with a response in relation to their practices and I am waiting for those responses. I have been working through the Insurance Council of Australia as well in relation to that. The deadline for submissions is 25 July. I anticipate that it will take a little bit of time to process the submissions because, as I say, we have had a few and we have very limited policy capacity in the office. I would hope to have a report within a couple of months of that on the outcome of that investigation. In terms of what could be done, I am hoping that through identifying the problem and firming up the nature of it that we may be able to persuade, through a conciliation type process, the insurers to change their practices or to go and source better data. Insurers are permitted to discriminate if they have got data that is reasonable data to rely on to do that. At this stage I have not seen any of that data, so that is really, I guess, a core issue in this inquiry. I can require them to provide that under the act.

**CHAIR** - I like the persuade rule though.

**Ms BANKS** - Yes.

**Mr FINCH** - Minister, there is obviously community concern about reported attacks on

international students here in Tasmania. They make us look bad.

**Mr WIGHTMAN** - Yes, they do.

**Mr FINCH** - As we saw in Melbourne last year, it can have really strong and dire consequences. Can you give us some idea of the extent of the problem in Tasmania and, also, do you think that incidents are being sufficiently reported?

**Mr WIGHTMAN** - I certainly can. In June 2010 the Acting Anti-Discrimination Commissioner publicly launched an incident report form to enable collection of information about incidents of abuse or assault against international students and others on the base of race. That collection system is still in place and the commissioner has indicated that to the end of May 2011 35 incidents have been reported to her office. The incidents included racial abuse and violence, abuse and violence against people with disability and other vulnerable members of the community. The commissioner continues to monitor these incidents and, where appropriate, report them to other organisations for actions. So there were 35, honourable member, to the end of May 2011. That was a year base - 35 in that year. Do I think personally that they are all being reported? I do not think all of these incidents would all be reported, like many others throughout the community. As I said, the statistics show that we had 35 incidents. That is 35 too many. I would make the point in this committee and publicly that it is certainly not a good look and, as we well know, around Launceston in particular we have a number of wonderful international students and people living in the community which I had the great pleasure - before I hurt myself - to play soccer against. They play an active role in the community and any incident of abuse against them is one too many.

**Mr FINCH** - Yes. So you and your staff have got a job to do into the future.

**Mr WIGHTMAN** - I think we have all got a role to play in this, and that is a public role and a leadership role - us as leaders of our community - to say that this sort of behaviour is completely unacceptable. It is not just the role of the commissioner to have those issues reported to us; it is everybody in the public. It is happening even at times in the TSL. We see it in football clubs. It is the role of everybody in the community to make sure that this racial vilification ceases. We can all play an active role in trying to ensure that that happens.

**Mr FINCH** - We have seen reported today the AFL take very severe action against a player with a four-week suspension. That is the first case in 12 years, but they are still prepared to stamp down very heavily on it.

**Mr WIGHTMAN** - As you probably hear, and as you well know from experience in different roles that you play, racial abuse is incredibly hurtful and incredibly insulting to a variety of different cultures and certainly we as political leaders can play a really proactive role in voicing our disgust, particularly of any incidents of racial abuse.

**Mr FINCH** - Of course, in the past it has had to be absorbed by those people who have been abused, but now the power is there to have recriminations.

**Mr WIGHTMAN** - It might be a matter of encouraging people and knowing which mechanisms. To say 35 per cent up with regard to discrimination cases obviously is credit to Robin's work. There is a role there to play in the education of people in our community that if you are involved in this sort of racial abuse there are mechanisms in place that will catch you out, so



to speak.

**Mr FINCH** - This morning I did look at a couple of websites - the Legal Aid website -

**Mr WIGHTMAN** - Did you go to the gym this morning, Mr Finch?

**Mr FINCH** - I didn't have time! I was too busy looking at the Anti-Discrimination website as well. They are both equally user friendly.

**Mr WIGHTMAN** - Excellent.

**Mr FINCH** - I think somebody needs congratulating here. But can you give us some idea of how effective the site is proving to be?

**Mr WIGHTMAN** - Robin, do you have any statistics -

**CHAIR** - Hits - the number of hits?

**Ms BANKS** - I do not have that off the top of my head, I am afraid, but we do have access to that data, so I could certainly provide it through the Minister to the hearing. We certainly get a high volume, particularly around the newsletter and around the particular information about specific areas of coverage under the act. Many people download the complaint form from the website. Of the complaints we have received this year, I suspect a significant percentage - probably 75 per cent of them - would have got it from the website rather than having to find it somewhere else or contact our office to locate that form.

**CHAIR** - Thank you. I get a sense that everyone is on the same page in relation to this particular issue. Mr Dean?

**Mr DEAN** - On the education side of things, there have been unfortunately two or three fairly grave incidents in the high schools in the north of the state in relation to discrimination. How much education is done within the school system in this area?

**Mr WIGHTMAN** - I will tell you about one interesting thing, before I get on to community education and training, around restorative practice, which you would know quite well. Certainly the work of the northern police and their work on restorative justice in schools - which gives a direct link for school principals to report serious, significant issues, whether they may be assaults, and to instigate restorative practice workshops - has had a really positive result.

**CHAIR** - Did that go back to the former commander's time?

**Mr WIGHTMAN** - No.

**Mr LEE** - I think it did.

**Mr WIGHTMAN** - Yes.

*Laughter.*

**Mr WIGHTMAN** - I must say, as someone who has been involved in restorative type

practice work at an education level, it is really about having people who commit these types of offences walk in the shoes of the victims. And it is not a soft option in any way. When you have police, families and the victim and you are sitting around having that discussion about a restorative practice in high schools, it certainly makes a difference. With regard to community education and training, the LIDC has seen an increase in the level of demand for both community education and training on the Anti-Discrimination Act. To date this financial year, LIDC has delivered 178 community education and training sessions to over 2,500 participants. The commissioner has presented to 50 events with over 1,400 participants. This represents an increase on the previous year despite the LIDC having one trained educator for most of the year, which represents a 50 per cent training staff capacity.

**Mr DEAN** - I might add here: without identifying the school, the principal was absolutely wonderful in the way he went about this in resolving this issue as well.

**Mr WIGHTMAN** - Certainly the principals had, with regard to matters, a fair bit of training, particularly in the north - professional development around restorative practice and the mechanisms put in place for that to actually occur.

**Ms BANKS** - Can I just add that in the past we had not focused a lot of resources on training in schools, but it is now a priority area for my office. And certainly after an incident in the north-west of the state, I met with the principal and offered whatever assistance we could give in terms of community education.

**Mr WIGHTMAN** - And I can say, too, that in my experience, as you would well know, that is the place to start. Robin is obviously going to have a focus in that area. Changing culture is about working with young people particularly in our community and working with them to change their behaviour, and school is a pretty good place to start.

**Dr GOODWIN** - I just wanted to briefly make one quick comment and then ask a question. The comment I wanted to make, through you, Minister, is just to say how pleased I am that the Anti-Discrimination Commissioner is looking at the issue of volunteer insurance for older persons and discrimination possibly there. I am a member of a service club. I was horrified to discover that we do not have insurance to cover a member who is over the age of 90 who is very active in our community and would not be covered in the event of an injury. So I am very pleased that that issue is being addressed. I just wanted to ask a question about the indicator in table 7.10 on page 7.15. Just from the comments about that indicator, I am wondering whether it is the best possible indicator that could be used or maybe there is a better one that could be considered.

**Mr WIGHTMAN** - It is a Tasmania Together indicator.

**Dr GOODWIN** - Is that the only one we can use in the budget papers?

**Ms HUTTON** - We do have a bit of an issue, Dr Goodwin. We could use another indicator, but then they may be going in different directions and we would spend an awful lot of time explaining why that was. Given that the Tasmania Together indicators are in existence, in this case it is not necessarily helpful for accounting reasons but you have a time period over which you can compare. We have stuck with that one so far, but I cannot say we are necessarily wedded to it.

**Dr GOODWIN** - It is just the comment that it perhaps was not the best possible one that

could be used.

**Ms HUTTON** - Robin will correct me if I am wrong, but we have had a change of system. So I think you will find the figures going all over the place. Maybe once that system is embedded, from there forward you could have some sensible time series of statistics. But if you look backwards from that it would be pretty meaningless.

**Ms BANKS** - Certainly the new system will allow us to interrogate the data a lot differently to how we can. It will be much more accurate. Certainly indicators that are pure number indicators in the sense of the ones that exist at the moment I think are problematic. We are looking at alternative indicators like repeat respondents, because that is probably a better indicator of whether people are changing practices and also, I guess, what the trends and patterns are in different areas. We are certainly not seeing a reduction in complaints and I do not anticipate we will.

**CHAIR** - Thank you very much, Robin. We appreciate your time.

**Mr WIGHTMAN** - Can I just congratulate Robin on the work that she does. She is an outstanding leader in this field.

**CHAIR** - That is the second congratulations.

**Mr WIGHTMAN** - Is that all right to be noted? She is an outstanding leader in her field and it is a great privilege to be able to come and have a chat to her.

**CHAIR** - Thank you very much.

## **Output group 5 Electoral services**

### **5.1 Elections and referendums -**

**CHAIR** - Now we will move on to another area that is very dear to the heart of people around this table, especially the elected ones - that is 5.1, electoral services.

**Mr WIGHTMAN** - If I can invite Julian Type to the table and congratulate him on being appointed to the role officially.

**CHAIR** - He is no longer acting.

**Mr WIGHTMAN** - He is no longer acting. Congratulations, Julian.

**CHAIR** - I will invite Mr Gaffney.

**Mr GAFFNEY** - It will not be a lot of questions. We appreciate the need for dollars to be allocated in budgets for elections and we also understand that parliamentary elections are a reserve by-law item. There was a need there for, it says in the note, an extra \$930 000 for local government elections to be held in 2011-12. Again there is a spike in 2013-14 for state and local government elections, but how much funding do local councils contribute towards the local government elections, because there is a cost there?

[12.45 p.m.]

**Mr TYPE** - Essentially in the budget papers it is an accounting entry. Local government pay full costs of their elections.

**Mrs TAYLOR** - That is what I understood.

**Mr TYPE** - In fact, I would expect that in the 2011 elections the amount will be somewhat more than \$900 000. It was somewhat over \$1.2 million in 2009, so I think we would be looking at a total cost of about \$1.4 million. But that is recouped from local government.

**Mr GAFFNEY** - So that line item increase is a local council -

**Mr TYPE** - It is essentially a book entry, yes.

**Mr GAFFNEY** - Could you provide numbers of full-time staff you have?

**Mr TYPE** - At this stage we have eight full-time and two part-time staff.

**Mr GAFFNEY** - And obviously during election time that jumps with volunteers or part-time staff. Do you have trouble getting enough people to help across the State for elections? Is that an issue that is of concern?

**Mr TYPE** - We do not generally have difficulty recruiting sufficient polling officials -

**CHAIR** - They love it.

**Mr WIGHTMAN** - Could I just make the point there: my mum, for the first time in 25 years, could not work at the election because of the fact that I was standing and I owe her \$400.

*Laughter.*

**CHAIR** - That is why I said they love it.

**Mr WIGHTMAN** - Yeah, they do.

**Mr TYPE** - We do not typically have difficulty recruiting polling officials, because we have access to the full-time workforce who are required to work on Saturdays. We have at times had difficulty recruiting sufficient staff to work on the count for local government elections, because that is held during the week - on the Tuesday, Wednesday, Thursday. That difficulty seems to move with the unemployment rate.

**Mr GAFFNEY** - Just going to the 2010-11 elections, were the elections there just the MLC ones?

**Mr TYPE** - Yes. We had the three Legislative Council elections plus the one uncontested.

**Mr GAFFNEY** - What would be the cost of the normal three-person elections for the MLC in 2010-11? So without Minister Aird's resignation, what would be the cost for your department of that?

**Mr TYPE** - In the order of \$450 000. But those costs are variable according to the divisions which are up for election. For example, it is more expensive to run an election in Murchison, which has 40 polling places.

**CHAIR** - Apsley?

**Mr TYPE** - Or, as you say, Apsley. Next year, for example, we have an election for Western Tiers. That requires us to advertise in all three corners of the State because of the boundaries of the division. So the costs are variable but in the order of \$450 000.

**Mr GAFFNEY** - I might be putting something on notice here. So for the extra one person - Minister Aird, for example - what was that extra cost? You said normally for three it would be \$450 000. For his position?

**Mr WIGHTMAN** - I have a bit of a breakdown here. I am not sure; you might have to put this on notice as well. The TEC successfully conducted 2011 Legislative Council elections for the divisions of Derwent, Murchison, Launceston and Rumney. A ballot was not required for Murchison as there was only one candidate. Expenditure to date was \$451 000. It is anticipated that the total cost will not exceed \$560 000.

**Mr GAFFNEY** - I would like, if you feel as if you should, to understand that over a full cycle - a six-year cycle - where we have every electorate vote. If those elections were done in three elections every two years - so you had five members standing every two years - I would like to understand from the electoral position what costings that would possibly save the State if our electoral cycle had changed so that it was three lots of two-year terms instead of six single-year terms. I was just wondering if you could take that on notice to come back with some funding.

**Mr TYPE** - Certainly that is a question we would have to take on notice. I will treat it accordingly. My initial reaction to your question is that the cost savings of simply moving to five elections every two years would not be substantial, with the exception that the advertising costs would be able to be apportioned over five divisions instead of two or three. So you would effectively see probably a halving of the advertising costs. Most of the other costs are actually related to production of materials, employment of staff and are relatively fixed.

**Mr GAFFNEY** - I would just like to be able to see that on paper and see if there would be cost savings in that. That would make me want to question the underlying costs.

**Mr TYPE** - Sure. If this helps, if you take the average cost of a Legislative Council election at \$160 000, then you would be looking at \$2.4 million total cost over the six-year period. As against that, I would expect the next House of Assembly election to be about \$2 million. So you can see that the savings of reducing the frequency of Legislative Council elections exist but are not going to be massive.

**Mr DEAN** - I just had a question I was going to ask. It was raised in our House in a private member's bill in relation to the voting paper itself. I was just wondering whether the electoral office had had any input into that - what their position was about including an Independent member on the voting slip. Where has it gone to? What has happened to it? Is it under consideration by the Government?

**Mr WIGHTMAN** - I do not have any information on that right now, to be honest. We can take that on notice. The policy position is ours, of course, in that regard. Julian, did you have anything else to add to that?

**Mr TYPE** - My understanding is that Mr Hall's bill has passed the upper House and has been transmitted to the House of Assembly. I am not aware that it has been introduced there.

**Dr GOODWIN** - In table 7.2 on page 7.17 the 2014 target is to have a modest reduction in the percentage of informal votes. I am just wondering how that can be achieved. Are there any particular strategies that you are working on?

**Mr TYPE** - Certainly it remains a focus of our public information and advertising campaigns. It is a difficult issue to tackle. Federally I think at the elections held in August last year you saw the informality rate as high as almost 15 per cent in some divisions in western Sydney. This year we saw in the division of Derwent an informality rate of well over six per cent, which is quite concerning and is quite high by Legislative Council standards.

**CHAIR** - The new member is working on it!

**Mr TYPE** - We will, in our annual report, publish a breakdown of those informal votes. I do not have the figures in front of me, but I think I can advise honourable members that the survey of informal votes that was undertaken suggests that most of them are quite deliberate in nature. They are either completely blank or they contain slogans. There has been no observable intent to record a formal vote. We can certainly tackle, say, people who just write the numbers 1, 2, 3 instead of 1, 2, 3, 4 and 5 on a ballot paper in terms of our advertising. But tackling the people who deliberately cast an informal vote in some ways is probably almost beyond the ambit of electoral administration.

**Dr GOODWIN** - I suppose when you do that breakdown you will get an idea of the relativities of the deliberate versus the -

**Mr WIGHTMAN** - You can track mistakes.

**Mr TYPE** - They are published in our periodic election statistics and also we publish them annually for the year's Legislative Council elections in our annual report.

**CHAIR** - Thank you very much, members. I am mindful we still have an output group left, so thank you, Julian. We appreciate your time and the work that you do.

**Output group 7**  
**Other services**

**7.1 Supervision of poppy and hemp crops -**

**CHAIR** - Minister, output group 7 relates to other services and 7.1 relates to supervision of poppy and hemp crops. Do you have anyone who is going to join you at the table?

**Mr WIGHTMAN** - Robert has got it covered.

**CHAIR** - I suggest that you are not the farmer's friend after all, Minister. I will ask Mr Dean

to expand on that.

**Mr DEAN** - The poppy industry was set up by the authority of the United Nations convention on narcotic drugs. The big issue was security, and a part of this industry was to have an independent regulatory authority - that was in 1972 - and it was to be funded by the State Government and has been ever since. However, the current Budget proposes that this funding ceases from 30 June 2012 and from then on it is to be funded by the industry. The poppy growers and the industry are strongly opposing this move. They say it is double-dipping by the Government because they receive significant funds from payroll tax and GST derived by the poppy industries. Security regulatory responsibility belongs with the Government, so why are they now wanting to shed their responsibilities and put this back across to the industry?

**Mr WIGHTMAN** - I have a detailed brief that I can go through and you can ask -

**Mr DEAN** - They are upset and crazy over this.

**Mr WIGHTMAN** - I also note the fact that there is 12 months to work with them through implementation. Funding of the industry-specific Poppy Advisory and Control Board is more appropriately undertaken by the industry itself. This industry-specific control board should be funded by the industry now that it is well established. Tasmanian taxpayers have funded the board since it began and the Government will continue to fund this until the end of the 2011-12 financial year as a transitional arrangement. Taxpayers will continue to fund the board in the 2011-12 financial year to allow for transition. The Government will explore the best method of industry funding and will consult with the industry. Next financial year the State Government will be moving to an industry funding model for the Poppy Advisory and Control Board. Historically, the cost of the board's operation has been borne by Tasmanian taxpayers, and the government has agreed to continue this arrangement for the 2011-12 financial year. The cost of the board's operations is approximately \$650 000 per year.

I will just note a bit of the background in that regard. The key themes around the proposed strategy are around finding the most equitable and efficient scheme that imposes the least red tape on the industry and establishing the legislative and regulatory framework for the levy. We hope to within four months provide the stakeholders with a draft framework of the levy for consultation.

**Mr DEAN** - My advice from the industry is to identify for the Government that the fight is not over; the fight is just beginning. The next question is: is there some form of guarantee or some position that can be offered to this industry that they will not be picking up any further supervisory or policing funding of this industry? In other words, will they be asked to fund, for instance, the Police Poppy Task Force and the other supervisory positions with regard to the supervision of these crops? The other point I want to make, Minister, having asked that question, is that this industry puts a lot of money back into the taxpayer. They put a lot of revenue back into taxpayers' funds. So when you say that they have been funding it, it is funded from the revenue that this industry puts back in to the State.

**Mr WIGHTMAN** - Just a point that was made to the question you asked earlier: costs incurred by Tasmanian police in relation to the annual poppy crop are exempt from this decision.

**Mr DEAN** - Will they be exempt forever and a day, Minister?

**Mr WIGHTMAN** - They are exempt from this decision.

**Mr DEAN** - That is the frightening part, because this is an industry that battles hard. It supports the farmer.

**Mr WIGHTMAN** - Forty-five per cent of the world's poppy crop is grown in Tasmania.

**Mr DEAN** - That is right.

**Mr WIGHTMAN** - It is a big industry.

**Mr DEAN** - The industry is wanting the support of the government. That is what they are wanting. That is being eroded. My next question relates to the hemp industry. There are two types being grown in the State under licence.

**Mr WIGHTMAN** - I think this is for the Health minister.

**Mr DEAN** - So it doesn't come into this at all?

**Mr WILLIAMS** - It is not an industry that has been established that has a monitoring and control function, so if anyone is doing any trials and things, it is not something that -

**Mr DEAN** - Well, I don't know where I am supposed to ask questions on this, but I would like some guidance as to what is the right area.

**Mr WIGHTMAN** - Fair enough, I take your point.

**Mr DEAN** - So where do I ask questions in relation to -

**Mr WIGHTMAN** - It is Health - under the Poisons Act.

**Dr GOODWIN** - A quick question on the number of capsules stolen. In the Department of Justice annual report, the number of capsules stolen increased considerably. It seemed like a big jump to me. I just wonder if you have any figures for this year.

**Mr WIGHTMAN** - Interference with poppy crops in the reporting period included 11 events for a total of 1 473 capsules stolen. This represents a reduction from the previous year - i.e. there were 33 events and 4 772 capsules stolen. Three offenders have been charged with 10 poppy offences with 151 capsules recovered.

**Mr DEAN** - In relation to the Public Advisory and Control Board to Industry on page 7.36, footnote 1 refers to 'the increase in Fines and Regulatory Fees from 2012-13'. My question relates to the fines. What fines have been imposed in this area? What are they for?

**Ms HUTTON** - That is just where the money will come into the department's budget from the fees -

**Mr DEAN** - The general increase in fines across all areas - is that it?

**Ms HUTTON** - No, it is regulatory fees in the case of poppies. Once the industry starts to pay, that is where that will be reflected in the department's budget.



## UNCORRECTED PROOF ISSUE

**Mr DEAN** - I am just trying to get to the bottom of it. Where are the increases in fines occurring in this area/

**Ms HUTTON** - Fines and regulatory fees - so it is regulatory fees. There are no fine.

**Mr DEAN** - There are fines there. It sets it out. 'The increase in Fines and Regulatory Fees...'

**Ms HUTTON** - It's both, some of the numbers in there are fines but nothing to do with poppies, and some of them are regulatory fees, which will be from poppies.

**Mr DEAN** - So it is just taken out of the fines for traffic offences and other things - is that it?

**Mr WILLIAMS** - If you go to the table on pages 7.20 and 7.15, it shows the change from full funding of the control board dropping off in 2012-13, and that is what that footnote refers to.

**Ms HUTTON** - The reason the number changes so much from 2011-12 to 2012-13 is explained by the fact that there will be money coming into the department's budget once the industry starts funding the poppy board, and that is where it will be shown in our accounts.

**CHAIR** - The department will still administer the poppy board; it is just that it will be funded?

**Ms HUTTON** - That is correct.

**CHAIR** - Will industry have an opportunity to have a representative then?

**Ms HUTTON** - It would be a conflict of interests.

**Mr WIGHTMAN** - One of the important things about the board is that the industry generally thinks the board does a very good job, and one of the key success factors for the industry is that in the UN's view we have a very good and well regulated industry. Therefore it needs to stay independent and away from industry's control as such. I take your point, and, as I said at the start, 12 months of consultation is being undertaken.

**Dr GOODWIN** - A quick question on cost recovery. Has the actual model been worked out in terms of how much each grower will be paid?

**Mr WIGHTMAN** - That is all in the 12 months' consultation.

**CHAIR** - Thank you, Minister. I appreciate that we have gone well into the lunch break - I am sorry.

**The committee suspended from 1.06 p.m. to 2 p.m.**

**Tuesday 28 June 2011 - Estimates Committee B (Wightman) - Part 2**

**DIVISION 5**

(Office of the Director of Public Prosecutions)

**Output group 1**

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

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

**CHAIR** - Mr Ellis, thank you for accepting our invitation to come today. This is an opportunity for the committee to get an understanding of how the new role is playing out, as an independent statutory officer of the Crown, and relate it back to the Budget. You might like to give us a few minutes of overarching comments.

**Mr ELLIS** - Following the independent review of my office's finances, which KPMG did, funding was found to have been historically low and inadequate and the performance of my office was found to be far in excess of comparable jurisdictions, with people doing something like three times the workload of the other comparable jurisdictions. Funding was recommended and was given within the general parameters of what was recommended. I thought by now this would have enabled us to take on more staff than it has - we have taken on some additional staff but there is more to go. I don't mind that because we set fairly high standards.

**CHAIR** - Would you like to give us those numbers, Mr Ellis?

**Mr ELLIS** - Our current numbers are up probably no more than about three full-time employees. I can give you a breakdown of exactly how many are criminal counsel, and so on. We have 45.49 full-time equivalents, of which 20.2 are criminal counsel. Someone would be interested to know that is almost a 50:50 male to female split – 11 males and 9.2 females - which helps to account for the fact that the Supreme Court in Tasmania has the highest proportion of women appearing in any of the superior courts.

On the civil side of things, I have 4.54 FTEs. I have a witness assistance scheme, which has been very successful, which has four full-time staff. Admin takes up 13.25 FTEs for criminal law and for civil it is 1.5 FTEs. Overall administration of the office is another two people. Kerry is assigned to me because we share other things - the Crown Solicitor and the Solicitor-General.

**CHAIR** - Relating to those staff numbers, what is the turnover rate for cases? Do you have those figures?

**Mr ELLIS** - That is 600-700 a year, presented to the court - 768 was the peak a couple of years ago and 543 last year.

**CHAIR** - Do you have any aspirations of that rate coming down and some plans in place?

**Mr ELLIS** - We are a middle agency. We do not really control demand very well. It comes in from the police end and we have no control over what comes in. It depends how many people they catch or think they have caught.

**Mr DEAN** - Probably less with the cuts we are having.

**Mr ELLIS** - Usually the crime rate goes up the more police there are because there are more around to catch criminals. As I say, we come between the police and the courts. At the court end we can only utilise the time the judges sit in crime as fully as we can. We don't control how much time we have to do cases - that is allocated by the Chief Justice.

I expect we will go along pretty much the same way. I don't see there is going to be any magic lessening in general criminal law. We get some spikes that are difficult to take care of - when example when the police have a special task force. That can produce a lot of work for us, all coming in the one hit. You cannot always do all the trials at once.

**CHAIR** - Do you filter that sort of work? What is prioritised?

**Mr ELLIS** - Yes. Some of it takes care of itself because you have inter-related crimes so you have to have a break between trials. Some of them will be multiple trials, with multiple defendants and some will be on the outside and just being picked up and taken along. That is all you can do with it, but because it is a taskforce it is usually concentrated also within the one region. So we might get a big spike in Burnie with the Drugs Taskforce up there. A few years ago we had a big spike in Launceston with the Fisheries and Abalone Taskforce.

**CHAIR** - That brings me to my next question and I have done a little bit of research – I do not have first hand knowledge I am pleased to say. I understand there is a new process in place for committal proceedings, and a new preliminary process. Is this process benefitting the system, in your view?

**Mr ELLIS** - Very much, I think. This system was worked out between the former Chief Justice and me, and it has resulted in more work for us in the sense that we are now attending to more what were called committal proceedings, and are now preliminary proceedings. We get better control over it. We get to see the things a bit earlier. Previously, committal proceedings would go on endlessly in the Magistrate's Court. People were entitled to elect to cross-examine all witnesses in a case before the magistrates and that would be done in dribs and drabs. We would do some, the police would do some and you would have things hanging around there for literally years. We do not have that happening any more.

That resulted in a big spike with our office immediately, because we are getting them in earlier now and they are presenting to the Supreme Court. If you really are fascinated it means that Tasmania looks to have a longer duration of cases in the criminal courts than some other jurisdictions, but that is because we are getting them earlier. We are getting them practically after arrest. There is a little time in the Magistrate's Court where they are given the basic documents and then they are committed to the Supreme Court. Then the election to have preliminary proceedings or committal proceedings needs to be made. So, they are in the Supreme Court and so they are starting to account for those durations.

**CHAIR** - Is there any way of assisting that even more, or have you done it by this process?

**Mr ELLIS** - There is always going to be a bit of evolution. Some of the judges are more inclined to grant applications to people who are cross-examining than others. Parliament set the bar by requiring that option in the interests of justice and that has resulted in a bit of a difference

## UNCORRECTED PROOF ISSUE

in approach in the Supreme Court. Sometimes you will get people coming along with an application to examine 50 witnesses and a particular judge will grant that, even though 50 -

**CHAIR** - They might be saying the same thing.

**Mr ELLIS** - Yes. And some others will not. That is something that will evolve, I hope.

**CHAIR** - My last question in this area relates to the recent Auditor-General's report - a special report - and it is in relation to the Magistrate's Court. There is a contest mention process and in this information it tells me the Chief Justice says they have been asked for the system to be introduced in Launceston and they are taking steps to accede to that request. Firstly, are you aware how far that is down the track, and is any consideration being given to having that system in the Supreme Court?

**Mr ELLIS** - I have not heard much about it except from Cameron Lee, who is more excited about it than I am, frankly. I do not see that is going to be a huge thing in the Criminal Court because in Magistrate's Court it is there to filter out the cases that are going to go to jail.

They can get a sentence indication. A lot of people come in, and their lawyers might have told them they can elect to defend, but when they are told they are not going to gaol, the magical defences tend to fall away a bit. But in the Criminal Court the crimes are such that everyone who goes in there should be having some likelihood of going to gaol because it is their most serious crime. So I don't see that it is going to filter out a lot in the way that it might do in the Magistrates Court.

**CHAIR** - Okay, thank you. Mr Dean.

**Mr DEAN** - The DPP has personnel around the State, and it has been suggested to us that you are setting up a regional office on the north-west coast?

**Mr ELLIS** - Yes, Burnie.

**Mr DEAN** - How will that operate, and what will be the staffing situation?

**Mr ELLIS** - Well, we have premises and we are getting some basic renovations done. We hope to have our regional witness assistance person in there full-time and we are hoping to have at least one lawyer there full-time. We advertised there last year to fill that lawyer's position and we did not find anyone suitable, and we will try that again fairly soon. We see some benefits, obviously, in having a presence there, and you would know, Mr Dean, the benefits of police being able to speak to this contact. We want to get the right person.

**Mr DEAN** - And will that be under the responsibility of Launceston, or will it be the responsibility of both areas?

**Mr ELLIS** - No, we have our own Launceston office, which is going nicely.

**Mr DEAN** - How many in the Launceston office?

**Mr ELLIS** - Three-and-a-half full time - that is 3.6 criminal counsel - plus support staff and the witness assistance person.

**CHAIR** - Thank you.

**Mr DEAN** - Just a couple of other general questions, if I might.

**CHAIR** - Yes, certainly.

**Mr DEAN** - The police, do they still have a liaison officer role with you, or is that -

**Mr ELLIS** - No, not any more. That went. I regret that it has gone. They now want us to go through the District Inspectors for that sort of role - it is working okay.

**Mr DEAN** - That always used to be a concern. I think it was set up because of the slowness of the police officers – possibly because of overwork – in getting files to your office in a timely manner.

**Mr ELLIS** - Yes, there was a bit of -

**Mr DEAN** - What is happening there now? Is that a -

**Mr ELLIS** - Well, it is a constant -

**CHAIR** - You need a bigger stick, Mr Ellis.

**Mr ELLIS** - No, no.

**Mr DEAN** - I used to hold you up occasionally.

**Mr ELLIS** - Police like to make arrests and perhaps not always fill in the little bits afterwards - that is a constant thing.

**CHAIR** - It is not your major issue.

**Mr ELLIS** - No. Generally timeliness is good. With the preliminary proceedings process we can give police a date to work towards.

**Mr DEAN** - Right. It has been put to me that there have been a number of proceedings not able to proceed because of problems with access to persons in custody by lawyers. Have you seen that as an issue?

**Mr ELLIS** - Yes, I have, and I have joined in the submission the Law Society made to get better access to people in custody. From time to time I do prevail on prison management to let a lawyer visit there outside the allotted hours in order to get instructions, in order that a trial can proceed. I would like to see a lot more access by lawyers to the prisoners there and I think the list would run smoother if this happened.

**Mr DEAN** – You ought to have almost free access unless there is an event happening over there - unless there is an emergency or something.

## UNCORRECTED PROOF ISSUE

**Mr ELLIS** - Yes, I think there is a right to legal advice, isn't there? In the Corrections Act, there are certain rights.

**CHAIR** - I might ask our legal adviser, Dr Goodwin, to point us to that area of -

**Mr DEAN** - Could I have one further question?

**CHAIR** - Yes.

**Mr DEAN** - In the case of sexual offences and rape cases there was a system within your area at one stage that those matters would be dealt within a certain period of time, or they would be given a priority. Is that still the case?

**Mr ELLIS** - Yes. I introduced a notification system, so that if a person is charged with a sexual assault offence, which will proceed to the Supreme Court, the prosecutor is notified earlier than would normally be the case. It is a simple system, but it works well.

[2.15 p.m.]

**Mr ELLIS** - (contd) We do give priority to sex cases. We know they usually are word on word and the evidence never improves the longer it takes.

**Dr GOODWIN** - I just wanted to ask Mr Ellis about breaches of suspended sentences and community service orders, and legislation that was passed not so long ago to try and assist with that. How is it tracking, from your perspective?

**Mr ELLIS** - Pretty good. The report highlighted that a lot of suspended sentences were breached in the sense that breach proceedings could be taken, but none were. A person would get a suspended sentence in the Supreme Court but then they would turn up to the Magistrates Court with a lower crime which would breach, but we were not notified, in order to take proceedings that had to go back into the Supreme Court. The legislation that was passed probably does not overcome that, and we are still going to have that problem. Computerised tracking will assist police to do what has not been done.

**Dr GOODWIN** - So it is the police database, or something that needs -

**Mr ELLIS** - Yes, the crime tracking system. Less people are spotted - people on suspended sentences, or something.

**Dr GOODWIN** - It might be part of that business case, that there is no money for.

**Mr ELLIS** - At the moment it is dependent on those breaches coming to our attention - if the lead prosecutors report to us.

Sometimes they might be exercising their own discretion. Not every breach of a suspended sentence, which is technically a breach, is realistically worth the trouble and expense of bringing back. Nothing is going to happen.

**Dr GOODWIN** - Just a general question. Are there any particular priorities, in your view, for legislative change? Any areas that need tightening up? Any problems you are encountering?

## UNCORRECTED PROOF ISSUE

**Mr ELLIS** - There is a Criminal Miscellaneous Bill - I do not know what happened to that. It was mostly my suggestion to the last Attorney-General.

**CHAIR** - Which one was that, Mr Ellis?

**Mr ELLIS** - That was the one that Mr Bartlett, when he was Attorney-General, said was a reform agenda.

**CHAIR** - I have been getting some clarification on which past one you are referring to -

**Dr GOODWIN** - That is the trial-by-judge and the carjacking.

**Mr ELLIS** - There are still a few bits and pieces in it, yes. I suppose I tend to confine myself to those sorts of procedural suggestions, rather than broad policy ones. I am beginning to think the drug trafficking regime ought to be looked at again and when I get a minute I will present a bit more about that. I am attracted to the idea that there should be a charge of being in possession of a commercial quantity of drugs and I think we are tending to get too many deemed traffickers - little growers out the back. I think that needs looking at, and also the trafficable quantities are a little bit out of whack now we have access to reliable data about what drugs sell for. For instance, it is probably more profitable to be a cocaine dealer than a cannabis dealer because you need to carry a lot less for the same profit, and you can still be below the trafficable amount. That is something for me to work out, and put something forward.

**Dr GOODWIN** - Essentially, most of the other legislation you are dealing with regularly is working as it should and you are quite comfortable with it.

**Mr ELLIS** - Yes.

**CHAIR** - Thank you. I want to ask you about retained revenue. I see there is a small increase, but it is still an increase, and any increase in this budget is always worth looking at. If you can just give the committee some detail about how you intend to achieve that retained revenue. Where it comes from.

**Mr ELLIS** - It comes from the fact that our civil division charges on a cost-recovery basis set by Treasury, the agencies and other manifestations of government for which it does work. It also sometimes succeeds in recovering costs from the other side after a completed action. There is not a lot we can do to increase demand there. We could ask Treasury to put up the prices and the agencies will squeal about that of course as they do not like paying as it is. Some days and some years will be better than others. There is not a great business plan - it is almost Alice in Wonderland - we are taking money out of the State Service with the reasonably good argument that it should all be from Consolidated Revenue. The agencies and other manifestations have better access without having to worry about the cost to them.

**CHAIR** - Do you think this area will change if the argument mounts?

**Mr ELLIS** - No, it will need a dramatic change. It will go up and it will go down depending on the years but it will need a dramatically different approach to change something.

**CHAIR** - Thank you for that explanation.

## UNCORRECTED PROOF ISSUE

**Dr GOODWIN** - I am not sure whether you covered this earlier, but in the budget papers there is reference to the establishment of a child protection legal brief?

**Mr ELLIS** - The private profession has done court work in child protection for a number of years. My office in Launceston used to do it, for instance, and that is still being done satisfactorily, but in the other two regions costs were getting a little out of hand. Health approached us – they have responsibility for child protection matters - to see what we could do and we have agreed a figure that we need to establish and maintain it. We expect to have a dedicated practitioner in each of the regions, and two in Hobart, to handle this work and it is going to be under the more direct control of the manager of civil, because it is fairly unique work. It is work where the State comes in, so it should be done by the State. The State takes the child away from a position of danger, so it is a pretty big manifestation of the State's responsibilities and powers. When it gets disputed, often the dispute is like a custody dispute between the State and the family.

We do not want to upset the balances maintained by the child protection people by bringing a criminal element into everything, or the fear of criminal prosecution into everything, where it is not there now. Cases that should be referred are a matter for the judge and the child protection people so we thought that it is better situated in the civil area. It is not criminal law. It does not operate on the rules of evidence and again we will want to look for specialised people to work in that area. Recruiting, I think, will be difficult.

**Mr DEAN** - If I could just raise the matter of police internal investigations – where they involve criminal activity - what is your role there? Do you have a monitoring role, or an overseeing role, in those investigations? The one that comes to mind is the one on the north-west coast recently.

**Mr ELLIS** - That one has followed the usual pattern, but what the Integrity Commission does I do not know. It claims to have some oversight role but that has added nothing to this investigation, or anything else.

When there is possible criminal conduct involved by a policeman, the result of the investigation is given to me for a decision about whether criminal proceedings flow. If they do not, but they are still subject to disciplinary measures, the matter is entirely returned to the police to take care of it. And, that is my role - it is an opinion-giving role. If a policeman is charged as a result, then I supply the prosecutor - even if it is in the Magistrates Court, we will do the prosecution. It is obviously awkward to have it any other way.

**Mr DEAN** – With regard to the Integrity Commission - what is the connection there? What would your involvement be there? What relationship is there between your office and the Integrity Commission? Is there any?

**Mr ELLIS** - There are some statutory linkages. I have not seen anything come to me through those linkages yet. I have no relationship to the Integrity Commission in respect to what you are talking about at the moment.

**Mr DEAN** - Right.

**Mr ELLIS** - That I know of.



*Laughter.*

**CHAIR** - The committee would like to thank you, Mr Ellis, for your time today.

**Mr ELLIS** - Thank you.

**CHAIR** - We hope we have given you a couple of minutes to start on those reports you were thinking about. Feel free to tell the committee and we will see what we can do about getting that message out. We appreciate your time and we hope this has been as valuable to you as it has been to us.

Welcome, Mr Allston. I will invite Mr Dean to commence the questioning. I also thank you for accepting the committee's invitation to come and be part of this process. It is a very important office and the members agree and appreciate, so thank you.

**Mr DEAN** - My first question is about the number of complaints you are receiving, and receiving from a number of areas - how are they stacking up at this stage? Are you seeing a levelling off, or dropping off? What is the position with the number of complaints that are coming in and the finalisation times?

**Mr ALLSTON** - There is a general increase, I would have to say.

**Mr DEAN** - Is that right?

**Mr ALLSTON** - In the figures that I have seen lately for the Ombudsman, which include RTI, it is going to be about the same number as last year. But one should take into account that the RTI applications are much lower than the FOI applications for the last year. I am looking at a general increase in the Ombudsman work. Health complaints looks like they are going to be slightly up on last year and the energy complaints - I do not have a global figure - but last year we had a 40 per cent increase on the year before and I expect it to be roughly about the same for this year.

**Mr DEAN** - In the area of the energy increases, what were the major complaints coming into your office?

**Mr ALLSTON** - I have just come back from a national meeting of energy Ombudsmen and all energy Ombudsmen have seen an increase in billing complaints, for obvious reasons, and it is a matter of some public controversy. Obviously there is a great deal of difficulty in the community raised by energy bills, so that is the major increase we see.

**Mr DEAN** - What about the water and sewerage corporations? Do you hear many complaints in that area?

**Mr ALLSTON** - We had a lot in the first six months of this financial year. They have tailed off since Christmas. I had a real concern that there were a lot of late bills coming through from the water corporations, which were giving people trouble. I had a number of meetings with personnel from the water corporations at the beginning of the year to try and sort that out. It seems to be settling down. We have recently stepped up a new method of dealing with those complaints - we turn them back to the corporations as quickly as we can, as we do with our energy complaints. So those matters are being resolved very quickly, on the whole.

**Mr DEAN** - How many personnel are in your office currently?

**Mr ALLSTON** - There are 25 staff at this moment. It will be 26 as of next week when an additional staff member is put on in the health complaints area and that will amount to 17.8 FTEs.

**Mr DEAN** - My next question relates to the Launceston office of the Ombudsman. The budget papers identified that the Launceston office will be finishing some time in the future – when will that office close?

**Mr ALLSTON** - It is envisaged it will close in March 2012.

[2.30 p.m.]

**Mr DEAN** - Why is it being closed? Is it solely because of financial reasons or are there other reasons?

**Mr ALLSTON** - In the working up of the Budget I was asked to find savings of, I think, \$110 000 in the forthcoming financial year, rising to \$190 000 by 2013-14. We have incurred the extra cost of renting premises in Launceston this year, which was between \$30 000-\$40 000, so we need to factor that into the figures. I was asked to find those savings and I looked where I could find them in the office. I gave Treasury a list of possibilities to get to the figure that they postulated and one of those was closing the Launceston office, which would save me an FTE of band 6, plus the rent of those premises. That obviously has flow-on consequences for the ability to conduct the work.

**Mr DEAN** - Would that have been your option - to close that office? Was that what you were saying to the department?

**Mr ALLSTON** - To Treasury?

**Mr DEAN** - Yes. Had it been left up to you, would you have closed the office or not? If you had not been asked for these savings, I take it you would not have suggested that office close?

**Mr ALLSTON** - That is a difficult question. I have never thought that having the Launceston office was really satisfactory. There was a sole officer up there and with the way the world is now you can communicate so easily and it would be much better to have all the staff on the one premises. I would not want to lose that FTE. It makes it difficult to run the office where we have increasing workloads and constantly increasing responsibilities. The office is stretched as it is.

**Mr DEAN** - The workload in that office is reasonably high, isn't it? It is difficult to work out the number of complaints, but I think it was 150 complaints. According to my information, complaints to Launceston numbered about 150 last year.

**Mr ALLSTON** - Basically because of the present budget situation I will be losing 1.4 staff, who in the last two financial years have accounted for between 16-20 per cent of the workload. One ought to be a bit careful with that. I am talking about closed cases. Closed cases can go from something you close in a couple of hours with a phone call to something that takes months to deal with. The two officers I will be losing deal with variable sorts of work.

## UNCORRECTED PROOF ISSUE

**Mr DEAN** – If you close that office, will you need to send a person to the Launceston area from time to time to carry out the work the incumbent is doing? How will you run that office now?

**Mr ALLSTON** - If I lose that office, all the work will be done from Hobart. From time to time we will go to Launceston. The manager in my health complaints area lives in Launceston so she frequently does northern cases. She will go home early to do northern cases. We don't have a lot of what we call 'walk-ins' in the ombudsman business. We don't have a lot of walk-ins in my jurisdiction and I don't have many people who come to the counter in Hobart or Launceston. Most of the contact is by letter, phone and e-mail. The loss of the Launceston office as a unit isn't that significant, it is the loss of the FTE.

**Mr DEAN** - What will happen to the incumbent?

**Mr WIGHTMAN** - All staff who work in the Office of the Ombudsman are Department of Justice employees and their employment is covered by the same rules that apply to all other State Service employees.

**Mr DEAN** - So what will happen to the incumbent at Launceston?

**Mr WIGHTMAN** - We will go the process first of trying redeployment.

**Mr DEAN** - In Launceston?

**Mr WIGHTMAN** - I presume so, at this stage. It would obviously be the preferred option.

**Mr DEAN** - He is a married man, and I think has been working in the office for 12 years.

**Mr WIGHTMAN** - It would certainly be the preferred option.

**CHAIR** - Thank you. Dr Goodwin.

**Dr GOODWIN** - Mr Allston, I just wanted to ask you about the Tamar Unit Report and ask whether you have been invited to discuss progress on that. Have been kept up to date on progress in relation to your recommendations, by Corrections, and are you satisfied with the level of progress?

**Mr ALLSTON** - I had a number of meetings with the minister and senior prison officials on the Tamar Report, specifically. I think the last one of those was in January or February and another one is well overdue. It was taken over by the Palmer Report so there is a gap in there, and I think it is time we revisit that. From what I can tell the Palmer Report was supporting all the recommendations we made, so it is now necessary to combine the effect of those reports and see how it has been tracking. I know that a number of administrative changes have been made. I know that there is more out-of-cell time than there was before, which was a major concern. I know that exercise equipment is being financed, so there is more for the prisoners to do, but as for change beyond those things I need to follow that up.

**Dr GOODWIN** - I asked the question because the Palmer Report seemed to be flagging that there had not been a lot of change between the time your report was handed down and the time they visited the prison for the purposes of completing the report. I was a bit concerned about that.

**Mr ALLSTON** - I am aware of that. I was surprised to see how that was couched from what I was hearing. But it is sitting on my desk and it is ready to be followed up in the very near future.

**Dr GOODWIN** - Thank you. In last year's Estimates you mentioned you had a couple of Child Protection matters you were looking at and I wondered whether you had completed those investigations and whether any issues came out of them. Obviously you cannot talk about specifics.

**Mr ALLSTON** - There are no major Child Protection cases I am aware of at the moment. There is one we completed a couple of months ago, which created a fair hue and cry in the Parliament, which I thought was unjustified. There is nothing beyond that of particular concern.

**Dr GOODWIN** - Just a final question about prisoner complaints. Are you still getting those?

**Mr ALLSTON** - It is still a major part of our work. I am pleased that it is so. In 2007 we created the opportunity for prisoners to contact us by phone if they needed to do so and that has been a really beneficial improvement. We still get a lot of prisoner complaints. What the percentage is of the total numbers of complaints, I am not sure, but it would be between 20 per cent and 30 per cent.

**Dr GOODWIN** - And are they complaining about the same sorts of things as in previous years?

**Mr ALLSTON** - It is a different sort of complaint these days. I had greater concerns pre-Tamar to post-Tamar. I think the character of complaint is starting to change, but that is just an impression.

**CHAIR** - Mr Allston, do you have a customer satisfaction feedback form?

**Mr ALLSTON** - We tried that in the early years of my tenure as Ombudsman, but we did it in a fairly homegrown way and I was not very satisfied with it. We do not have a budget to do customer satisfaction surveys like they do in Ombudsman offices on the mainland, where they have consultants to go out and ask questions. I would certainly like that feedback - that would be great - but we do not have the ability to do it ourselves.

**CHAIR** - Is it something you might look at in the future when perhaps the State's finances turnaround, which they will I expect?

**Mr ALLSTON** - If I had the resources for it, I would certainly like to do it.

**CHAIR** - It is something that you have identified as being fairly important to your role?

**Mr ALLSTON** - Yes, it would be helpful.

**CHAIR** - Thank you. I think it is an important area as well.

If there are no other questions from members, I will thank you very much for your time and I will ask the minister to invite the representatives of the Integrity Commission to the table.

**DIVISION 14**

(Integrity Commission)

**Output group 1**

**Integrity commission**

**1.1 Integrity commission -**

**Mr WIGHTMAN** - Can I invite to the table Barbara Etter, who is the CEO of the Integrity Commission and Russell Pearce, who is the Deputy CEO.

**CHAIR** - Welcome to both of you and we also extend our thanks for accepting the invitation to come to the committee and offer some feedback on how things are going at the commission. It is fairly early days and we know you are doing some PR rounds. I have only attended the Launceston breakfast and that was well received, so I would be interested to know if you have done that around the State and how you see that particular process unfolding and being accepted in the community.

**Ms ETTER** - I think you are referring to the regional outreach program we conducted in Launceston, Burnie and Queenstown. That was an important part of community engagement and making it clear to Tasmanians that we are here for the whole of the Tasmanian community – we are not Hobart-centric. The regional program worked very well with a community forum in the evening and a leaders' breakfast the following morning with people from the media, business, parliament and a wide range of groups from the community, followed by an address to high school students by the chief commissioner. We had meetings with the local paper - with the media executives - and also set up complaints clinics for those persons who thought they might have a matter for the integrity commission. So I think that has worked quite well. We did publicise our visit. Some of the numbers were quite low but I think it was important to show that we had given people the opportunity to meet with us.

**CHAIR** - Thank you. I think the committee would be interested in the number of complaints that have been made to the commission.

**Ms ETTER** - As at today we have received 131 complaints.

**CHAIR** - And how many have been resolved?

**Ms ETTER** - The last time I checked, we had dealt with around two-thirds of those complaints. That has probably gone up in the last month.

**CHAIR** – ‘Dealt with’ - is that resolved, or is that dispensed with because there is no role for the Integrity Commission? I need some clarification on how that works.

**Ms ETTER** - They have been closed, but obviously considered. They may have been dismissed under section 36 or they may have gone into assessment and then been resolved under section 38, which also involves the potential for dismissal. Others may have progressed under the act.

## UNCORRECTED PROOF ISSUE

**CHAIR** - I attended the launch organised by the former Premier, David Bartlett, in Launceston. There would have to be some teething problems in establishing a new office – can you expand on that? Have there been some issues in establishing a whole new office structure and commission?

**Ms ETTER** - As you would imagine we had to start with a blank sheet of paper, and predict what the demands might be on the organisation. Under the act, we wanted to make it clear that we recognise the need for the Commission to have a strong preventative, educative and advisory role, so there is an arm to deal with those activities. Complaints handling is also an important role, along with potential investigations. We have sought permission to employ a legal officer, and strategic communications are also very important.

We are currently reviewing the organisational structure and reflecting on the first nine months of operation to make sure we move into the future with the best possible structure. We are also reviewing the role descriptions of senior personnel.

The act was probably put together in a bit of a hurry so we do have some enhancements and some fine tuning that we would like to see occur to the act and we have spoken to the Attorney-General on those issues.

**CHAIR** - Do you have a time frame for that?

**Ms ETTER** - We would like it to be given some priority, but we understand that Justice has a number of issues on its plate. We would certainly hope that those issues would be progressed sooner rather than later, but the new process would probably mean it could be 12 to 18 months before those amendments could go through.

**CHAIR** - Do you consider that not having those changes in place in a more timely manner, might impact on the way the commission is able to carry out its functions?

**Ms ETTER** - Yes, there are some deficiencies in the act that we need to address.

[2.45 p.m.]

**CHAIR** - Do you consider that the potential 18-month time frame is too long?

**Ms ETTER** - I would certainly like it to be shorter than 18 months

**Mrs TAYLOR** - Thank you, Chair, I think you have probably asked most of the questions.

**CHAIR** - I apologise for doing that.

**Mrs TAYLOR** - I want to say how pleased I am with the first nine months of operation and commend the Commission, particularly for the order in which you are dealing with things, putting major issues before misconduct issues.

You talk about enhancing trust and confidence in public authorities, and the education role, and working cooperatively and I wonder if you would elaborate on what you do when a complaint first comes into your process. I know you try to deal with it before it becomes official, rather than treating it immediately as something that might require formal investigation.

## UNCORRECTED PROOF ISSUE

**Ms ETTER** - Firstly, it has to be in writing. If someone rings up, we direct them to the complaint form. Under the act, the complaint has to be in writing in a manner and form approved by the board. We would prefer it to be on the complaint form, but we will take complaints in letter form, if there is sufficient information, and we take anonymous complaints as well.

Once the complaint is received at the commission, it is logged onto our complaint register, which we are required to keep, under the act. That is in a format approved by the board as well. It goes through a records process and is given a number, and then it goes to our investigation review complaint assessment coordinator and through a triage process, which involves the investigations area. The investigation of new complaints assessment coordinator and the misconduct, preventative education and research representatives discuss the complaint and look at whether it comes within jurisdiction. Some complaints we have received are not within jurisdiction, because they do not involve a public authority. They will also look at whether the complaint is frivolous, or vexatious and make a recommendation as to whether it should be referred to the public authority involved, or dismissed, or accepted into assessment. If it is accepted it will be looked at very carefully and, if warranted, it could go to a CEO-initiated investigation.

**Mrs TAYLOR** - Obviously you started off with a backlog because you were only just set up. What percentage of complaints that you are getting end up going to a CEO-initiated investigation, and is the rate of complaints falling off?

**Ms ETTER** - Starting with the rate of complaints - there was a flurry of activity of activity when we commenced, people had been saving up their complaints, waiting for 1 October.

**CHAIR** - They had exhausted all the doors on the MPs.

**Ms ETTER** - Quite a lot came in the first few months. In the last couple of months we have seen it drop quite significantly until it was about two per week. But, for instance, last week we had five complaints. So, it is a little bit unpredictable at the moment. It did seem to slow but then you get a week where you get a bit of a peak. We thought we might get an influx with the regional outreach program but we were not inundated with complaints. But, of course, the complaint numbers are not necessarily indicative of the complexity of the matters. Some are quite straightforward and others contain multiple allegations.

The first question was about how many get to the -

**Mrs TAYLOR** - What sort of percentage because, as you say, you go through the triage process, and a lot of them get referred or weeded out at that stage?

**Ms ETTER** - We have tried to refer, where appropriate, a number of matters back to the relevant public authorities because that is very important to our capacity-building strategy to test them, to challenge them, to guide them, and to give them advice. When we make that referral, if it is appropriate we will monitor and audit the outcomes. That is when it is a learning process and they can build their capacity. We are keen, wherever possible, to refer back. But if it involves a designated public officer - the very senior people - we are more likely to retain the matter. Others we keep for various reasons and they may be assessed and, if warranted, could proceed to investigation. Not may at all have proceeded to investigation.

**Mrs TAYLOR** - Thank you.

**CHAIR** - I did not ask all your questions at all.

**Mr DEAN** - Are you able to take up an investigation of your own volition?

**Ms ETTER** - Yes, pursuant to section 45 of the Act the board can initiate an own-motion investigation and under section 89 the CEO or the Integrity Commission, which includes a number of bodies, can also instigate an own-motion investigation, with lesser powers, on police matters.

**Mr DEAN** - This brings me to the next question about police matters. I notice you had a part to play in the capsicum spray position at Burnie. How did you come to be involved in that - you were there in a monitoring role, weren't you?

**Ms ETTER** - Monitoring, auditing and reviewing.

**Mr DEAN** - So how does that occur? Was there a complaint made to you in relation to that?

**Ms ETTER** - No. We utilised section 88 of the Act, which enables us to monitor, audit and review possible misconduct, or a complaint against police.

**Mr DEAN** - Does that mean you will become involved in all complaints of police misconduct, or you will be very selective?

**Ms ETTER** - No, we do not have an automatic oversight role in relation to police. We have entered an MOU with police where they will notify us of issues of serious misconduct and we receive those notifications on a regular basis, but we can also use section 88 to monitor, review and audit. Audit is defined in the Act very broadly to include investigate. We can assume responsibility for a police internal investigation under section 88 as well.

**CHAIR** - Thank you. Can I just caution the member that we should not be using specific cases -

**Mr DEAN** - I am not going into it.

**CHAIR** - Well, it was a specific case.

**Mr DEAN** - I gave it as an example because it has been in the press. I raised it because it had been in the press.

**CHAIR** - I just highlight to the member that we better not go there.

**Mr DEAN** - I do not want to delve into the case. How many investigators are in your area?

**CHAIR** - No, we have not done staff, so staff numbers and turnover of staff would be a good question.

**Ms ETTER** - We have the Deputy CEO who is the Director of Operations. Russell has 17 years experience in Integrity agencies primarily in Queensland and is a qualified barrister. Mr Gary Leonard is our principle investigation officer and he has over 30 years policing experience



## UNCORRECTED PROOF ISSUE

and 10 years in DPIPWE as an investigator. Mr Scott Nichol is one of our senior investigation officers, a lawyer with experience in the Corruption and Crime Commission in WA and the New South Wales Crime Commission. Mr Adrian Nunn is ex-WA Corruption and Crime Commission and Workplace Standards here in Tasmania and is currently completing an IT degree. And, there is the IRCA role - the Investigation Review Complaint Assessment coordinator position. We have seconded and attached people on a short-term basis as well.

**CHAIR** - Total number of staff and staff turnover in nine months - can we have those figures as well please?

**Ms ETTER** - Yes - 17.8 FTEs. Staff turnover - we had some short-term secondments because we commenced by EOI so one or two of those people have returned, and the only position vacant at the moment is the IRCA position.

**Mr DEAN** - Are all those staff residing here, or do you bring them in, as you need them? Are they all resident here?

**CHAIR** - Are they all Tasmanian-based?

**Ms ETTER** - The Chief Commissioner is a part-time position, so I think that his main place of residence is still Victoria.

**Mr DEAN** - Right, but all the others are local?

**CHAIR** - Thank you, I am mindful of the time, Dr Goodwin.

**Dr GOODWIN** - I wanted to ask a question about complaints and reports and investigations. In some of the other jurisdictions where they have anti-corruption bodies, they sometimes publish reports of their investigations. In their annual reports they provide a bit more detail about the types of complaints - who they are complaining about, that sort of thing. Will you be going down that path?

**Ms ETTER** - Yes, in due course, subject to the board, because they will make the ultimate decision on what gets released into the public domain but I imagine that if we were to complete an investigation and it was in the public interest, we would be releasing some form of report, tabling it in parliament, and of course there will be the annual report as well.

**Dr GOODWIN** - And you anticipate that the annual report will have a bit more detail about the complaints?

**Ms ETTER** - We hope to have some, if it is possible, here in Tasmania, to de-identify a case study.

**Dr GOODWIN** - Yes, that is the difficult bit.

**Ms ETTER** - We will need to be careful.

**Dr GOODWIN** - If there are particular departments or local governments complained about, a breakdown of the numbers, or percentages could be informative.

## UNCORRECTED PROOF ISSUE

**Ms ETTER** - We would be able to say how many complaints there were against local governments or police or government departments or State-owned companies or government business enterprises.

**Dr GOODWIN** - Much like the Ombudsman. Another question - do you know whether the 131 complaints to date have been made by discrete individuals?

**Ms ETTER** - No, some people have lodged multiple complaints.

**Dr GOODWIN** - Right, okay.

**Ms ETTER** - For instance, one person lodged ten complaints, and another lodged five.

**Dr GOODWIN** - At the same time, or do they lodge them one after the other?

**Ms ETTER** - Some came in a batch, and others -

**Dr GOODWIN** - Yes.

**Ms ETTER** - Russell was just saying it is important to understand that a complaint might contain one single allegation but another complaint might contain multiple allegations, so they certainly vary in complexity.

**Dr GOODWIN** - I think there is some legislation that might help.

**Ms ETTER** - Yes.

**Dr GOODWIN** - It has not quite reached us yet but -

**Mr WIGHTMAN** - No, it is committee stage.

**Dr GOODWIN** - Yes.

**CHAIR** - Thank you. Is that it? If we have no other questions from the committee then I will thank you both very much for your time today, and we look forward to the annual report where we might glean some further information about how the Integrity Commission is impacting on Tasmanian communities. It is one of the only departments to have an increase in their allocation.

Thank you, Cameron. It looks like you are leaving us and leaving everything in the capable hands of Denise. We thank you for your contribution today. I am sure the Minister might invite you to come to the President's room at a later hour when we might further discuss any of the workings of today's committee.

*Laughter*

**CHAIR** - Minister, I have taken the opportunity to lodge with Madam President an extension of time for today. I think it is important we do not rush through this very significant area. We may not need that time but just as a precaution you have to lodge it before 3 p.m. and it is done.

Would you like to introduce the people who are going to join you for this session relating to Environment, Parks and Heritage?

**Mr WIGHTMAN** - Thank you. I expect a number of people know Kim Evans, the Secretary.

**CHAIR** - I think we have seen him around.

[3.00 p.m.]

**Mr WIGHTMAN** - You have seen him around the place before and, of course, Michele Moseley the Deputy Secretary.

**CHAIR** - Welcome.

## **DIVISION 11**

(Department of Primary Industries, Parks, Water and Environment)

### **Output group 1**

#### **Information and land services.**

##### **1.4 Crown Land Services -**

**CHAIR** - We begin at the top of the page. Are you going to give an overview, Minister?

**Mr WIGHTMAN** - No, I will save time.

**Mr FARRELL** - Minister, I understand there are often transfers and sales between local government, Crown land services and the private sector. Are there any major sales of Crown land planned for the next financial year?

**CHAIR** - Sandy Bay, for instance.

**Mr WIGHTMAN** - Rather than me going directly into that one, that aspect is managed through Treasury - through the major sales unit.

**CHAIR** - So, Crown land services does not involve any transfer of Crown land, in this output group.

**Mr WIGHTMAN** - Yes.

**CHAIR** - Just not major. So, what do we consider as major?

**Mr EVANS** - Through the Crown land services group we are responsible for the sale of assets under the value of \$50 000. Other sales - major sales - are handled through the major sales group in Treasury. Funding is paid into the Crown Lands Administration Fund administered by my agency.

**Mr FARRELL** - I just have a general question, too. Under Crown land services, it states the output manages Crown land insurance, sustainable use and development and provides specialist

## UNCORRECTED PROOF ISSUE

Crown property advice to Government and the private sector. I would like to know what some of this advice is about. Whether it is about land management, particularly. How the farmers benefit.

**Mr WIGHTMAN** - Kate is the appropriate person to answer that.

**Ms KENT** - Our role is to manage a whole range of Crown land in the portfolio. That includes lots of very small bits of Crown land and it involves the leases and licenses of people accessing Crown land to do a whole range of things. Marine structures, for example, or roads on their property - a myriad of things on very small pieces of land, to larger pieces of land where we work with councils to ensure the best use of land. Often the council subleases land from us to put a major piece of council infrastructure on it. We do that sort of work, but it is mainly leases and licenses and working with sublessees such as councils.

**CHAIR** - Can I ask a question in relation to the timeframes for settling Crown land issues? There has been some discussion in the Parliament, even as late as last week, about the timeframes, some stretching out to 18 months, or two years. In one case five years. Can I have some assurance that these timeframes will become much shorter? Is that something you can focus on?

**Mr WIGHTMAN** - From my first day in the role of Minister, this matter has been brought to my attention, and it is something we are working through at the moment. Crown Lands are doing absolutely everything they can to progress those matters as quickly as they possibly can. It is unfortunate that some matters take up to 18 months. In some ways it describes the complex nature of some of the matters Crown Lands are dealing with. In regard to improvement, we would like to improve those timeframes. However, tight budgetary circumstances and the allocation to Crown Lands, mean that the people who work in the Crown Lands Department are working to capacity trying to deal with those matters as quickly as they possibly can.

**CHAIR** - Can some matters be dealt with fairly quickly? Are there different sections, or is it just 'first in, best dressed' and you hope that yours gets to the top and stays at the top?

**Mr WIGHTMAN** - Matters are prioritised, and I am sure Kate would like to talk about that.

**Ms KENT** - As the minister said, we try to prioritise work. If someone is operating a business or has some economic activity that requires a transaction to occur as soon as possible, we have to prioritise it within the resources we have. In terms of timeframes, when work comes in it is allocated as best we can. If people provide us with the information we need to make an assessment about their needs, we can do that. But, many issues also have lots of nuances, and other issues come into play, so there are legitimate reasons why sometimes things take a long time. They delays are not just of our making but occur because we require information in order to make assessments about the use of the land, or ensure that transfers of property have happened correctly. We try to prioritise matters according to the issues behind them.

**CHAIR** - Minister, can you give me an update on where we are with a resolution to the shack sites situation around Tasmania?

**Mr WIGHTMAN** - I certainly can. There is a little bit in this, Madam Chair.

**CHAIR** - You don't need to tell me there is a little bit in it. I am in it - as in a lot of it is in my patch. I don't have a shack. If you recall, you wouldn't sell me yours.

**Mr WIGHTMAN** - I love my home at Bridport. And, it is a home.

A number of outstanding shack matters were progressed during 2010-11 following an interim recommendation by the Parliamentary Standing Committee on Environment, Resources and Development. Regulations were made regarding annual fees - they were set at the lower of \$1 500, or 2 per cent of land value as at 2007, adjusted thereafter at CPI. This is substantially less than the former rental of 6 per cent of land value and applies from 2009-10 onwards. The Government's intention is to continue with the removal of the shacks determined for removal under the Crown Land Shack Sites Act 1997 and the costs for that are currently being investigated.

Action is under way in conjunction with the Huon Valley Council to resolve some long-standing wastewater issues for shack sites at Surveyor's Bay, Kingfish Beach and Eggs and Bacon Bay. The Joint Parliamentary Standing Committees, 2009 inquiry did not provide any recommendations relating to shack removal. Of the 1 335 shacks assessed under the Crown Lands Act 1997, 53 sites were deemed unsuitable for freehold and the shacks determined for removal. All determinations were completed by 2002. Approximately half the shacks determined for removal had been removed and 24 remain. Of these, four shacks were due to be removed by September 2008 and the remaining 20 by September 2009. Most of this second group were determined for removal due to their impact on Aboriginal heritage.

**CHAIR** - But that was in dispute, Minister.

**Mr WIGHTMAN** - Removals put on hold - in 2008 the then minister put on hold four removal determinations at West Point and Sundown Point. I have been to see those. This was to enable three elderly shack owners to remain in their shacks for their lifetimes, and one to remain whilst recovering from a severe illness. All remaining removals were put on hold by then minister in 2009 in response to an interim recommendation of the Joint Parliamentary Standing Committee on Environment Resources and Development.

The minister agreed to defer implementation of the removals to allow the committee to complete its final report, which was expected by the end of 2009 but not completed prior to the State election. The chair of the committee, the Honourable Greg Hall, advised the committee will not be re-established and the interim report stands alone.

**CHAIR** - The fate of those final 20 shacks?

**Mr WIGHTMAN** - We are working through that at the moment. It is another matter I picked up as soon as I came into the role -

**CHAIR** - Did you put your hands over your head when you saw that one?

**Mr WIGHTMAN** - You know I never do that. It is challenging but I face up to challenges every time.

It is complex, but we are working through it, as you well know, and we will continue to do so, but I cannot give you an absolute timeframe on when it will be done.

**CHAIR** - Can you assure the committee there is direct consultation with the owners of those shacks?

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - There has been ongoing consultation from the beginning and, unfortunately, in some cases the letters appear to have been put in the top draw. We have not had responses from some of those people, which makes it extremely difficult. As I said, I have seen some of the shacks.

**CHAIR** - And you have appreciated the issue.

**Mr WIGHTMAN** - I have appreciated the issue. When you are dealing with some of these issues it is important to go out and have a look, which we did earlier on. Unfortunately, some of our correspondence has just been ignored by some of the shack owners, but we are keen to continue, and try to resolve the matter. We always knew the last few were going to be the most complex. Of the 1 335, most have been settled, but the last few were always going to prove the most difficult, and they have.

**CHAIR** - It is a work in progress.

**Mr WIGHTMAN** - It is a work in progress, yes.

**Mrs TAYLOR** - About the Budget – there is a drop in the Crown Land Services budget from the current year to next year. I read the note, but I do not know what it means.

*Laughter.*

**Mrs TAYLOR** - If somebody could explain that to me.

**Mr WIGHTMAN** - Could you be a bit more specific?

**Mrs TAYLOR** - It says, 'the decrease in the Crown Land Services output in 2011-12 reflects reduced transfers from the Crown Lands Administration Fund to the Consolidated Fund'.

**Mr WIGHTMAN** - The quote is an interesting one and I shall try to explain, as best I can.

**Mrs TAYLOR** - I want to know what the implications of that are for Crown Land Services.

**Mr WIGHTMAN** - The Crown Lands Administration Fund, or the CLAF, is the special deposit and trust fund created under section 48(b) of the Crown Lands Act and is administered by DPIPW. Payments and receipts into the fund are prescribed by the act and payments not specifically prescribed require approval from the Treasurer. The balance of the CLAF as at 16 June 2011 was \$19.34 million, \$6.4 million of which is to be transferred to the Consolidated Fund in June 2011. The fund builds up on leases and licences.

This transfer amount has been revised downwards from the original budget of \$29 million. It is estimated that the balance of the CLAF at 30 June will be approximately \$11.56 million. The forward Estimates also contain a transfer of \$6.4 million from the CLAF to the Consolidated Fund in 2011-12.

**Mrs TAYLOR** - Does that mean that money comes into the Crown Services -

**Mr WIGHTMAN** - In leases and licences.

## UNCORRECTED PROOF ISSUE

**Mrs TAYLOR** - and that has been used in past years by Crown Land Services for administration and funding and whatever, and now it is going to the Consolidated Fund?

[3.15 p.m.]

**Mr EVANS** - No. If I can explain, under the Crown Lands Act there is a trust fund established called the Crown Lands Administration Fund into which proceeds from sales, leases and licences are deposited and they account for sales by both our agency and other agencies, predominantly Treasury. So the sale prices of major assets for example, get paid into the Crown Lands Administration Fund.

**Mrs TAYLOR** - Okay, yes.

**Mr EVANS** - Crown Lands, as an entity, is funded from the Consolidated Fund, but it does have approvals from the Treasurer to use some funds out of the Crown Lands Administration Fund to run the business of Crown Land Services. Each year the Treasurer will draw some of the funds out of the Crown Lands Administration Fund to pay them into the Consolidated Fund. The figures you see reflected in this budget are the projections of the amounts that Treasury will pay out of the Crown Lands Administration Fund into the Consolidated Fund, and it fluctuates depending on what sales are undertaken each year.

**Mrs TAYLOR** - I take it this is because you need more money in the Consolidated Fund - because it is a dramatic change from \$38million to \$13 million in the next budget, and then it continues on -

**Mr WIGHTMAN** - It is my understanding it is not unusual for that amount to be -

**Mrs TAYLOR** - Okay.

**Mr EVANS** - It is reflective of the fact that each year we sell different assets and they have different values.

**Mrs TAYLOR** - Yes, but you are not actually talking about selling this, you are actually talking about that money which is sitting in that fund.

**Mr WIGHTMAN** - Sitting there to be used - transferred to Consolidated -

**Mrs TAYLOR** - You do not need it to run Crown Land services?

**Mr EVANS** - No, because they are funded out of Consolidated.

**Mr WIGHTMAN** - The fund is established by the Act, we administer the fund, but the Treasurer makes the decisions about how those funds are to be used.

**Mrs TAYLOR** - Okay, so it is not unusual?

**Mr WIGHTMAN** - I is not a bucket of money that we can use.

**Mr EVANS** - No.

## UNCORRECTED PROOF ISSUE

**Mrs TAYLOR** - Okay, thank you.

**CHAIR** - Minister, if that fund is being sent back to Treasury - parts of that fund - how much did you say will be remaining once the \$6 million goes back to Treasury?

**Mr WIGHTMAN** - I will check that out.

**CHAIR** - How much was left? You did not transfer it all back?

**Mr WIGHTMAN** - \$13 million.

**CHAIR** - Still \$13 million?

**Mrs TAYLOR** - So there is still enough to pay -

**Mr WIGHTMAN** - Yes, there is \$19.4 million, and \$6.4 million should be transferred.

**CHAIR** - For the State to meet obligations to shack owners who have been charged over and above what they should have been for their shack sites originally. So, there is enough money there to pay those, thank you. I just wanted to clarify that.

**Mrs TAYLOR** - I do not think the minister agrees.

**CHAIR** - He did not say 'no'. Any other members with questions in relation to crown land? It is an important area.

**Mr WIGHTMAN** - It is an important area, and it is -

**CHAIR** - And you know, Minister, we are having some discussions right now in relation to some crown land and some issues that you know very well.

**Mr WIGHTMAN** - Yes.

**CHAIR** - We will need to continue to work on that.

**Mr WIGHTMAN** - It is something I take a keen interest in. We do a fair bit of work in the crown lands area - in the CLAC project, for example, trying to sort out the parcels of crown lands right across the State. Kate and others are working extremely hard to make sure that project is as efficient as it possibly can be.

**CHAIR** - The point the honourable member for Elwick made in relation to such a reduced budget - will that amount of work continue to be done in a timely manner with such a reduced budget?

**Mr WIGHTMAN** - It is not a reduced budget. It is money paid to the Consolidated Fund. We receive our money from the Consolidated Fund.

**Mrs TAYLOR** - It just looks a bit confusing.

**Mr WIGHTMAN** - Yes, it does look confusing, but the Treasurer draws -



**Mrs TAYLOR** - That is why I asked the question.

**Mr WIGHTMAN** - It is a very good question, and the Treasurer draws down on it.

**Mr DEAN** - A little more explanation probably would be good in the Parliament.

**CHAIR** - Yes.

**Mr WIGHTMAN** - It is a complex area.

**Mrs TAYLOR** - In a sense it is almost retained money, isn't it, rather than budget money?

**Mr WIGHTMAN** - Correct.

**CHAIR** - Thank you. If there are no other questions, members, in relation to that we will move to Output group 3, which is resource management and conservation.

**Output group 3**  
**Resource management and conservation**

**3.1 Land management services -**

**CHAIR** - I will invite Mrs Taylor. Is that acceptable?

**Mrs TAYLOR** - Service provision is not going to be affected, I take it, by the fact that the Budget is only slightly increased? No? Good.

The NRM - is there a reason why the Australian Government is now making payments directly to Natural Resource Management?

**Mr EVANS** - That is a reflection of a change in arrangements with the creation of the Caring for our Country program. You will probably be aware that preceding the establishment of Caring for our Country in 2008, there was a vehicle called the Natural Heritage Trust. We had NHT 1 and 2, and under NHT 1 and 2 the arrangements with the Federal Government were that they paid the money to the states, which administered the fund on behalf of the Commonwealth. The Caring for our Country program pays the moneys directly to the regions, in the case of regional grants. It is a far more efficient way of doing it.

**Mrs TAYLOR** - It is a bit of a trend, isn't it? There are many areas of Federal Government spending that are being directed straight to local government, or straight to regional bodies. Not a trend that worries you, Minister?

**Mr WIGHTMAN** - I guess we keep a watching eye on that one.

**Mrs TAYLOR** - It is obviously more efficient, because there is no double-handling of the money, but on the other hand it takes out of the equation any control the State might have.

**Mr EVANS** - We did not have any control, because it was administered by a board of two federal ministers, who made all the decisions. We just passed the money through our accounts.

**Mr WIGHTMAN** – So, it is just cutting down on that administrative aspect.

**Mrs TAYLOR** - Thank you.

**CHAIR** - I would like to ask a question in relation to one of my other favourite subjects, alongside of white lines - weed management on road verges. I am particularly interested in what sorts of programs and funds are in place to assist with weed management? It says here in the notes:

'This Output delivers co-operative weed management programs.'

I am assuming this is the exact area.

**Mrs TAYLOR** - It sounds like a surprise, Chair.

**Mr WIGHTMAN** - No, it is not a surprise. This is an agency that obviously has two ministers.

**CHAIR** - I know which one I am relying on to get an answer.

**Mr WIGHTMAN** - Is that right? The specific brief I have relates more to weeds on Crown land sites, rather than road verges.

**CHAIR** - Does that mean the Crown is divesting itself of road verges?

**Mr WIGHTMAN** - No, it is a DIER responsibility - DIER and local councils.

**CHAIR** - What sort of weed management programs are being undertaken with local government in relation to this particular area – apart from with regard to road verges? For instance, the Bridport Wildflower Reserve, which would be an area under your auspice.

**Mr WIGHTMAN** - The Wildflower Reserve? I will have to take some further advice on that. Kim is saying we could bring Peter Mooney to the table.

**CHAIR** - Okay, I will ask the question again.

**Mr WIGHTMAN** - We will have to think about that and try to get -

**CHAIR** - When I read Land Management Services I straight away thought this would be allocated to that area. It is obviously outside of that.

**Mr EVANS** - Under this particular output, our responsibility for administration of the Weeds Act -

**CHAIR** – The Weeds? Sorry?

**Mr EVANS** – The Weed Management Act. The weed management programs we administer do not include land management responsibility on ground - that is the responsibility of the

## UNCORRECTED PROOF ISSUE

relevant land manager. For road verges it can be DIER, or the relevant local council. For crown lands it is Crown Land Services, Parks and Wildlife, Forestry Tasmania and other -

**CHAIR** – So, you have the big stick for this particular area?

**Mr EVANS** - Yes.

**CHAIR** - Minister, are you satisfied programs are being undertaken satisfactorily by those other departments?

**Mr WIGHTMAN** - I suggest you ask Mr Green tomorrow.

**CHAIR** - I would love to but they will not let me chair every committee.

**Mr WIGHTMAN** - He has overview in regard to weed management, as minister.

**CHAIR** - I will ask again when we get to Parks.

**Mr WIGHTMAN** - That is fine.

**CHAIR** - Members are there any other areas?

**Mr DEAN** - If it comes under this area.

**CHAIR** - We will try it, because I tried.

**Mr DEAN** – The land awards?

**Mr WIGHTMAN** - The Landcare awards?

**CHAIR** - I know the Minister presented them, because I saw him on the television.

**Mr DEAN** – These are the ones you were presenting a couple of weeks ago - does that come under this area?

**Mr WIGHTMAN** – They were the Environment Awards. It was not the Landcare Awards.

**CHAIR** – Okay, so we wait until we get to seven?

**Mr DEAN** - I am asking about ‘the Environmental Parks and Heritage Minister Brian Wightman last Friday awarded Jan Cameron the Tasmanian Land Conservancy Environmental Award’.

**Mr WIGHTMAN** - That is the Environmental Award.

**Mr DEAN** - Okay.

**CHAIR** – So, there are a couple we have held over. If there is nothing more on land management services - Minister I am sorry there were no direct questions for you from the members.

**Mr FARRELL** - I am not sure whether this one falls into land management or -

**CHAIR** - Well try it, everyone else has.

**Mr FARRELL** – Okay, I will give it a go.

There was a trial in Pyengana last year in relation to browsing animal control. Is that -?

**Mr EVANS** - That is under 3.2.

**Mr WIGHTMAN** - It is under 3.2. I think there was to be some discussion about browsing animal management.

**CHAIR** - Minister, can I suggest we have a discussion at a later hour about how those output groups are actually handled in the budget papers?

**Mr WIGHTMAN** - Okay.

**CHAIR** - That would be really useful for our committee. I am not sure whether it is a ploy or not.

I will move on to 3.2 - conservation of Tasmania's flora and fauna.

### **3.2 Conservation of Tasmania's flora and fauna -**

**Mr DEAN** - I have a question in relation to the devils, but I probably will not steal your thunder on that one -

**Mr FINCH** - In respect of?

**CHAIR** - Devils. You know the devils?

**Mr FINCH** - You can go ahead. It is quite okay.

**Mr WIGHTMAN** - Mr Finch and I speak regularly about them.

**Mr DEAN** - I will leave that for him.

My first question is in relation to biosecurity. What is being done to strengthen our borders to protect against possible pest incursion such as fruit fly, cane toads, weeds, et cetera?

**Mr WIGHTMAN** - Bryan Green, tomorrow.

**Mr DEAN** - None of that is in your area?

**Mr WIGHTMAN** - No, that is Bryan Green tomorrow.

**Mr DEAN** - Okay, I will go to the next one then, and that is a fox question.

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - We want to go straight to foxes, do we?

**Mr DEAN** - Yes, I do. This is yours, not one of Bryan Green's.

**Mr WIGHTMAN** - You know it is definitely not mine, Mr Dean.

**Mr DEAN** – Yes, I do.

**Mr WIGHTMAN** - Because you told me about it.

[3.30 p.m.]

**Mr DEAN** - Can I have a breakdown in the expenses and how finances have been expended in the fox eradication program over the two-year period? Exactly how much has been spent, and what has it been spent on?

**Mr WIGHTMAN** - I will provide you the information that I have at the moment in that regard. In 2006, the Tasmanian Government announced a commitment to a 10-year program to eradicate foxes from the State. Since 2001 to May 2011, expenditure on the eradication effort has been \$27.7 million, with a total budget of \$51.7 million anticipated for the period 2001-2 to 2017-18. Over the past 12 months, the fox eradication program has made a transition to a more proactive approach by implementing the precautionary strategy recommended by an external review by Landcare Research, New Zealand. This strategy will provide greater certainty that the program is achieving the goal of eradicating foxes in Tasmania. I am anticipating a further breakdown of the \$27.7 million to May 2011.

I can give a bit of a further breakdown on that. I do not have the exact specifics here with me, someone else at the table may have. The total State Government expenditure on the program, since its inception, was \$18.334 million. The total Australian Government expenditure on the program, since its inception up until the end of the 2010-11 financial year was \$9.102 million. The total Invasive Animal Cooperative Research Centre funding up until the end of the 2010-11 financial year was \$271 000. The total expenditure on the program, since its inception to the end of 2010-11, from all funding sources, is \$27.707 million. The current Australian Government funding agreement covers a three-year period from 2010-11 to 2012-13. The total remaining funding for this agreement is \$4.6 million.

**Mr DEAN** – So, the actual breakdown of the expenditure is on notice, is it?

**Mr EVANS** - Alistair can give an overview, but he would not have the precise figures.

**Mr DEAN** - I am happy for it to be taken on notice.

**Mr SCOTT** - Just as a general overview of the operation, we have a substantial number of staff involved in the baiting program. The moving baiting program is up on the north-west coast, and also in the south. That is where our field staff are placed.

The second area is investigations and monitoring, and that is where we have the dog teams, and other staff involved in following up reports. We also have a small research and development group of about three or four people who look at things like the impact on other species. And, there is project going on at the moment studying scat degradation - looking into how the scats,

## UNCORRECTED PROOF ISSUE

and the baits degrade over time. The project also has a management component. In terms of the actual expenditures, we will get you those figures.

**CHAIR** - Before we move on, can we clarify what information the member is seeking?

**Mr DEAN** - I have asked for a breakdown of expenditure across the program over the last two years - what has been spent. Whether it has been spent on baits, or vehicles, or guns, or cameras, et cetera.

**Mr WIGHTMAN** - We can provide that for you, Mr Dean.

**Mr DEAN** - My next question relates to the decrease in Australian Government funding for the year 2013-14, referred to at 11.7. What does that mean for the fox eradication program?

**Mr WIGHTMAN** - With regard to program review, ongoing review and evaluation will be undertaken during the life of the program, with regular status reports to the minister, the steering committee and stakeholders. A review of the program by an independent external reviewer is planned for the first half of 2012, and we will plan from that review. The program was also independently audited by the Tasmanian Auditor-General in the past year.

**Mr DEAN** - Does it mean a decrease in financial support for the program? Is that right?

**Mr WIGHTMAN** - An Australian Government decrease?

**Mr DEAN** - Yes, the removal of that funding will have an impact on the fox eradication program. What is the likely impact, if any?

**Mr WIGHTMAN** - I expect the review will determine what further Federal money is made available for that project.

**Mr EVANS** - The Federal Government provide their funding in specific blocks. Their current funding agreement comes to an end in 2013, so next year we will do the review. That will help us frame the case for further funding, or otherwise, and that will be done in negotiation with the Federal Government.

It is too early to give you any definitive advice about the future impacts of Federal Government funding.

**Mr DEAN** - How many foxes does the fox eradication program believe there might be in this State? A gentleman from Western Australia recently suggested there were probably up to 200 foxes in the State. Is that right, or not? What are the estimates?

**Mr SCOTT** - We cannot give a definitive answer to that, but the physical evidence we have, including the scats, suggests a low-density population. It is very difficult to give a number, but our program is progressing on the assumption that there is a low-density population.

**Mr DEAN** - So, do you put a number on it? A number was put on it by this gentleman in Western Australia.

## UNCORRECTED PROOF ISSUE

**Mr SCOTT** - No, because we would need to have some definitive data drawn from the field. Because we have what we believe to be a low-density population, we do not have that data.

**Mr WIGHTMAN** - I will put down a few points about the actual evidence, if I may.

**CHAIR** - If there is nothing new, I think it would eat into the committee's time. You can always provide that information in hard copy, and the committee can look at it later.

**Mr WIGHTMAN** - Thank you for your guidance, Chair.

**CHAIR** - One more on foxes, and then we move down the table.

**Mr DEAN** - I was told at an Estimates Committee hearing 12 months ago that I would be able to view the fox skull that the fox eradication program has placed a lot of emphasis on as identifying foxes in the State. I cannot get access to that skull. I have continually made contact with the fox eradications program. The latest contact was by e-mail at the beginning of this month and I am still waiting to get some information back on it. When can I get access to that skull, in the company of another person, which the minister of the time agreed to?

**Mr WIGHTMAN** - You want to go and view the skull in the company of another person?

**Mr DEAN** - That is right, exactly.

**Mr SCOTT** - As you said, that request was made in the last Estimates. Minister David O'Byrne wrote to you in September, and as far as we were concerned that was the last communication on the matter. He was seeking a response from you and that was the premise on which we were operating.

**Mr DEAN** - I can prove very clearly that there has been other correspondence, and there have been other telephone calls - which have all been documented - to try to gain access to the skull. On many occasions they were just not answered at all. I can ring my EA to demonstrate that.

**CHAIR** - That will not be necessary.

**Mr SCOTT** - I am unaware of those.

**Mr DEAN** - I will ask the minister - am I able to view this skull? Am I able to get access to it?

**Mr WIGHTMAN** - We can work something out, Mr Dean.

**CHAIR** - I was hoping the minister might come with an answer to that question.

**Mr DEAN** - I have been asking for 12 months - I was asking before then, but 12 months officially.

**CHAIR** - I think we will leave it at that. The minister will arrange with the member to facilitate a visit at a later time and I will now ask Dr Goodwin.

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - We have had some discussions with your office about a briefing.

**Mr DEAN** - I have had a briefing with Alistair.

**Mr WIGHTMAN** – So, you are not after another briefing?

**Mr DEAN** - I will take a briefing any time, but I have had a briefing and it wasn't that long ago.

**Mr WIGHTMAN** - We were just trying to make sure you are well informed, Mr Dean.

**Mr DEAN** - I have been briefed.

**Mr WIGHTMAN** - I suspect that you have.

**Dr GOODWIN** - He obviously has an independent expert who he wants to have a look at the skull.

**Mr DEAN** - That is right, I do.

**CHAIR** - Thank you, Dr Goodwin.

**Dr GOODWIN** - I wanted to ask about the Auditor-General's Report of 2009, concerning some issues with threatened species management. Have there have been some improvements, and what work is being done, in that area?

**Mr WIGHTMAN** - I was about to be asked that question in the House recently. It was a bit raucous in the House and I sat down at the time. I thank you for the opportunity. My department published a response to the Auditor-General's Report on the Management of Threatened Species on the DPIPWE website on October 2010, and we will continue to implement the key recommendations.

The department has initiated a number of projects to address the Auditor-General's recommendations, including an increase in resourcing of preparation of listing statements. A number of the recommendations will also be addressed by the Threatened Species Adviser being developed by the agency. I am pleased to note that the department is actively addressing the Auditor-General's recommendations in relation to the protection and management of threatened species.

Since the report was tabled in March 2009 the department has completed a systematic prioritisation process for the funding and implementation of threatened species recovery actions. A major effort has also been made to complete 10 recovery plans for nationally-listed species, including the Tasmanian Devil Recovery Plan. All have now been out for public comment. Some of these plans address the recovery of multiple threatened species. At the time of the audit, of the 674 listed threatened species, 122 had approved listing statements. Since then the total number of listing statements has increased to 187, with 60 additional listing statements due by the end of the financial year.

The Threatened Species Adviser will be a web-based information planning tool providing current and easily accessible advice on the conservation and management of threatened species.



## UNCORRECTED PROOF ISSUE

There is considerable interest in the outcome of the project nationally as it is seen as a leading example of a strategic tool for presentation in an area that has been challenging for all jurisdictions.

**Dr GOODWIN** - The Threatened Species Adviser - what is the target audience, or the target user, for that?

**Mr SCOTT** - It will be web-based, so it will be available to anybody, but I think it will be of particular assistance to people working in councils – planners - as well as proponents who may be encountering a threatened species, whether it is flora or fauna, on land they are interested in. It is going to provide essentially generic management advice for threatened species, whether they be, for example, birds or a specific flora species. That also links into the Natural Values Atlas, which provides reports of sites where threatened species have been recorded.

[3.45 p.m.]

**Dr GOODWIN** - What is the time-line to that? I am sorry, I might have missed that.

**Mr SCOTT** - We are working on completing it during the year. I have seen an earlier version of it and there is continuing work going on and so it should be available during the winter.

**Dr GOODWIN** – Presumably, it will be updated as information comes to light.

**Mr SCOTT** – Yes, that is right.

**Mr WIGHTMAN** – Yes, absolutely.

**Dr GOODWIN** - Could I just ask a question on the spotted-tailed quoll as well?

**CHAIR** - I do not think that is endangered. I can show you where there are patches of them.

**Dr GOODWIN** - There was apparently a study or a joint study by the University of Tasmania indicating that those numbers were declining. **Mr SCOTT** - Yes, that is right. I have only heard of this anecdotally; the project is going on at the moment. I think from memory they have something like 48 sites around the State and my recollection is that in some of the sites around the east coast particularly there is a drop-off. Whether that actually equates to a statewide decline is another matter because it does not actually claim to estimate definitively over the whole State. So it may well be there are some regional differences - ups and downs, perhaps. Yes, we are aware of that.

**Dr GOODWIN** - You are just monitoring that to see -

**Mr SCOTT** - Yes, well, it is not being undertaken by us but we are liaising with the people involved.

**Mr FINCH** - Because of my involvement with the Devil Island project, Minister, I just want to find out a little bit more about the Government's attitude to the Save the Devil program. Of course, the symbol of the Tasmanian Devil is very important to Tasmania's image.

**Mr WIGHTMAN** - Yes.

## UNCORRECTED PROOF ISSUE

**Mr FINCH** - Many tourists are desperate to see and photograph the devil and it is a great attraction for us but we do not want the devil to become a symbol like the Tasmanian tiger.

**Mr WIGHTMAN** - No.

**Mr FINCH** - You know - Europeans' ignorance and rape of a new environment.

**Mr WIGHTMAN** - Indeed.

**Mr FINCH** - Has there ever been a cost-benefit analysis done of what the devil represents to Tasmania? Do we have an understanding of the importance of the devil to Tasmania?

**Mr WIGHTMAN** - Can I just make a couple of points about that? I think there is an increasing awareness of the iconic nature of the Tasmanian Devil and I think that has increased over time, particularly and unfortunately because in recent times we have up to 93 per cent fewer sightings of devils in the north-east and 80 per cent fewer state-wide because of devil facial tumour.

So I certainly think there is an increased awareness in Tasmania, interstate and internationally, about the plight of the Tasmanian Devil. I have to put on the record your work in recent times with Devil Island projects and the Save the Tasmanian Devil Appeal. The way those groups are working together has actually made a significant difference.

I do not believe there is a cost-benefit analysis that has ever been done around what the devil actually means in tourism, sport and the like but I actually believe that its awareness as an iconic species and what it actually means to Tasmania has definitely increased in recent times.

**Mr FINCH** - Minister, could you give me a bigger picture look at the Save the Devil program and the areas of operation that are points of concern about the devil and the facial tumour disease.

**Mr WIGHTMAN** - Yes I certainly can.

**CHAIR** - It might be big but not lengthy.

**Mr WIGHTMAN** - This is such an important area.

**CHAIR** - I know but absolutely all the areas are.

**Mr WIGHTMAN** - Mr Finch called me the Minister for the Devils recently and I must admit I quite liked that.

**CHAIR** - You have got two little devils at home.

**Mr WIGHTMAN** - I have two little cheeky devils at home and who are actually here at the moment.

**CHAIR** - I know. I heard they were in the dining room.

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - Yes they were very well behaved, thankfully. They are taking all their mother's traits in that regard. The Tasmanian Devil is listed as endangered under the State and Commonwealth legislation having suffered a dramatic population decline due to the devil facial tumour disease and we continue to do work in that area particularly on dealing with cell transfer which comes, as many people would know, with a cell transfer here. You are dealing with biting.

The Save the Tasmanian Devil program investigates the disease and identifies management options for the Tasmanian Devil. The program has established an insurance population of around 300 individuals and is evaluating the feasibility of constructing the large fenced areas in Tasmania to prevent the disease spreading into healthy populations of which we now have four.

We are also considering the establishment of breeding populations on off-shore islands such as Maria Island and I noticed recently in the news there was also some work or some discussion around peninsula-type fencing to create areas of disease-free animals. The program actively monitors changes in devil numbers as DFTD spreads across the State. Monitoring includes location of the disease out front and populations of devils that appear to be responding differently to the disease. While I am not fully across it, I certainly have an interest in this around the north-west, particularly on the north-west tip. The disease front moves, as I have mentioned before, at seven kilometres an hour and we have a disease front there on the Murchison Highway - is that right?

**Mr SCOTT** - Just to the west.

**Mr WIGHTMAN** - Just to the west of the Murchison Highway and we are actually defending from that point. We are seeing that the devils in that particular area are not contracting Devil Facial Tumour Disease as quickly as other areas across Tasmania. Would that be correct?

**Mr WILLIAMS** - At Little Pine.

**Mr WIGHTMAN** - That could be genetic diversity. It is a small gene pool when it comes to Tasmanian devils, which makes it extremely difficult to try and suppress the disease.

**Mr FINCH** - That is seven kilometres an hour?

**Mr WIGHTMAN** - A year.

**Mr FINCH** - Yes I thought so - I have told you a million times.

*Laughter.*

**Mr FINCH** - What about the research? I remember there was an award earlier this year.

**Mr WIGHTMAN** - Yes, Anne-Marie Pearse.

**Mr FINCH** - For research that was being done at Mount Pleasant Laboratories.

**Mr WIGHTMAN** - Yes.

**Mr FINCH** - What is the status of the research now?

**Mr WIGHTMAN** – Well, Anne-Marie Pearce was the first to recognise that there was a cell being transferred and she was recently given a prestigious oncology award in Japan so as to continue to work at Mount Pleasant Laboratories in trying to cure cancer. She is trying to find ways to suppress the disease and to do the scientific research so we actually understand what devil facial tumour disease is and what the transfer of cells actually means for the population.

**Mr FINCH** - So I gather, Minister, that you are fully supportive of efforts to work as hard as we can to make sure that we get on top of this issue in the Save the Devil program to ensure that we have the species for the future?

**Mr WIGHTMAN** - Absolutely.

**CHAIR** - And you have two tickets to the dinner, so that is fine.

**Mr WIGHTMAN** - As you know, I am absolutely committed to that. One of the great privileges of Environment Parks and Heritage is to travel around our wonderful parks and also to be able to contribute publicly to such a task of trying to save the Tasmanian devil. As I have said to you before, if there is any way that we can increase the education or the awareness of Tasmanians about this type of disease, then I just cannot stress it enough. There are now 93 per cent fewer sightings in the north-east of Tasmania. There are now only 80 per cent sightings across the State. The Facial Tumour Disease has decimated the population of Tasmanian devils. We are doing everything we possibly can with the free-range enclosures, that is, double-fenced, large hectare enclosures right around the State to protect the insurance population in Tasmania and also to have an insurance population interstate. So in answering that too, Mr Finch, I see it is not just the science, it is also what we can do practically to have these insurance populations. It is the continued effort to raise money for the research and it is the continued work from your group and our group actually working together. Because what you have in this is a lot of very, very passionate people who are absolutely committed to saving the Tasmanian devils and passion breeds some interesting relationships that you have to manage as well. However, I must say that the work that Hal has done is commendable and that Bruce Englefield is an absolute champion for the Tasmanian devil. I am really pleased that I have been able to lend a hand in that regard.

**CHAIR** - Minister, I have a sense that you are very supportive of the devil program and I almost felt like Bruce Englefield was at the table, so congratulations.

**Mr WIGHTMAN** - His daughter told me recently that Bruce thought I was okay - which she thought was a real assurance of support for me.

**CHAIR** - Before we leave this area and break for a cuppa, I want to bring your attention to the \$450 000 that has been allocated over the two years to provide information and advice primarily to farmers on the most effective browsing animal management strategies. I believe this is the department's response to the alternatives to the 1080 program. One of the issues is the key performance measures that will be an extension of the activities. How is this going to be undertaken with the farming community? We are not just talking about it; we are actually putting some programs on the ground?

**Mr WIGHTMAN** - Absolutely. I had a good conversation with Jan Davis recently around budget time and we will be catching up soon to talk about that. I guess I have become aware of the impact of browsing animals since I spent a bit of time in the country, one might say. If you

## UNCORRECTED PROOF ISSUE

look at *The Alternatives to 1080 Program* report, which I had with me earlier but I have left it in my office unfortunately. If you have a look at some of the thermal imaging in particular when you see the cows lying down in the paddocks and the amount of browsing animals around there and the dry sheep equivalent that those animals can actually eat, it is a significant issue that farmers have.

**CHAIR** - You would be aware of the issue with deer on properties as well.

**Mr WIGHTMAN** - Yes, and with the subordinate legislation committee we have been aware recently too.

**CHAIR** - So you have programmed the money. Where is it being rolled out?

**Mr WIGHTMAN** - That is balanced with the use of 1080 which, in regard to how it kills animals, is not always widely accepted in the general public that that is a good thing.

**CHAIR** - It may not be their land that the animals are browsing on, with all due respect.

**Mr WIGHTMAN** - I accept that. However, the balance has to be right between the violence of the death that those animals have and managing their impact on farms as well. As you would know, the alternatives to 1080 program aim to develop and encourage the adoption of land managers of alternatives to 1080 to protect their pastures, crops, plantations and regrowth areas. The toolkit of best practice measures for minimising browsing damage, which was promoted at Agfest this year, and the knowledge generated by the program will support the department to continue its work with land managers to reduce usage of 1080, which has been significantly reduced, for browsing animal control in the State. Reports on all of the completed projects so far for the program are available on DPIPWE's website.

**CHAIR** - Are we seeing a reduction in browsing animals?

**Mr SCOTT** - I do not think we can say that. Because of the pasture growth and also the development in agriculture it is an ongoing issue, which is essentially the reason for a program like this. Any agricultural activities in the State, particularly those where you have forestry abutting, it is a great issue for those areas, so that is the reason for the program. Essentially we will be working with the farmers through the TFGA and also drawing in NRM North into that implementation of the project.

**CHAIR** - So all NRM organisations not just NRM North?

**Mr SCOTT** - Why, we are setting up a management group and we have invited NRM North, because of the prevalence of this issue in the north of the State, but that does not obviate the fact that it is also an issue in other parts of the State. For the purposes of drawing in an organisation like that with its community links it was important.

**Mr WIGHTMAN** - The program, as you know, will be funded at \$225 000 per annum in 2011-12 and 2012-13, and certainly I will keep in regular contact with Jan and the TFGA about that. I made that initial phone call straight up. We will meet as soon as we possibly can. I will continue that discussion.

**CHAIR** - So the committee can expect some evidence next year when we ask the question

about how that \$225 000 has been spent and what those programs have achieved?

**Mr WIGHTMAN** - We will take that on notice. Thank you for a year to get that one right.

**CHAIR** - Minister, we will take the opportunity to take a break and resume back at the table at about 12 minutes past four ready to head into output group 7.

**The Committee suspended from 4.00 p.m. to 4.12 p.m.**

### **Output group 7**

#### **Environment Protection and Analytical Services**

##### **7.1 Environmental Management and Pollution Control -**

**CHAIR** - Welcome to the last part of this scrutiny process in the areas that you are responsible for. I would invite Mr Gaffney if he is ready to take a lead.

**Mr WIGHTMAN** - We have the director of the EPA, Alex Schaap, here at the table.

**CHAIR** - Welcome Alex, and congratulations on your role.

**Mr SCHAAP** - Thank you very much.

**CHAIR** - The new Warren Jones.

**Mr SCHAAP** - I am not so sure about that.

**Mr GAFFNEY** - The difficulty I have found with this group and other work you do is that there is a lot of crossover between the outputs. Even when we were talking about the last one and I look at the Cat Management Act and the Cat Management Act is someone else's responsibility, because they always say that, and then under the DPIPWE banner it has 'the management of feral and stray cats', which does touch on what you are about, protecting fauna as well. It is difficult to find out who to ask the question to regarding the funding.

Then you look at Biosecurity and Product Integrity, output group 6, and that is somebody else's responsibility as well. I find it has been difficult to get to some of the questions. I know that from this side of the table, different members are going to come and ask questions about specific parts of this, because it is so confusing. I want to find out the full-time equivalents that are in output group 7.

**Mr WIGHTMAN** - The FTEs for output group 7 is 130.33, which is made up of environmental and pollution control, 103.75 and analytical services 26.58.

**Mr GAFFNEY** - When you look at the range of tasks and \$18 million, it sounds like a lot of money but it is not for the amount of people you have working within that department. Then to be asked to have a decrease of \$754 000 for this budgeted year and you look at the tasks that include high-quality policies; developmental proposals meet appropriate guidelines and standards; environmental impacts of industrial and municipal activities; monitor environmental performance;

## UNCORRECTED PROOF ISSUE

and sustainable business practices - where within the department are you going to be able to find those savings? Frontline services should not be impacted because it is such an important output for our State. How are you going to save that money?

**Mr WIGHTMAN** - The decrease in 2011-12 is mainly due to: the water and sewerage reform initiative, \$382 000 decrease; the Tamar River Catchment Management Study, \$250 000 decrease; and major project assessments \$162 000 decrease.

**Mr EVANS** - They are project-specific.

**Mr WIGHTMAN** - Project-specific have created the decrease.

**Mr GAFFNEY** - Which is not going to affect the staff on ground?

**Mr WIGHTMAN** - No.

**Mr GAFFNEY** - I am not sure if I am in the right area for things like the State Coastal Policy. Does that come under your area?

**Mr WIGHTMAN** - No, the coastal policy is whole-of-government and it belongs to DPAC.

**Mr GAFFNEY** - Things like illegal dumping on Crown land, Hydro, forestry and council land is yours?

**Mr WIGHTMAN** - Yes.

**Mr GAFFNEY** - Can I have an overview on how you manage that and where you see that heading because we find that a bigger issue all the time, managing council land and dumping of illegal stuff?

**Mr SCHAAP** - There are two classes of litter, if you like. There is the everyday litter of small amounts by individuals in society and there are those who take rather more effort about it and go and dump a whole trailer load of household rubbish, often on Forestry land but sometimes on Crown land and council land. Part of the initiative that has grown around the litter hotline is looking at more sophisticated ways of dealing with those larger-scale litterers. You might have noticed that in recent months we have had a deal of success in of apprehending a number of individuals who have been involved with large amounts of litter being dumped, particularly on Forestry land. We have done that through a range of means, including passive surveillance efforts. If we can keep those convictions happening at a reasonably frequent rate over the next year or two, the message might start getting through that it is not a risk-free activity, those dumping exercises, and that there is a reasonable prospect of detection. Combined with the litter hotline in terms of people potentially reporting it, there is now a real disincentive starting to grow against that activity.

**Mr WIGHTMAN** - I am happy to talk about litter at length later.

**CHAIR** - When we have that discussion about the outcomes of the day, thank you.

**Mr GAFFNEY** - I would be interested to know what the Government's approach is to waste management. I am going to put four categories on the table, to understand where you think

you might be going with each of these four: landfill; dealing with organic waste, which is becoming a big community issue; some time ago there was a push with plastic bags legislation and that seems to have stalled because it does not get as much coverage as it did, and one that is coming up now a lot more is container legislation. It would be nice to hear some comments on each of those four to give us an overview of where you think that could be heading.

**Mr WIGHTMAN** - Organic waste, container deposit, plastic bags and landfill.

**CHAIR** - As a supplementary, how much of the \$100 000 that has been allocated over the next two years for reporting and auditing is related to the four areas that the honourable member just asked about?

**Mr WIGHTMAN** - I would like to give some general overview about this and then, what I can talk about today is, plastic bags and container deposit and hopefully the overview will deal a little bit with general waste and the like.

Interestingly, we continue to have the worst litter rates in the country. Even with education, Clean Up Australia Day and the work that we do, we continue to have really poor litter rates, which tells me one thing particularly, and that is that we have a cultural problem around littering. You would not be surprised to know that cigarette butts are the major form of litter, particularly thrown out of cars, and that is one of the keys to having the litter hotline and being able to identify litterers in that regard.

This is something that I feel quite strongly about, something that I feel we need to continue to do some work on, particularly around education. Once again, it is one of those cultural issues - we need to help change behaviour in the Tasmanian community.

We are committed to reducing the amount of litter on our streets and roadsides and to increasing recycling and resource recovery. We recognise the need to improve the way we manage waste in Tasmania and also improve our recycling rates. Apart from the basic environmental impacts, it is estimated that, compared to land filling, recycling can provide around three times as many jobs per tonne of waste. That is why we are implementing a broad plan for dealing with waste through our Waste and Resource Management Strategy. The strategy complements the national waste policy approved by the Environment Protection and Heritage Council in 2009 and endorsed by COAG in 2010. We have already begun consultation with local government, industry and the community on potential ways forward for waste management in the State. We have established the Waste Advisory Committee, the WAC, under the independent EPA board and I have recently received some advice from the committee on future options for waste management, which I will consider.

With regard to the plastic bag ban, the former minister indicated that he would take a proposal to Cabinet, seeking approval to ban lightweight, single use, plastic shopping bags. My Department has since been gathering information for a Cabinet submission focusing on the South Australian experience. The Department has advised me that introduction of a ban could conservatively cost in the order of \$750 000 over two years for advertising, promotion, education and initial compliance work around that as well. Given the current financial situation, the Government believes that the most timely, efficient and cost-effective way of achieving a ban on plastic bags ought to be included as part of the implementation of a broader waste management strategy across the State. Having said this, the plastic bag ban will still be a stand-alone



component within the overall waste strategy. It is recognised that plastic bags are only a small part of larger waste management issues.

A ban needs to be considered in the context of other waste plastic and our wider waste strategy. This point was acknowledged in the motion that was moved in the House and received support from Labor, Liberals and the Greens. It is also something that has been acknowledged by the Greens, who understand the range of social, economic and environmental benefits.

With regard to a container deposit system, and I know that it has had a little bit of media coverage in recent times, the Tasmanian Government commissioned a study to determine the most feasible container deposit system model for Tasmania, should the decision be made to proceed with such a system. In that year, 2009, the Environment Protection and Heritage Council endorsed a survey to examine the Australian community's willingness to pay for reductions in litter, an increased packaging recovery and to estimate household participation in a national container deposit system. A key finding of this study was that the community shows a strong willingness to pay for both the reduction in packaging-related litter and an increase in packaging recovery.

I recently met with the Boomerang Alliance, whom I heard on the radio the other day, which is an NGO focused on recycling and resource recovery, to discuss this issue. I recognise that there is a strong public support for the introduction of a CDS and I agree that such schemes have a potential to generate jobs. However, we need to ensure that the economic impacts of any such scheme are positive and that is why we are working with the Australian Government and our counterparts in other jurisdictions to properly examine the range of resource recovery issues.

So it is a holistic approach that we are taking, in that regard.

**Mr GAFFNEY** - Thanks. You mentioned the litter hotline, that comes under your auspices.

**Mr WIGHTMAN** - It certainly does.

**Mr GAFFNEY** - What does it cost to have that program, how many people have you been able to target and fine and what has been returned?

**Mr WIGHTMAN** - In 2007, the Government reformed Tasmania's litter laws and introduced a litter hotline and reporting system, which enables the public to report littering and provides for reinforcement action to be taken in response to the reports. The hotline has been well used: there were 2 548 litter reports received between January 2008 and 38 for 2011. These reports have led to 1 277 infringement notices, 119 written warnings and two abatement notices being issued. The majority of the reported offences relate to cigarette butts thrown out of motor vehicles. I am informed that legislation is also being used effectively by the Tasmania Police, with an average of around 14 infringement notices per month for litter offences last year.

Revenue collected from the litter fines this financial year to the end of May was nearly \$39 000. The revenue is retained to help defray the cost of the ministry hotline, which for the same period was \$55 000.

**Mr GAFFNEY** - I notice that environmental management plans and EPNs are crucial to this output. I know it is difficult to know how many EPNS you are actually going to put out there, but with the water and sewerage company, how is that going with EPNs? That was one of the biggest

ones that you come to the table with a lot. How is that working with the three new corporations and the fourth one, numbers-wise?

**Mr SCHAAP** - It is still a bit of a learning process. With the previous council infrastructure, a lot of their operations were operating under very old licences rather than EPNs, often with conditions that were, if not irrelevant by modern standards then certainly somewhat out of date. We have embarked on the process of reviewing those existing regulatory instruments for those operations and essentially been involved in the dialogue with each of the three water corporations about how they see the priorities for improvement with those particular plants and therefore what sorts of improvement in conditions we can reasonably expect and then should be represented in a revised EPN.

It has been rather an iterative process in terms of learning the risks associated with the different plants and coming to some common feeling between us and the water corporations about what the priorities for improvement are. There have been a number of new EPNs issued and there are still a lot that are currently being discussed. One of the issues that are relevant to that is that each of the water corporations by the end of next month is required to provide a wastewater management plan for the director's approval. That plan is intended to set out the priority plan for improvements of those works. That in turn will inform some of the conditions that we set in EPNs for each of those individual plants. So that those where we have prioritised works to occur immediately there might be more demanding environmental conditions than those which, because of the relatively lower risk associated with them we can afford to keep up on the existing sorts of levels that pertain at the moment.

I imagine it will be a good six to eight months before that pans out completely and we have a clear picture about what the future for EPNs for all the wastewater plants is going to be.

**Mr GAFFNEY** - That is one of the issues in these discussions is that the change in licences, or EPNS, has actually put more pressure on those corporations to come up with solutions to an obvious environmental issue. That is very difficult for a fledgling company to go and handle that and keep the price down as best they can as well. Is the Government exercising any compassion about this? Three years ago, before the new licensing regulations, we did not seem to get as much through council land as we do now about EPNs.

**Mr SCHAAP** - There certainly is amongst the staff of the EPA division a deal of sympathy for the water corporations and what they have inherited and what they are trying to get their heads around. There is a difficult balancing act in terms of pushing the water corporations along as fast as can reasonably be expected to improve environmental standards within their capacity to deliver. That, I guess, is where that iteration process is: trying to discover where that happy middle ground is. I do not suppose the end result will be something that you ever entirely agree about, but I would hope as a consequence of considering these wastewater management plans that we could settle some fairly common view about what the priorities are and what the progress towards achieving those priorities. It is not a straightforward exercise.

**CHAIR** - Is there any penalty for the water corporations if they do not comply, if they have not been able to provide those management plans to the satisfaction of the EPA?

**Mr SCHAAP** - There are a range of penalties for a range of circumstances that the water corporations might find themselves in. As there were for the councils. To date, the EPA divisions have been very understanding about the dilemma that these new corporations find

## UNCORRECTED PROOF ISSUE

themselves in, but again there needs to be a balance between how hard we can reasonably expect these guys to be pushing themselves and how much tolerance the regulator can afford to extend. So, yes, there are penalties and it is conceivable that those penalties will come into play. Our ambition at the moment is to ensure that we try and settle some agreed game plan rather than have to rely upon the recourse of penalties.

**CHAIR** - Minister, can I take you back to the question I asked in relation to the \$100 000 per year for the next two years that has been allocated to develop a reporting and audit system. What areas will that cover?

**Mr EVANS** - If you go to the notes it is clear that they relate to environmental management systems across the Parks and Wildlife Service. Peter Mooney could give you some more details.

**CHAIR** - So we need to ask that in the next output group, okay. Minister, in relation to that, why did you not use that sort of money in frontline services and not in audits and reports? At the end of the day audits and reports give you information, but it does not actually get the work done. Would you agree with that?

**Mr WIGHTMAN** - I think that is a generalisation to say 'don't do audits and reports because of frontline staff'. I think you have to have frontline staff but you also have to do the research about the decisions that you make as well. Audits and reports are part of our work and particularly with Parks and Heritage it is a significant part of our work to make sure that we have the best reports, the best science behind the decisions that we are making. You cannot have one and not the other.

**CHAIR** - Can I suggest frontline service people might be able to give you that feedback and still get the work done?

**Mr WIGHTMAN** - Yes, you can suggest that.

**CHAIR** - Any other areas? Dr Goodwin?

**Dr GOODWIN** - Do you have any statistics or anything you can share about the EPA in terms of matters reported and investigated and penalties imposed, prosecutions, anything along those lines?

**Mr WIGHTMAN** - I reckon. We have plenty of information here for you.

**CHAIR** - Dr Goodwin, do you want those numbers now? I am just wondering, if it is voluminous then maybe we table it.

**Dr GOODWIN** - If you prefer to table it.

**Mr WIGHTMAN** - There are a few major points that I can make.

**CHAIR** - Maybe you can make those major points.

**Mr WIGHTMAN** - The EPA is responsible for compliance and enforcement activities for a range of environmental legislation. To ensure that enforcement is managed in a consistent manner, the EPA division's dedicated compliance and investigation section coordinates the

## UNCORRECTED PROOF ISSUE

investigation of matters referred to it and manages enforcement measures and litigation for those investigations on behalf of the EPA. In the 2010-11 year, as at 30 May, it had issued two formal written warnings and 13 infringement notices, and prosecuted two cases before the courts. The section is currently managing 12 active cases.

**CHAIR** - Thank you.

**Mrs TAYLOR** - I am not sure whether it fits, Chair, but -

**CHAIR** - Nobody does this afternoon.

**Mrs TAYLOR** - Yes, that is right. The question that I have been asking all along concerns a reduction in the Budget of a bit which the Minister is going to assure me will not affect the overall performance of the department.

**Mr WIGHTMAN** - I did that.

**Mrs TAYLOR** - Yes, you did. Will it, however, affect the service's ability to properly assess future developments, including, for instance, any future proposed pulp mill, or does that not come within your area?

**Mr WIGHTMAN** - As I just said, I put it on the record earlier that the decrease in 2011-12 is mainly due to those particular reasons. Your question is about capacity?

**Mrs TAYLOR** - Yes, to take on any major future projects, for instance, because we know that they are very resource hungry.

**Mr WIGHTMAN** - I will ask Alex to follow up in a moment, but currently they can certainly cope with their workload. That is what I believe they are able to do. In regard to major developments, we deal with them on a case-by-case basis when they come forward.

**Mrs TAYLOR** - That is one of the things that the State actually wants, is it not? You do want future developments?

**Mr WIGHTMAN** - Absolutely, yes.

**Mrs TAYLOR** - Then you have to have the capacity to manage -

**Mr WIGHTMAN** - And we deal with those on a case-by-case basis.

**Mrs TAYLOR** - But then we have to manufacture the money from somewhere, find the money.

**Mr SCHAAP** - We have within the EPA division an assessment group where essentially we manage the assessment processes, and these people use the experts in other parts of the agency and other parts of the EPA division. That group's resourcing will be maintained in the medium term at least because we are finding that, despite some of the doom and gloom that might be talked around the place, we have had a quite high number of new assessments coming to us in recent times. The legislation imposes upon us statutory time frames within which to undertake

## UNCORRECTED PROOF ISSUE

those assessments, so we have no option but to ensure that we resource that assessment section to ensure that we can deal with the proposals that are coming to us.

**Mr DEAN** - I think my land awards question comes under this one.

**Mr WIGHTMAN** - Yes, environmental awards.

**Mr DEAN** - You probably saw the letter that mentioned your -

**Mr WIGHTMAN** - I certainly saw that the letter mentioned me.

**Mr DEAN** - Yes, it does. It refers to the award that was provided to Jan Cameron and the Tasmanian Land Conservancy.

**Mr WIGHTMAN** - Yes, the Tasmanian Land Conservancy.

**Mr DEAN** - We know that the properties that, as I understand it, are involved in this were purchased by Jan and by the conservancy in October last year only. My first question: is what are the criteria around this award?

**Mr WIGHTMAN** - There were a number of different awards on the evening. It was a very good evening, with people from right across the spectrum. Each award has a panel which judges that award and then makes a recommendation. I think there were eight awards. Is that right?

**Mr SCHAAP** - Seven plus the minister's award.

**Mr WIGHTMAN** - Seven plus the minister's award. Each of those has a panel that assesses the entries, then makes a decision and a recommendation to the minister. The seven different panels then meet and look at award winners from those panels and make a recommendation to me in regard to a worthy minister's award.

**Mr DEAN** - The position here is - and you know the position very well -

**Mr WIGHTMAN** - Yes, I am aware of it.

**Mr DEAN** - that they had had ownership of this property for about eight months, nine months at the maximum, and the property had been cared for by Gunns and put into the position it was in by Gunns. Minister, are you saying that it is acceptable to provide an award to somebody who purchases a property and has it for eight months? Are they then eligible for an award?

**Mr WIGHTMAN** - You are questioning the panel?

**Mr DEAN** - I am questioning the panel and the way it is done, and you, as the minister there -

**Mr WIGHTMAN** - Were you aware of the awards? You thought they were landcare awards before.

**Mr DEAN** - I am aware of the situation.

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - Can you tell me about the awards?

**Mr DEAN** - I have been spoken to about the situation, and it is not for you, Minister, with the greatest respect, to expect question me; it is for me to question you and your area.

**Mr WIGHTMAN** - No, but I will push back at you.

**Mr DEAN** - You can do it later on.

**CHAIR** - With all due respect, minister, that is not how it works.

**Mr DEAN** - Not in this environment. You have read that that thing has been insulting to some landowners and people who have managed their land properly for long periods. That is the reason why the question is asked. If that fits the criteria, I am asking whether the criteria are right - if the ownership of a property for a very short time can put people in a position of receiving this award to the exclusion of the people who put the property in its present condition and who have managed the property over a long period.

**Mr WIGHTMAN** - I respect the work of the panels and the panels' recommendation to me. I do not think people make these recommendations to me lightheartedly or would not have considered fully each of the awards based on the criteria. If you would like to see a copy of the criteria, we can certainly -

**Mr DEAN** - If I can be given a copy of the criteria for the judgment of those awards, I would appreciate it.

**Mr WIGHTMAN** - I must say too, Mr Dean, that I certainly do not in any way mean to cause offence to landowners or land managers who have managed a property over a significant period of time. I am just discussing with you, one might say, your calling into question the integrity of the panels that have been put forward to judge those awards.

**Mr DEAN** - No, I am not questioning their integrity. I do not even know what the criteria are. The criteria may have been addressed well; I do not know, I have no idea. The panels may have asked for the criteria. I am not questioning the integrity of anybody, but I am raising the issue because it has been brought to my attention and I was asked to raise it here.

**Mr WIGHTMAN** - Thank you, Mr Dean. We will happily provide those criteria.

**Mr EVANS** - I was not involved and I cannot quote the criteria back to you, but it is not simply land ownership that they won this award for. They saw the opportunity to put together a consortium and get this land into the control of a group who could put into the reserve system. It is probably the largest private addition to the State's reserve system. It is the act of doing that and that project that won the award. It is not simply about what they have done with the land in the last eight or 10 months, or however long it has been, since they became the owners.

**Mr GAFFNEY** - Minister, if I remember that night, Gunns were a finalist in one of the other awards for their conservation work with threatened species. So they were acknowledged on the night, and even Nathan Males, who is the chairman of that organisation, highlighted how great it was to see Gunns being a finalist for their conservation work. It was a very positive night.

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - Yes, and when I said 'spectrum', that was probably the wrong word to use. My point is that the awards were not just about conservation groups; they involved a broad range of groups and organisations. In particular, the Education department, with its schools initiative, was a fantastic one. It was quite a broad range. I believe that some of the local governments cleaned up at the awards. Hobart won a couple. It was really quite broad; it was not just conservation groups who were able to enter.

**Mr DEAN** - I think I am getting the criteria for the specific award anyway. The other question I had was about noise pollution. Is that in this division?

**Mr WIGHTMAN** - It is under the EPA, yes.

**Mr DEAN** - I have had a number of complaints made to me in relation to -

**Mr WIGHTMAN** - About the town clock? That does not fit within the EPA, Mr Dean.

**Dr GOODWIN** - It is annoying though, that town clock, if you are not used to it.

**Mr WIGHTMAN** - I have grown up with it and I do not have an issue with it.

[4.45 p.m.]

**Mr DEAN** - I think the Minister is having a bit of a go at me.

*Laughter.*

**Mr WIGHTMAN** - I would never do that, Mr Dean, with all due respect.

**Mr DEAN** - Noise pollution and the heat pump situation: recently - without identifying the complainant but to give an example of the situation - heat pumps, which are very close to the houses next door and, in this instance, is a large heat pump, and the heat pump is I think one decibel above the maximum -

**Mr WIGHTMAN** - So it has been tested, is that right?

**Mr DEAN** - Yes, it has been tested. It was one decibel above the maximum permissible noise level. Because it is only one decibel above that maximum permissible level, it has been identified that no one will take any action. The people are driven out of their mind.

**Mr WIGHTMAN** - Have they made a complaint?

**Mr DEAN** - Yes, they have made a number of complaints.

**Mr WIGHTMAN** - Where did they make the complaints?

**Mr DEAN** - They made the complaints to a council.

**CHAIR** - You are not identifying the council.

**Mr DEAN** - No, well I can -

**Mr WIGHTMAN** - No you do not need to.

**CHAIR** - No, do not identify the council.

**Mr WIGHTMAN** - Is it our jurisdiction?

**Mr SCHAAP** - Noise regulation has been one of those difficult problems that persist year in, year out. I think at the moment we probably have a better handle on it than we have ever had before, in that we have gone to some lengths to describe what noise regulation standards are about and tried to consciously allocate responsibility. Local government does deal with those neighbourhood noise issues, the EPA deals with noise issues with respect to those premises that it regulates. One of the things where we have an agreement with the Local Government Association to trial, is a program which will see the EPA and local government contributing to a mediation service. Often noise issues are at the core of neighbourhood disputes or if nothing else, they exacerbate existing neighbourhood disputes and part of the resolution of that is to see whether a mediation service will assist in managing those things, which currently are somewhat problematic for individual council compliance officers. There is an element of judgment involved in making decisions about what sorts of action is required in relation to readings taken from a particular operation. If the officer does not have the equipment to gather results that will stand up as evidence in court then obviously there are issues about the admissibility of those readings. Often that can be an issue in terms of getting reasonable measurements. There are all sorts of sensitivities but we are hopeful that this trial mediation service over the next 12 months will find a way through some of these.

**Mr WIGHTMAN** - And that is jointly funded by the EPA and the Local Government Association, LGAT.

**Mr DEAN** - My next question is in relation to smoke pollution. That is a big issue and no doubt you have quite lot on that. We continue to get complaints in relation to burn-offs, bushfires and so on. I know we have made a lot of progress in this area about when people can burn and when they cannot, so have you made any further changes in this area of late? In particular, I think the Minister would be aware, there is one family that particularly has issues with it in the Nunamara area. I would be surprised if they have not written to you. They are very -

**CHAIR** - I am happy to forward the e-mail on, Minister, if you have not.

**Mr DEAN** - They suffer from asthma and a number of other problems as well and they are a very nice family. So where are we with it?

**Mr WIGHTMAN** - I have actually provided some advice to the House and I know that the Minister for Health, Michelle O'Byrne, provided a number of responses about smoke. The action plan, in particular -

**CHAIR** - I think most Government departments and members of Parliament have attempted to assist this particular family.

**Mr DEAN** - It is a general thing; it is not just this family.

**Mr WIGHTMAN** - I will talk about it, if I can, with regard to the work of the EPA. Implementation of air quality improvement strategies has seen a significant improvement in the



## UNCORRECTED PROOF ISSUE

State's air quality over the past decade, however, further reductions in particle levels will be required to meet new proposed national standards. In 2008, the EPA established a statewide smoke monitoring network, which now consists of 17 monitoring stations located near communities likely to be subject to smoke from planned burns. Data from these stations is available on the EPA division's website in near-real time, enabling an objective assessment of the effects of planned burns on air quality, so that smoke management strategies can be evaluated. The website also provides valuable public health information. As well, parts of Wildlife and certainly Forestry advertise quite heavily, it would be fair to say, when there are planned burns. I had some information on that. I remember recently that I spoke about it in Question Time.

**Mr DEAN** - There was money here somewhere for rivers at Launceston for TEER. What is that going to do with TEER?

**Mr WIGHTMAN** - You want to know what TEER does?

**Mr DEAN** - I know what TEER does, but this money because of what it will do to make that environment better.

**Mr WIGHTMAN** - TEER is a partnership between NRM North, the local and State governments and Hydro Tasmania. The State Government committed \$1.4 million over four years for ongoing support. The EPA Division also provides in-kind support for TEER staff and resources to assist the development and implementation of their ecosystem health assessments program. The TEER program builds upon the *State of the Tamar Estuary Report 2008* and the *Tamar Estuary Management Plan 2008* to gain a holistic understanding of the health of these waterways and to adopt an integrated catchment management approach. That is why a number of local governments and the State Government are all involved because we know that into that Yacht Basin area is a lot of contributing schemes. It is about the health of the river.

**Mr DEAN** - It is about doing something rather than -

**Mr WIGHTMAN** - It is about understanding the rivers that actually contribute to the Yacht Basin area. There is a lot of work done in that area. It is an area of Launceston that I must say I know quite well and have spent a lot of time around there. It is about getting that scientific understanding of contributing factors to sediment and the like.

**Mr DEAN** - There will be a time when we do know enough about it to do something to it.

**Mr WIGHTMAN** - I think we are learning all the time about that river. We have been learning over 100 years and we continue to learn as the river changes - and in some ways it resorts back to the way it was.

**Mr DEAN** - You can never do that. You have built in a layer to cover it.

**Mr WIGHTMAN** - That is right, so there are spillways, dredging, large boats coming up and working the port and the like, acid sulphate soils -

**CHAIR** - That will be a discussion that you might like to continue at another time and a later hour, thank you, minister.

**Mr WIGHTMAN** - I am happy to talk about the Tamar.

**Mr FINCH** - I will stay out of it.

**Mr WIGHTMAN** - You have been good to me today.

**Mr DEAN** - I noticed you were quiet.

## **7.2 Analytical Services -**

**CHAIR** - I note from the budget papers that this talks about support and the delivery of best practice environmental management and the management of environmental incidents. I am looking for some clarification in this area: Would the mediation service that happens around noise pollution come under this sort of management area?

**Mr SCHAAP** - The vast majority of the expenditure in that output group is to fund the operations of the analytical laboratory at New Town. Its services are about providing reliable sample analysis in terms of pollutant levels and advice as to what those levels mean. The specific question in relation to the mediation service, that would be funded in the previous sub-output.

**CHAIR** - It said delivery of best practice so I thought that maybe they had a role.

**Mr SCHAAP** - It is more in relation to the chemical management in terms of water, soil and air rather than noise.

**CHAIR** - Can I have some information around how many testing sites there are in relation to water quality around the State and has that been increased in the last 12 months? Is it likely to be increased in the next 12 months?

**Mr SCHAAP** - In relation to?

**CHAIR** - Water quality monitoring.

**Mr SCHAAP** - Generally or for agricultural chemicals?

**CHAIR** - Generally. The St Helens area is one of interest in relation to the run-off of chemical sprays.

**Mr SCHAAP** - The lab provides a service for at least some of those monitoring programs -

**CHAIR** - But they do not undertake them all?

**Mr SCHAAP** - They do not actually undertake the monitoring themselves. There are other monitoring programs such as the agricultural and veterinary chemicals monitoring program for which the lab provides the analytical service. We can certainly provide a statement of the existing sites covered by that.

**CHAIR** - Thank you. And I am interested in what additional sites there might be around the State in relation to any environmental issues that could have arisen since we spoke on this area last year. That would be something useful the committee would appreciate. Are you aware if there is any extra?

**Mr WIGHTMAN** - No, I am not.

**CHAIR** - There is a very slight increase in the line item in the budget, but I guess that just covers the general expenses.

**Mr EVANS** - I might just add that, when Minister Green appears before the other committee, there is an opportunity for him to detail the changes that we have made to the whole monitoring and assessment regime in terms of agricultural chemicals because there have been some changes in the way we approach that. I do not have those details with me here.

**CHAIR** - That is another area where this may not necessarily fit nicely under - would that be fair to say?

**Mr SCHAAP** - This output group provides the service to that program, but the program is administered under the Agricultural and Veterinary Chemicals Act, which is in Minister Green's portfolio.

**CHAIR** - It is another one of those interesting ones.

**Mr WIGHTMAN** - We work closely.

**CHAIR** - I know we will have this discussion on the floor of the House but we had it last year as well and we thought that we were going to get some changes and it appears they have not been forthcoming.

**Dr GOODWIN** - Just a quick question: Does this output group had to find any savings?

**Mr WIGHTMAN** - For the EPA?

**Dr GOODWIN** - No, the analytical services part of it, compared to say the forward Estimates for last year. Is there any variance there?

**Mr SCHAAP** - Like all areas of Government, both of these output groups have been looking at operating more efficiently. However, the lab is a little different from most sectors of Government in that it is established as a model for cost recovery. It ought to be, and has been in recent times, operating essentially within its revenue through cost recovery, which includes revenue from the Government for the provision of analytical services for compliance purposes and for monitoring programs such as the agvet chemicals. It has that independent revenue source.

The balance I suppose is to have that operating as efficiently as possible whilst still providing the service standards that the clients expect. That is a bit of a balancing act. Just recently, for example, we have had to add some short-term technical support in terms of building up capacity in one area so that we can meet business needs. There has not been in recent times any systematic reduction in the numbers in the laboratory but, wherever there are opportunities for efficiencies, we will be looking at them.

**CHAIR** - Chocolate biscuits have gone out of the tea room then?

**Mr SCHAAP** - I did see a chocolate biscuit there. I was not quick enough.

**CHAIR** - That is where they went out of the Premier's department in 2009.

**Mr WIGHTMAN** - I would not know. I have never had them before.

**CHAIR** - It is on *Hansard* somewhere. We would like too thank Alex for his contribution at the table, and I look forward to see seeing you next year when we get this area sorted out and work out who belongs.

[5.00 p.m.]

**Output group 8**

**Parks and Wildlife Management**

**CHAIR** - We will move on now to output group 8 and welcome our friend Mr Peter Mooney to the table. You will be pleased to know I have quite a few requests in to the office. I welcome you sincerely today and hope that some of my questions get answered. In relation to this, Minister, is there any particular area that you want to speak to?

**Mr WIGHTMAN** - No, all of it is important, Madam Chair.

**Mr FINCH** - On this output group, point six here tells us that there is a decrease in the Parks and Wildlife management funding for the fiscal year. It reflects the end of a four-year funding program for priority asset management in parks - we will talk about that a bit. The decrease in 2012-2014 is to do with the Macquarie Island pest program - I will come to that soon. Yet, to me, the immediate reduction from the current year is \$51.6 million to only \$45.29 million in 2014-15. It does not seem to be a good reflection of what needs to be spent in the parks area; that is a diminution of \$4.325 million. We talk about priority asset management and I look at a place like the horse track at Cradle Mountain, for example. It is still in a very poor state, yet this program is about to finish. You might be able to tell me about the horse track or Mr Mooney might be able to, but given the importance to tourism particularly of good infrastructure, do you see this estimated expenditure over the next few years as adequate? How do you read it when we have that diminution in the Budget?

**Mr WIGHTMAN** - I will make a couple of points. Firstly, regarding the reduction in the Budget, there was a significant amount that came out of the decision to defer the implementation of five national parks. It added up to \$900 000 which is a projected saving in that regard at the moment.

**Mr FINCH** - And that is deferred for how long?

**Mr WIGHTMAN** - It is deferred until I look at further proposals.

**Mr FINCH** - So what happened? Weren't you happy with what was put forward?

**Mr WIGHTMAN** - That would be correct. When I became the minister, I had a look at the proposal that was put in front of me and I was not satisfied that it met the needs of all stakeholders.

**Mr FINCH** - Who was that put forward by? The department?

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - Yes. It would have been in the hands of ministers prior to me. As Environment Parks and Heritage minister, I had a look at it, talked with my department and was not convinced that it satisfied the needs of all the stakeholders.

**Mr FINCH** - So when is that likely to come back? How long will that rejigging of the proposition be?

**Mr WIGHTMAN** - Another key component is the Forest Statement of Principles and the conclusion of that process as well. We will then have a look at it again and re-assess it at that time.

**Mr FINCH** - Okay, that is \$900 000?

**Mr WIGHTMAN** - Yes.

**Mr FINCH** - And then this other area where we have cropped it right away in the Budget; is there some explanation for that? I talked about the asset management -

**Mr WIGHTMAN** - Yes, \$3 million.

**Mr EVANS** - That \$3 million was provided four years ago as a special program for Parks to allocate towards priority asset management over a four-year period and it was always programmed to come to an end at the end of this financial year. So Parks now step back to managing their assets within their allocation. So it is a special allocation over four years.

**Mr FINCH** - So the horse track at Cradle Mountain?

**Mr MOONEY** - That was not part of that allocation. The allocation was mainly spent on high-risk areas such as elevated platforms and bridges and road works where the highest risk was to high-profile visitors to the parks.

The horse track is certainly part of an ongoing maintenance program we have in Cradle Mountain through to Lake St Clair. I cannot give you details of when we will do the next upgrade on that but as you can appreciate we have over 1 000 kilometres of walking tracks in Tasmania in our reserves, so they are all done in orders of priority basically.

**Mr FINCH** - So where do you think the horse track comes in the priority? Pretty well down? And what is the usage of the horse track, do you know?

**Mr MOONEY** - I cannot give you those figures now, but I can get them for you.

**Mr FINCH** - Yes, I would like that, Chair, just to give me some idea of the usage of it and whether I am barking up the wrong tree here.

**CHAIR** - When you are pushing the wrong car?

**Mr FINCH** - Yes, such as listening to constituents who are saying that it is in very poor condition and it is not a good reflection of the standards that we should be setting. I would like to know if it is only just a few enthusiasts who might use the track or whether it is well-used and whether it might be a bad reflection on the parks and on our tourism infrastructure.

**Mr MOONEY** - I would say the track is popular with some local Tasmanians who would like to use it regularly. I will get the numbers for you.

**Mr FINCH** - Thanks very much. Minister, also, in my opening gambit there I talked about the conclusion of the Macquarie Island pest program and that is to be decreased in 2012-14.

**Mr WIGHTMAN** - Correct.

**Mr FINCH** - Can I get some idea of where we are with that program and are we likely to get back to a situation that we had before we went in there and mucked it up?

**Mr WIGHTMAN** - Yes, it is absolutely fascinating and I hope honourable members had the opportunity to have a look at the recent *7.30 Report*. They were shown down there doing their work on Macquarie Island; there is also a blog about it, I believe. It really is fascinating work that they are doing. But I am happy to talk about it.

**CHAIR** - Do you look after television reception because I am not getting a very good reception here? So I am not watching much.

**Mr WIGHTMAN** - Chair, for you, I will probably have to come out with the tools, but we will get it done, otherwise we will be here until about 7 p.m.

*Laughter.*

**Mr WIGHTMAN** - The Tasmanian Government is committed to eradicating feral pests from Macquarie Island. We are all committed to that, to protect its important ecosystems. The Australian State Governments are jointly funding a \$24.6 million eradication project and the common pests down there are the rabbit and the common ship rat, which you have to be careful of when you are saying it -

**Dr GOODWIN** - Ship rat? That is a specific breed is it?

**Mr WIGHTMAN** - Yes, the common ship rat and the house mouse.

*Laughter.*

**Mr WIGHTMAN** - Excuse me, it is a really serious topic.

**Mr FINCH** - Leave the bunnies out of this?

**Mr WIGHTMAN** - Yes. It is the largest project of this type ever attempted in the world and this year marks the third year of the seven-year program.

An update, honourable member: I am extremely pleased to report that the Tasmanian Parks and Wildlife Service and contractors have now completed two whole-of-island bait drops with only small areas such as off-shore rock stacks left to complete - I think, there are some caves or something like that. . Since the completion of the second bait drop, only three rabbits have been sighted on the island from a population of more than 100 000. Teams will disperse around the island in the coming weeks to further identify the number and location of surviving rabbits. No

sign of rats has been detected since the first bait drop in May. The team involved in the baiting operation is expected to return to Hobart in late July.

You may have noticed, they were doing dog training on the boat, as it was going down. It was just fascinating. I was getting sea-sick just watching it, so I am not sure how I would have gone down there. Twelve trained hunting dogs are already on the island, ready to begin the next phase of the operation - hunting down the rabbits that survived the baiting. Hunters will work with the dogs and their handlers to dispatch any rabbits found. This is expected to take up to five years. It is an extraordinary effort and an extraordinary achievement and, obviously I want to talk about the success that they have had so far. It is a real credit to them and the work that is being undertaken.

**Mr FINCH** - I realise it is very difficult program. There is collateral damage though, isn't there, with some of the wildlife?

**Mr WIGHTMAN** - Some bio-catch, yes.

**Mr FINCH** - Can I ask about that?

**Mr MOONEY** - With any poisoning program, especially on an island that has so many different species, there is that possibility of what we call secondary non-target poisoning and that has occurred. There are mainly four species involved. They are the northern giant petrel, the skua, the kelp gull and the common black duck. However, those numbers are significantly dropping now and the way it works with secondary poisoning is that these birds scavenge on the carcasses of rabbits that have died through the poisoned baits. Last year, there was a higher number of secondary poisonings because we were not collecting all the carcasses. This year we are collecting all the carcasses immediately upon detection of dead rabbits and that significantly reduced the numbers of birds that have been scavenging on the dead rabbits. But in any poisoning program you do get that effect of non-target species.

**Mr WIGHTMAN** - But there have been improvements and you are learning over time. It is one of those projects where there is a lot of learning going on over time and we hope to reduce that or mitigate that as much as we possibly can.

**Mr FINCH** - Okay, thanks very much, I would like to come back to Cradle Mountain. It seems that there is a boardwalk that goes from Ronny Creek back to the former Park centre; it is the one that is built over the sewage and the power conduits which is quite a brilliant idea and it is very popular. I know it is hard to count the walkers and we might get some figures from the other track as well as this one, but the perception that track is a great success with visitors - is that right, is it a great success with visitors - particularly seeing that they can access the free bus service? Are they utilising this walk?

**Mr MOONEY** - The benefit of that track is that there is actually multi-access and entry and departure points. The shuttle bus goes from the visitor centre through to Dove Lake at the end and there are three points where you can get off. So the benefit of that track is that people do not have to walk the whole seven kilometres. They can walk several kilometres and if they have had enough walk, if they are not quite fit they can hop onto the bus and go to the next bit or they can do it on the return. So overall, the actual track does get a lot of walking but it is fair to say that it is not from beginning to end in totality it is mixtures of. That is the whole benefit of the shuttle

## UNCORRECTED PROOF ISSUE

bus mixing it with that boardwalk. On the boardwalk you can walk in all weather, because it is 1.5 metres wide and very stable. It certainly is a success.

**Mr FINCH** - Thank you. Also I would like to mention the gateway, which is at the northern end of the park. That is the bus terminal, the car parking, the helipad and the other facilities that are there at the visitor centre. That area can become very congested. What plans are there for the future of that area?

**Mr MOONEY** - We certainly have big plans. We have a lot of big plans in different places. We are working in partnership with the Kentish Council and we are developing a DA which has planning principle approval for development of that airstrip location to a new facility of entrance and gateway. That will involve a visitor centre, a restaurant and activities such as that. At the moment, as you can appreciate, what we have there has been built and constructed to meet the current demand at a temporary level, but obviously the world heritage status and the popularity of the location deserves a better and more fitting building. We are just working on those principles at the moment. We are getting another project ready so when the Commonwealth comes up with another stimulus program we can have something that is fit and ready, the community agrees with, all the businesses around there agree with and has DA approval. What better project for the north-west, which is mainly construction, which is what the north-west needs; new construction activity.

That will be a high employer at a very good rate because it will be a one-year construction period.

**Mr FINCH** - I just want to keep my focus on the Cradle Mountain-Lake St Clair area because that is the

**CHAIR** - Jewel in the crown.

**Mr FINCH** - Icon. The bus service to Dove Lake

**Mr MOONEY** - The shuttle bus.

**Mr FINCH** - is very highly used. The drivers are generally very caring, very efficient and they use radio contact to talk about the build-ups along the way. However there can be a problem at Dove Lake towards the end of the day. What is done to ensure that no late-arriving walkers are stranded at Dove Lake?

**Mr MOONEY** - We have run into some difficulties, especially in the summer period that has that late twilight period, where some people get over-enthusiastic with their walking and suddenly end up back at the car park and it is quite dark and the bus service does stop at 8.30. We have instigated a last light run with staff, so they do a run to check and to make sure that there is no one left in the car park. The method is you check the main parking area back at the transit zone where there would be private cars and you try to marry those cars with people who may still be left in the vicinity. It is difficult, because people do go for overnight walks as well. But since we have instigated that last light run with staff we have had no issues occur. We have instigated that in the last six months and it has made all the difference.

[5.15 p.m.]



## UNCORRECTED PROOF ISSUE

**Mr FINCH** - Thank you. Minister, what I would like to be apprised of now is the Three Capes walk and how that is progressing.

**Mr WIGHTMAN** - Certainly, and I have updated the House as well on this a few times. Just to reiterate some of the major points about that and then I will update on progress. \$12.5 million was provided by the Australian Government for the Three Capes Track. An implementation plan and budget schedule for the project was negotiated by the Parks and Wildlife Service and representatives from the Commonwealth Department of Infrastructure and Transport. The State Government is committed to maximising the regional benefits of the project and has committed \$12.8 million to the project over four years. In line with the implementation plan, funding received from the Australian Government will be used to finance the major infrastructure components first. This will be followed by a more significant level of State Government funding that will commence in 2013.

The first instalment of Commonwealth funding will be directed at upgrading the Cape Hauy track and Parks has awarded the contracts for the Cape Hauy track upgrade. This upgrade will result in construction of an Australian standard class 3 walking track along the entire 4.7 kilometre length of the existing Cape Hauy track. The work is estimated to cost \$1.3 million and will create employment for approximately 25 people, so it is significant in that regard. Work is programmed to begin in late June - it is just about due to start or it has started -

**Mr MOONEY** - The contracts have been awarded and people are getting all their workers and the machinery together - any day, basically.

**Mr WIGHTMAN** - We hope that it will be completed by December 2011.

**Mr FINCH** - A class 3 track - can I get a description of that, please?

**Mr WIGHTMAN** - So you have an existing 4.7-kilometre track at Cape Hauy and it is an upgrade on that. Your question was a class 3 walking track - a good one.

**Mr MOONEY** - It would be similar to one of our popular 60 great short walks, so it ranges between 900 centimetres and 1.2 metres wide, it must be a level surface, most of it will be gravel or rock and it does not have any greater gradient than 1:14, and it does not have any more than five steps every 70-odd metres. So it is a very comfortable walk. Anyone here could do it.

**CHAIR** - Similar to Dove Lake?

**Mr MOONEY** - Yes, but we are not trying to use as much boardwalk, we are trying to use natural material so it will last forever - a bit more like a road than a track with boardwalk that you have to replace every 20 years.

**Mr FINCH** - A track that I also would like to ask about, and one that some members of the Legislative Council experienced quite a few years ago - well, we did not actually experience this particular walk but I am curious about how it is being treated and how it sits in the mind of Parks and Wildlife - and that is the South Coast Track from Melaleuca down around to Cockle Creek.

**Dr GOODWIN** - I have experienced that.

## UNCORRECTED PROOF ISSUE

**Mr FINCH** - Yes, you lucky devil. Can you tell me the status of it? It would have been six or seven years ago now that we were there.

**CHAIR** - It was when Tony Fletcher was here, and that is a while back.

**Mr FINCH** - We have repetitiously talked about the degradation that we found in the track from Melaleuca out to Cox Bight so we will not go back over that old ground, but continuing on the South Coast Track from there - what sort of state is it in and how do Parks view that particular track in the tourism infrastructure sense and in the outdoor recreation sense?

**Mr MOONEY** - As you said, it is certainly one of our popular tracks. However, the numbers of users have basically been stable for the last five to six years. It is around 1 200 to 1 400 users that use that. If you compare that to the Overland Track, it has just under 8 000 users, so it is quite a quantum less than the Overland Track. However, this financial year we have spent \$200 000 on that track. That track is a very long track of about 57 kilometres.

**Mr WIGHTMAN** - Really!

**Dr GOODWIN** - It is challenging.

**Mr WIGHTMAN** - I bet it is.

**Mr MOONEY** - It goes over some very steep ground, very muddy ground, through marshlands, over the moorlands. What we basically have been doing is we have been upgrading the higher risk areas, and what I mean by higher-risk areas is the areas where you have the river crossings that flood and are quite dangerous, so you have to have suspension bridges put in. I think we have put three suspension bridges in this year and also the very muddy zones that you would have gone through. That is just your parallel planking and boardwalk. I have to admit it is not a 100 per cent done - I cannot give you a percentage - but it is certainly a track we do put effort into. However it is also a track that has not increased in popularity for five or six years compared to some other tracks, such as Freycinet and Cradle, which have skyrocketed compared to that track.

**Mr FINCH** - I would suggest the reason that you do not have many there is because of the quality of the track. The word would spread amongst walkers that it is made tougher because it is not in good condition.

**Mr MOONEY** - It is a tough environment. Some of the river crossings we cannot actually have a crossing constructed across it because it is not cost effective, and on those river crossings people will have to wait when it is in flood so you need to have patience. When you talk about Cradle and Freycinet, they are all-weather tracks, so you can go from beginning to end with your known period in time, and that is very good for the tourism industry. The tourism sector with the South Coast Track do not have a lot of activity on that track because you cannot guarantee a beginning to end formula. With those tracks you have to be very careful how you do them up because you can make them too soft and give an impression that they are going to be all-weather and able to do, whereas they will never be. You will always have to wait at some of those rivers with flood events, and you have to have that patience.

## UNCORRECTED PROOF ISSUE

**Mr FINCH** - I just get a sense that in the mind's eye it would be one that would appeal to people having to fly into Melaleuca and then doing the walk out to Cockle Creek, the southern-most inhabited place in the southern hemisphere.

**Mr MOONEY** - You wait until you walk the Three Capes Track, it will be fantastic compared to the South Coast Track.

**CHAIR** - It looks like we will have to wait because it will not be completed soon. Before we move out of Mr Finch's area, can we clarify that Ronny Creek visitor numbers will be provided?

**Mr FINCH** - The Horse Track is really what I was after, but Ronny Creek as well if there were any figures on that.

**CHAIR** - I am just wanting to clarify that. I would like to now hand over to Mr Farrell, thank you.

**Mr FARRELL** - Not all of us are wild adventurers like the honourable member for Pembroke who go out in the bush. There is obviously a fairly big market for the softer option, people who like to go on walks and get back and wash the leeches off in a spa bath, those sort of people.

**Mr FINCH** - And preferably catch the bus to and from.

**Mr WIGHTMAN** - Toorak camping, I think it is known as.

**Dr GOODWIN** - What leeches?

**Mr FARRELL** - Just looking at the visitation numbers, I would say the jewel in the crown would probably be Freycinet and not Cradle Mountain, but their numbers are both significantly higher than the other parks.

**Mr WIGHTMAN** - Yes, they are.

**Mr FARRELL** - Both these areas have fairly significant private investment around their edges to cater for the Toorak travellers -

**Mr WIGHTMAN** - Sorry, I should not have said that.

**Mr FARRELL** - Does the department have any plans to work with the private sector to look at what options are available for the other parks - Mt Field, Gordon River, Mole Creek, and that type of thing?

**CHAIR** - And if not, why not?

**Mr WIGHTMAN** - I will allow Pete to take that, but first say that some of the numbers, while they might not be 200 000 or well over 150 000, it just amazes me that somewhere like the Tamar Island Wetlands - which is the home of Bruno I think I said in Parliament the other day - have 21 000 people go there. While that might be a much smaller number when you compare it to Cradle Mountain or Freycinet, that is a significant amount of people going to a wetlands-type area. While the numbers are not as large right across the board, there are still significant numbers

of people going to those different individual areas. I make the point of Tamar Island Wetlands where you would never think there would be 21 000 people go visiting there, but often when I drive past there are a lot of people in there. That is a significant amount for that area. With regard to business, I think you would be aware that we are working with business on the Three Capes Track and certainly having private investment in the Three Capes Track is important. Pete, do you want talk about -

**Mr MOONEY** - We are concerned with the iconic nature of several spots, and others lose out as such. We work very hard with some developers and private people. Lake St Clair is a good example. That has Derwent Bridge, which is a small village on the main highway, and that has significantly increased its accommodation over the last decade. Also, in the park itself at Cynthia Bay, we have just got approval with a developer and they are building 18 new cabins, all sleeping between six and eight people - four-star accommodation. We try to spread the load to increase patronage at places such as Hastings Caves, Mole Creek and those areas. It provides more variety, too. At the end of the day we really have to do it in partnership with the private sector because they are the ones who usually provide the accommodation nodes just outside the boundaries. They are doing it tough at the moment, too. It is just a way of seeking where the best places are to increase your visitation without causing greater impact. We are the largest tourism operator in the State, believe it or not. We have more than 1.4 million visitors. No other industry or company has that amount of patronage. We are very conscious of the tourism industry and the fact that we have to spread the load and not just put all our efforts into one or two sites, because you can kill the golden goose.

**Mr FARRELL** - It would be nice, though, to get some of the other places' visitation numbers up to the Freycinet-Cradle Mountain level. It would be a significant increase in income, I would imagine.

**CHAIR** - Minister, I want to take you to my favourite output group, retained revenue. I see where there is an anticipated increase in that line item of a bit over \$1 million. Does that mean that there will be an increased park entry fee in the coming year? Given that we know that visitor numbers are fairly stable, how are we going to achieve that estimated retained revenue if we do not increase fees?

**Mr WIGHTMAN** - Retained revenue for 2011-12 consists of the following - this is revenue including Overland Track fees of \$4.5 million, park entry fees of \$4.7 million, leases and licences revenue of \$1.3 million, and other miscellaneous trust income of \$500 000.

**Mr MOONEY** - The park entry fees are now set into a routine process. Every two years it has an increase by CPI percentage, so we do not have sudden increases with the park entry fee system. The estimation of an extra \$1 million in revenue is across the board. It is things such as increased patronage of the Overland Track, that is \$160 per use, and that is getting more and more popular now. Things such as leases and licences, we are getting far better at getting a better return. The beehives is a classic. We have just raised the revenue there. To date, it was about 20 cents each hive and it was a ridiculous rate, but we did a review and now that has increased significantly to a more appropriate commercial level. There is no single area where we are increasing; it is just generally better governance of what we do in our collection. Interestingly, we sell a lot of retail product in our visitor centres; we sell more than \$1.5 million worth of product just at Cradle Mountain, for example. The cold weather is a real bonus for us. Everyone comes in and wants to buy a warm coat and the only place to buy it is in the Park shop.

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - An annual all-parks pass, the two year review - 1 November 2009 - was \$90 and the current price is \$96.

**CHAIR** - I was just looking to see where you were going with that. So that has been answered by your advisers, minister. I have been advised, minister and committee members, that the other committee has finished for the day and we are streaming live. So a very good question might be viewed by more people than just you.

[5.30 p.m.]

**Mr WIGHTMAN** - That's the end of my humour, Madam Chair.

**Mr DEAN** - I have a question on the Brodifacoum that is being used on Macquarie Island. The bait that was used last year was then stored on the island, as I understand it, and that bait was spoiled and could not be used.

**Mr WIGHTMAN** - Correct.

**Mr DEAN** - What is the cost of the spoiled bait?

**Mr WIGHTMAN** - Some of the bait was spoiled, obviously due to the weather event and not being able to get down there to perform the work last year, and then additional bait was taken down to perform the role or the task that has been asked of us this year. Do we have a figure for that cost?

**Mr MOONEY** - I can get you the figure, but not all the bait was spoiled in the end, only a percentage. It is really upon opening the pods and the bags that you will get a 100 per cent guarantee condition of it. Luckily not all of it was spoiled. We had to have an assurance that, if we found 100 per cent was spoiled, we would have enough bait taken down to do the complete coverage, but not 100 per cent was spoiled. But we can get you the figures.

**Mr WIGHTMAN** - It would have been an issue if you had got down there and did not have adequate bait to perform the task.

**Mr MOONEY** - Yes, because there is only one opportunity to get down there.

**Mr WIGHTMAN** - There is one chance to get down.

**Mr DEAN** - If you could provide that in time. I do not know whether the member for Rosevears asked when this is will finish. When does the whole baiting period finish?

**Mr MOONEY** - It is as good as complete now. This very week they are doing the very difficult parts. The way the baiting works is that you have a hopper underneath a helicopter and it spreads an arc, and then it overlays each run under a GPS process. But there are some caves and overhangs where the bait just could not get in, so they are doing that by hand at the moment to complete it. So it will be all completely finished at the end of this month and there will be no more baiting at all. The only program that will follow up is the hunting of the rabbits. All the rats and the mice will be dead, and the very few rabbits left that are smart enough to stay under ground for the whole baiting period will remain. They are the clever ones, and they are the ones that we are hunting with the dogs.

## UNCORRECTED PROOF ISSUE

**Mr DEAN** - I take it that you will monitor it over a period of time in order to see what happens.

**Mr MOONEY** - Yes. The same as with any eradication program, you need at least a clear 12 to 18 months of no detection to declare the area free. So it is a fairly long-term program.

**Dr GOODWIN** - I have a question on the use of the dogs. What will you do with the dogs? Will they be redeployed after they have done their work on Macquarie Island?

**CHAIR** - Do you have room for them?

**Mr MOONEY** - The Government will be proud owners of 12 very smart dogs.

**CHAIR** - Very highly trained dogs.

**Mr MOONEY** - They would have led a pretty hard life on Macquarie Island for three years, as you can appreciate - 60th parallel, average temperature four degrees on a good day. They will be the Government's property and they will be available for other programs. In fact, we have already had international inquiries about purchasing the dogs once we have finished with them. They are quite sought after, these types of dogs. As you can appreciate, these 12 dogs -

**Mr WIGHTMAN** - They are Tasmanian dogs.

**Mr MOONEY** - They are the product of 60 trained dogs, so these are the best 12 of 60 that we actually got trained. These are the peak.

**Dr GOODWIN** - Interesting. I have a question on the Bay of Fires project and how much has already been spent on that. Do we have a figure for that?

**CHAIR** - A bit of PR from your PR machine, I reckon.

**Dr GOODWIN** - Has there been a consultation process with -

**Mr EVANS** - We used our own internal resources through the assessment and planning stages, but we did put out the consultation to an external contractor. It was not very much money, but I do not have the figure with me. I can get that for you.

**Dr GOODWIN** - Can we get that - thank you.

**Mr EVANS** - Yes.

**CHAIR** - Consultation on the Bay of Fires.

**Dr GOODWIN** - One last one on Frenchmans Cap, in terms of the track upgrade there. Is that not one that Dick Smith contributed to?

**Mr MOONEY** - Yes, we have an agreement with Dick Smith over 10 years. He provides \$100 000 every year and we add to that with \$50 000 under our agreement. That is in its fourth year. There is one major re-route that takes out the northern Loddon Plains, which is a very messy bit of the track. It is about a 5.6 kilometre re-route and that is two-thirds completed, and

next summer it will be 100 per cent complete. That will be a huge refreshment for everyone, because that is the worst part of the track.

**Dr GOODWIN** - A good time to do it then, again.

**Mr MOONEY** - Yes.

**Dr GOODWIN** - So that will be all -

**Mr MOONEY** - After next summer will be the best time to walk Frenchmans track if you do not want to get muddy.

**CHAIR** - Minister, before we leave this particular output group I just want to congratulate you, and particularly Peter and the Parks personnel, in relation to the Tomahawk Footbridge outcome. It is a fantastic outcome, and you can be very proud of taking a lead role in that.

**Mr WIGHTMAN** - Thank you.

**CHAIR** - Thank you, and thank you, Peter, for your time today. We will move now to output group 9 - we are wearing them down - Heritage.

## **Output group 9 Heritage**

### **9.1 Historic heritage services -**

**CHAIR** - Welcome.

**Mr DEAN** - I am trying to make sure I have these figures right. I asked a question, minister, of your department about a month ago now, and the answer given to me was, 'It is interesting to note that during the 2009-10 financial year the Heritage Council completed 58 new permanent entries to the Heritage Register'. Then it goes on to say, 'This was an impressive 23 per cent'.

**Mr WIGHTMAN** - Twenty-three per cent across Australia were done in Tasmania.

**Mr DEAN** - 'It is interesting to note that during 2009-10 financial year the Heritage Council completed' - I am taking it this is Tasmania. My questions were Tasmania-related.

**Mr WIGHTMAN** - Yes, of course. I am just explaining the percentage to you.

**Mr DEAN** - That is all right. There you go, yes. Page 11.29 of the document refers to the number of places on the Tasmanian Heritage Register, and the number in 2008-09 was 5 496, if I am interpreting this correctly. Then in the year 2009-10 the actual number on the register was 5 504, an increase of eight. Am I understanding this? Do I have it wrong or something? There is an increase there in 2009-10 of eight registrations, yet in the answer I was given I was told that -

**Mr WIGHTMAN** - In 2009-10 there were 58 permanent entries made to the Heritage Register.

## UNCORRECTED PROOF ISSUE

**Mr DEAN** - The 2009-10 actual in this document I am reading from shows it as 5 504, up from 5 496. That is only eight, if my mathematics are right. Am I wrong or something?

**Mr WIGHTMAN** - I will get an answer to that question for the honourable member.

**Mr SMITH** - I can explain this. Mr Dean, you will note that on the page after that, the page that includes the notes, it states:

Efforts in recent years efforts to consolidate, amend and remove existing entries on the Tasmanian Heritage Register combined with the need to prioritise assessments on-hand has meant that the number of permanent entries ... are less than the target for 2009-10. For these reasons it is also expected that the number of permanent entries in the Register in future years will fluctuate ...

One of the things we have been working on in recent times is to be smarter in terms of the way that we are pursuing listings and entries on the Heritage Register. For instance, we have been consolidating entries. By way of example, the York Town settlement site on the West Tamar is made up of something like 18 individual titles. When we re-looked at what had been listed a couple of years ago, we established that five or six of those titles had been individually listed but no recognition was given to the whole of the place having significance.

Using that as an example, one of the things that we have done is to start to replace those six individual entries and not pursue the balance as individual entries, but rather replace it with one consolidated entry for the whole 18 titles, one place entry in the Heritage Register. We remove those six original entries in the register, replacing them with one.

By doing that we are starting to tidy up our entries in the heritage register, which means we are starting to get some fluctuation in numbers. The Museum and Art Gallery and the Cascade Female Factory are other examples where individual buildings have had their listings removed and been replaced by a consolidated entry.

**Mr DEAN** - Can you go through that again?

*Laughter.*

**Mr SMITH** - No.

**Mr DEAN** - I am only joking.

**Mr WIGHTMAN** - I thought that was very well delivered.

**CHAIR** - The honourable member can read *Hansard*.

**Mr DEAN** - I will need to read the *Hansard* and then I will -

**Mr WIGHTMAN** - I think one entry might have been six and now consolidated into one entry. There were six different entries there is now one so you are going to get a fluctuation in the numbers.

**Mr DEAN** - I heard that and it was interesting -



**Mr WIGHTMAN** - It was well picked up, Mr Dean.

**Mr SMITH** - I suppose one way of explaining that though, is that there has been a trend in years gone past for numbers in the heritage register to increase over time. However, in more recent years, we have reviewed our practices and the quality of the entries in the current register and we are much more selective about those new entries that are going in. We are being much more discerning in terms of the criteria and thresholds we are using. That means that we are trying to exercise a high level of quality control in relation to the work that we are doing and the impost which that work then generates behind us.

**Mr DEAN** - My next question relates to the outstanding copies on the list for assessment and I am not sure whether it is now 1 000 and something, I think - I do not know what the numbers are. My position is here that development applications continually come into local government in relation to these properties and unfortunately local governments are in a difficult position because the properties are not listed. If there has been no provisional listing of these properties, it makes it very difficult for councils to carry out their assessments. They cannot use the fact that they are listed for assessment as a reason for not supporting further development on those properties, as was a case recently in Launceston on one building that they had.

So what I am asking is, is there any way or reason why they cannot be or should not be provisionally listed in the first instance until the assessment is completed, or is there something there to support development?

**Mr WIGHTMAN** - In the point that I made about 28 permanent entries, 23 per cent of all permanent entries were made nationally; 27 provisional entries were also made at that time. There are 2 200 nominations in the system at the moment. However, as Pete alluded to earlier, it is anticipated that a high number of these places would not meet the criteria for listing at a State level.

**Mr DEAN** - So obviously that is just a matter we have to deal with moving forward.

**Mr WIGHTMAN** - Yes.

**Mr DEAN** - My question then is that I think we are probably only looking at 40 to 50 probably being assessed annually. Is staffing an issue within that department? I am not saying that they are not working hard; they obviously are working hard.

**Mr WIGHTMAN** - We would like more staff -

**Mr DEAN** - Do there need to be more staff to get this list up and completed as quickly as is possible? It is at a backlog. Now the backlog does not seem to be clearing -

**Mr WIGHTMAN** - I will allow Pete to talk about it; I am sure he would really appreciate talking about that at the moment. Heritage Tasmania tries to clear that backlog as quickly as they can. Often some of it is quite complex work they have to perform, particularly with historical research around certain buildings. So it involves a gathering of information. As I said, that backlog will come down particularly when those criteria around the listings are tightened up and we are able to make decisions based around those properties that really should not be on the heritage listing.

**Mr DEAN** - There is no question Minister, is there? Because our built heritage and our national heritage is the greatest asset this State has and we need to make sure that we have it right.

**Mr SMITH** - Minister and Mr Dean, I suppose what I would say is we have a multi-faceted approach to this issue. We develop a business plan each year in conjunction with the department and that is our means of identifying the priorities that we would work on in the next 12 months in accordance with the resources we have available.

In relation to the registration or the listing program, one of the things that we are very conscious of is that we are trying to achieve a good balance between individual nominations that are made by members of the public and community organisations and a more strategic approach that we have been using in relation to working with local government on jointly-funded heritage surveys. In fact in Launceston I think you would, if you drill down into these numbers, almost 50 per cent of these places are what has in the past been known as the National Trust 1100 from the city of Launceston's municipal heritage surveys that have been conducted in the past.

[5.45 p.m.]

My guesstimate is that a significant proportion of these nominations are places of local significance that have the potential to end up on future heritage schedules or heritage codes. And in fact that is one of the reasons why we have got a strategic project with Launceston City Council and with Southern Midlands at the moment, to test and explore new precinct provisions to find better and smarter ways of managing large numbers of heritage places. It is said that Tasmania has a disproportionately high number of heritage places per capita. We have a lower income base and so we have got to find new solutions, working at protecting our historic towns, our streetscapes and our suburbs through new precinct provisions to a new heritage code. Hopefully, the pilots that we are doing in places like Launceston and Southern Midlands will help us to address that issue, but greater clarity about the thresholds or the criteria, if you like, about listing at a local level or at a State level will also help to address this issue in the future.

**Mr DEAN** - The current legislation: where are we at with the legislation? I understand that there are some amendments needed or a rehash of it again, but perhaps I can be updated on where we are at.

**Mr WIGHTMAN** – Certainly, you can be updated on that.

**CHAIR** - I remember asking the honourable Paula Wriedt the same question, and it was not far away.

**Mr WIGHTMAN** - Yes, certainly. In February 2010 a draft historic heritage bill was released for review by those bodies that deal with historic heritage on a daily basis. This included 30 local planning authorities, the Tasmanian Heritage Council and the Local Government Association of Tasmania. On taking on responsibility for this portfolio it became clear to me that while highly desirable, the full raft of reforms proposed could not be fully implemented in the current economic climate. But in saying that, this work has not been shelved.

So important gains have been made in recent years, including non-statutory reforms and some excellent ideas put forward for further reform. It is my expectation that once we have confirmed our preferred approach for reform we will take it to the Tasmanian public and the heritage sector, giving them a final opportunity to comment. But so in saying that -

**CHAIR** - It is on its way.

**Mr WIGHTMAN** - No, No, there is a raft of amendments that can be made to the Act, which will actually improve it.

**Mr DEAN** - I can ask the question I suppose, what has been the cost of this process so far? My guess is that it would be pretty high.

**Mr WIGHTMAN** - Sorry, I do not have that.

**Mr DEAN** - You are saying a number of amendments will make it a better act.

**Mr WIGHTMAN** - Yes.

**Mr DEAN** - When is that going to occur, though?

**Mr WIGHTMAN** - We hope to be working on that this year.

**Mr DEAN** - Right.

**Mr WIGHTMAN** - We are currently working on it now. When I say we hope to be working on it, we are working on it now, and we hope to have those proposed amendments put together this year.

**CHAIR** - Thank you very much, Pete. We always appreciate your time and effort and you have got a few little glossies there; feel free to leave them on the table.

**Mr DEAN** - He does; he has a great passion for the area.

**Mr SMITH** - There is always the opportunity to promote our world heritage centres.

**Mr WIGHTMAN** - I must say we have some wonderful historic heritage in Tasmania, and being able to visit a number of those places and you will see the brochures for it, it is a great pleasure.

**Madam CHAIRMAN** - I remember Western Tiers; I had an electric tour which encompassed Woolmers and Brickendon and it was fantastic, only earlier in the year.

**Mr WIGHTMAN** - It is fantastic work that they do.

**Dr GOODWIN** - Yes, just a quick question, I will be really quick. I just wanted to know if there had been any data on the impact of world heritage listing at the convict sites, given that we just quickly talked about them then.

**Mr SMITH** - Could I ask the chair what form of impact.

**Dr GOODWIN** - Just in terms of increased visitor numbers or anything in regard -

**Mr WIGHTMAN** - In regard to the world heritage listing?

**Dr GOODWIN** - Yes, did it have an impact -

**Mr SMITH** - The listing has only occurred in less than the last 12 months. But what we have done is Heritage Tasmania has initiated a project to get baseline data from all of the sites so that we can track that. One of the things that we are very conscious of is there are a number of works as part of the Nation Building Program that are still yet to be completed, for instance the bridge and the linkway between Brickendon and Woolmers. With that there are new attractions that will help to draw people back to the sites as well, so we are positioned to track that. We also recognise that it has taken 10 to 20 years to get the world heritage listing, so it is going to take some time for that to achieve the response, in terms of visitation, that we hope would benefit the State from that decision.

**Mr WIGHTMAN** - It is a significant achievement. Amazing.

**CHAIR** - Thank you very much. We always appreciate your time.

## **9.2 Aboriginal heritage -**

**Mrs TAYLOR** - Thank you Chair. My main question is about the cessation of the one-off funding of \$110 000 that was in this year's Budget but not in next year's. Does this mean that the Aboriginal heritage legislation review project is completed, abandoned or postponed?

**Mr WIGHTMAN** - Completed.

**Mrs TAYLOR** - So does that mean we are going to get some legislation?

**Mr WIGHTMAN** - I hope so. Absolutely. I made it really clear right from the start of taking on this role and you will notice that that has been fairly difficult. What is apparent to us all is the need for new relics legislation; Aboriginal heritage legislation. Right from day one I have made it clear that my wish is to have new Aboriginal heritage legislation and I remain committed to that.

**Mrs TAYLOR** - If it is completed, does that mean that it now goes to public consultation?

**Mr WIGHTMAN** - Correct.

**Mrs TAYLOR** - So we will look forward to that happening.

**Mr EVANS** - But the additional funding is primarily,

**CHAIR** - The \$610 000.

**Mr WIGHTMAN** - Yes, by consultation.

**Mr EVANS** - Of that, the additional \$100 000 is to primarily fund the consultation that needs to happen with the draft legislation over the next 12 months. So we would anticipate, as the Minister said, that that would be largely completed in this next financial year.

**Mrs TAYLOR** - In the next year and then finish at the end of the next.

**Mr WIGHTMAN** - It is a complex task and it has had many iterations over the years around the creation of new legislation. Over many, many years, in that regard so we are endeavouring to get it right.

**CHAIR** - Minister, are you confident that given that there are some issues within the Aboriginal community themselves about agreeing on aspects of their heritage and like that you can achieve this? Is this enough money and is the time frame realistic?

**Mr WIGHTMAN** - I think improved heritage relics legislation is achievable. This was the best legislation in the country in 1975 and now it is not so good, one might say. I am not naïve enough to think that the relationship with the Aboriginal community has not been difficult because I can tell you first hand that it has.

**CHAIR** - I mean within the Aboriginal community themselves there has been some -

**Mr WIGHTMAN** - Will I get 100 per cent agreement right across there? No, probably not but I believe that we can put legislation in place that improves the protection of Aboriginal heritage.

**CHAIR** - Thank you and we wish you all the best.

**Dr GOODWIN** - It has taken an awful lot of time to get to this point. What is your firm commitment today about when we are actually going to see it?

**CHAIR** - There is a time frame here.

**Mr WIGHTMAN** - I think the time frame there is 12 to 18 months.

**CHAIR** - It is December 2012 in the budget papers.

**Dr GOODWIN** - And you are pretty confident that that is achievable.

**Mr WIGHTMAN** - Pretty confident. It is a really challenging task and it has, as I said, many iterations over the years but I have made a firm commitment right from the start that I believe, like many people before me, that we do need new Aboriginal heritage or relics legislation and we will do our absolute utmost to ensure that that happens.

**Dr GOODWIN** - Can you just elaborate on why it is so challenging? It is not something I am really familiar with so I am struggling to understand why it has taken so long and why you are not confident that you will be able to finish it in that time frame.

**Mr WIGHTMAN** - I think the complexities have been in trying to get the balance right over the years, between protecting Aboriginal heritage and relics and providing confidence and assurance to developers as well.

**Dr GOODWIN** - But really important from the developers perspective, certainly in encouraging investment in Tasmania and certainty and all those things. I am not trying to downplay the importance to the Aboriginal community but -

**Mr WIGHTMAN** - I do not think anybody downplays that in this regard. As I said, trying to please everybody in this type of legislation is impossible. An attempt to get the balance right between legislation that protects but also gives surety is also where we are aiming. That is the complexity of the task.

**CHAIR** - Mr Gaffney?

**Mr GAFFNEY** - I am just interested to note that due to recent relationship difficulties with the Brighton Bypass, has there been any evaluation between the relationship between the government and the Aboriginal community and the effect this relics legislation will have. I would have thought that it would even be more difficult now than the past six to eight months.

**Mr WIGHTMAN** - Certainly difficult, but from day one, and Steve might like to talk further about this, before I made that decision I was in discussions with the Aboriginal community. The weeks after Christmas, after I had made the decision, which had caused a lot of hurt in elements of the Aboriginal community and I accept that, I was working with groups and writing to groups to meet with them. Since that time we have continued an ongoing consultation with groups and individuals that have been prepared to meet with us. Not everyone has been prepared to meet with us, as you can probably understand. But I made a commitment that my door was open and I have been particularly proactive in meeting with those groups and in trying to rebuild and repair relationships with the Aboriginal community.

**CHAIR** - Thank you. And we appreciated your time today, Steven.

**Mr WIGHTMAN** - Right from day one of me coming into the role, Steve and I have lived and breathed this. I give absolute credit to Steve, particularly around the work that he is doing. This is a challenging space to be in.

[6.00 p.m.]

### **9.3 Royal Tasmanian Botanical Gardens Mr MAYELL**

**Mr WIGHTMAN** - I welcome Lesley Kirby to the table.

**Mr FARRELL** - Minister, I noticed that the visitation numbers are actually up - about 14,000 on last year, which is really very good. Like Parks, the Botanical Gardens earns a fairly reasonable sort of income on its own merits. Is there a break down of where the earnings were coming from?

**Ms KIRBY** - Not in exact figures, though I can provide those if you wish. The bulk of the internally generated revenue from the gardens comes from commercial enterprises - the restaurant and catering areas, which are continuing to grow as we target other markets. Again, like Parks we have a lot of success with our retailing, particularly improving in recent years working closely with Tourism and others to develop products that are individual to the gardens. We also have diversified over the last six years into trialling different things such as concerts and theatre. So I would say that about three quarters of it is from actual commercial enterprises. And that is everything from consultancy work that we do with our horticulturist and arborist, things like that, and then probably the balance comes from venue hire and training. But I am happy to provide the full break up.

**Mr FARRELL** - Thank you. I think you do great job.

**Mr WIGHTMAN** - As an aside, it was interesting to be at the garden's restaurant area and seeing it actually used it is not just people visiting the botanical gardens and then going for a coffee, but actually using it as a meeting place to conduct meetings, or to just go there.

**Mr FARRELL** - We are lucky to have such a great place as the botanical gardens.

**CHAIR** - Minister, I also noticed it has been doing exceedingly well. When every other area had to take a budget cut I see that there are projected increases in this particular area. Is that not correct? Scheduled increase gradually over the next four years? It is not a lot, but it is still an increase. Is that just salary component?

**Ms KIRBY** - Salaries, yes.

**Mr EVANS** - I think that is set against the background where they have got some really big challenges with costs associated with water, electricity. It is not an easy business.

**CHAIR** - It is just when you look at Parks and the significant cut and then you see a gradual increase, the question needs to be asked. Especially if an area is doing such a great job of generating its own revenue as well, why is there an increase in tight times?

Any other areas in relation to this? Dr Goodwin.

**Dr GOODWIN** - You are expecting an increase in visitor numbers - 30 000, is that correct? This year you had an increase of 14 000. Can you confirm you are expecting a visitor increase this year of 30 000? And why do you expect to get that increase?

**Mr WIGHTMAN** - Why? Because of the wonderful work of Leslie Kirby in the gardens to diversify.

**Dr GOODWIN** - Ok. So you are just optimistic that you will be able to get that further increase. I had the benefit of an excellent presentation by Lesley last week at the Women in Business function and she really is a tremendous advocate for the gardens. I think you mentioned that it is the most visited sight.

**Ms KIRBY** - We have counters on every entry point so we know exactly how many people come into the gardens every year. Our numbers vary. Over recent years they have fluctuated anywhere between 400 000-470 000 per year. It is the most visited cultural attraction in Tasmania. That is a mix of tourists and local visitors.

**CHAIR** - Thank you Dr Goodwin and thank you Lesley. Minister, do you want to have a look at what is left in relation to Capital Investment Programs and Special Capital Investment Funds and indicate if there are any specific questions in relation to those areas?

**Mr FINCH** - There is only one observation that I had in the capital investment program and that is in respect of the Cascades Female Factory historic site. That funding for there was really welcomed, to have that expended there. I remember, back in the 1960s, that particular site was used as a depot for trucks belonging to a fibrous plaster installer and there were just a few petrol bowsers and they parked all their trucks in there. To see it change into what it is today is really quite something.

## UNCORRECTED PROOF ISSUE

I notice that in that program the money is static; \$556 000, whereas others have increases for CPI or salary increases or whatever. This capital investment program just remains static at \$556 000. How come we have ended up with the ability to be able to hold it at that figure?

**Mr WIGHTMAN** - I do not believe it is static. That is not the Cascades Female Factory.

**Mr FINCH** - No, the capital investment program. That was just an aside.

**Mr EVANS** - That is funding provided to the Crown Land Services to invest in a range of asset upgrades. We manage, on behalf of government, some fairly significant and important sites like the Theatre Royal and the Salamanca Arts Centre as just two examples. We are provided with an allocation to invest in asset maintenance and upgrades of those sorts of sites. As to why it is not indexed, I cannot really say, but we apply those funds to meet the priority needs on an annual basis and the allocations will differ across the sites that we are responsible for, on a year to year basis, depending on need.

**Mr FINCH** - But you have here \$556 000, so according to the department that is a sufficient allocation to cover what you need to do to maintain those sites?

**Mr EVANS** - There is never enough funding for asset maintenance on the raft of buildings that we have, but we believe that with those funds we are able to address the most important priorities in terms of asset maintenance across the sites that we are responsible for.

**Dr GOODWIN** - On the off-road vehicle and track management item there in relation to the new recreational vehicle permit system: planning has occurred and approvals and community consultation, so when is it expected that the permit system will actually start and be put into full use?

**Mr WIGHTMAN** - It happened this year. It has been taken up this year. It happened this season, we might say, and it was an \$80 permit for the season and then that money goes back into the upgrade of the tracks. We had generally pretty good compliance around that fee, and there were Coasters and all sorts.

**Mrs TAYLOR** - Minister, this is the contribution from the State Government towards the Wellington Park Trust, and the rest of the money is actually funded by the councils of Hobart and Glenorchy. The further development of Wellington Park is an issue, in that the funds that are provided really only do basic maintenance and any particular project, such as the mountain bike track or whatever, has to be separately funded. This funding is very basic.

We have talked quite a lot today about development of icon tourism, the Three Capes Track and the relationship between private enterprise and Government funding and the capacity for that. Wellington Park has not really moved in that area for a very long time. There have been lots of suggestions for cable cars, for development at the springs and for a restaurant at the top. What's your feeling about moving this along? I know that the Wellington Park Management Trust is an independent authority in a sense but you do contribute to it.

**Mr WIGHTMAN** - As you may well know, along with the statutory body there is the management plan 2005 which is currently under review. I would suspect that we will be looking at various opportunities within that review.



## UNCORRECTED PROOF ISSUE

**Mrs TAYLOR** - I am not sure that the review has sufficient funds either to be doing the sort of review that you might be looking for. Are you confident that this review is sufficiently funded?

**Mr WIGHTMAN** - The review of the management plan is funded by the trust and by contributions from DPIPWE and from the Department of Economic Development. The total cost is \$135 000 with State Government contribution of \$100 000. It is a reasonable investment into the review of the management plan.

**Mrs TAYLOR** - Do you know when that due to be completed?

**Mr EVANS** - The review is currently under way. It is being managed by the trust. I cannot give you a definitive answer on when it is to be concluded, but I know it is happening as we speak.

**Mrs TAYLOR** - I will look forward to that.

**CHAIR** - Thank you, minister. If there are no areas in relation to the capital investment program and special capital investment funds, it has been clearly identified in the budget papers where those projects are. Members who have them in their electorate are exceedingly pleased about that. As I suggested earlier in the day, minister, we could have a further discussion about today's proceedings in the President's Room at the end of this session, if you have a mind to, and you can invite some of your people with you.

**Mr WIGHTMAN** - That will not be a problem.

**CHAIR** - On behalf of the committee, minister, we would like to congratulate you on your first time at the table in this capacity. It is not an easy role to sit here in front of members who have done their homework exceedingly well, I hope you will appreciate -

**Mr WIGHTMAN** - I certainly do.

**CHAIR** - and have put forward questions that we genuinely were looking for answers in relation to how the money is expended and how the services are still going to be carried out when we are in challenging times. I thank you and your team for all the work and effort that goes into preparing for these hearings. We appreciate it. The President will be happy for you to let her know how you think the committee has performed.

**Mr WIGHTMAN** - Thank you very much, Madam Chair. It has been an enjoyable day.

**The Committee adjourned at 6.13 p.m.**