



# **PARLIAMENT OF TASMANIA**

## **TRANSCRIPT**

### **LEGISLATIVE COUNCIL**

### **ESTIMATES COMMITTEE B**

Hon. Elise Archer MP

**Thursday 9 September 2021**

### **MEMBERS**

Hon Rosemary Armitage MLC (Deputy Chair)

Hon Jo Palmer MLC

Hon Tania Rattray MLC (Chair)

Hon Jo Siejka MLC

Hon Rob Valentine MLC

Hon Josh Willie MLC

## **IN ATTENDANCE**

**Hon. Elise Archer MP**, Attorney-General; Minister for Justice; Minister for Corrections; Minister for Workplace Safety and Consumer Affairs; Minister for the Arts.

### **Ministerial Staff**

Rowena Gilbertson	Chief of Staff
Tristan Bell	Senior Adviser
Natalie Cameron	Senior Adviser
Sam Thompson	Senior Adviser
Melanie Brow	Senior Adviser
Jerome McGee	Adviser

### **Department of Justice**

Ginna Webster	Secretary
Kristy Bourne	Deputy Secretary, Corrective Services
Kerrie Crowder	Deputy Secretary, Corporate, Strategy and Policy
Gavin Wailes	Director Finance
Brooke Craven	Director Strategic Legislation and Policy
Jim Connolly	Registrar Supreme Court
Penelope Ikedife	Administrator of Courts
Ann Owen	Registrar Births Deaths and Marriages
Catherine Edwards	Manager Victims Support Service
Vincenzo Caltabiano	Director Tasmania Legal Aid
Andrew Hawkey	Tasmanian Electoral Commissioner **(Leg Co only)
Amber Mignot	Director Child Abuse Royal Commission Response Unit
Rebecca Flakelar	Senior Consultant - Safe at Home
Wayne Johnson	Director Monetary Penalties Enforcement Service
Ian Thomas	Director of Prisons
Pauline van Adrichem	Director Community Corrections
Colin Shepherd	Project Director - Northern Regional Prison
Robyn Pearce	Executive Director WorkSafe Tasmania
Peter Graham	Executive Director Consumer, Building and Occupational Services
Daryl Coates	Director of Public Prosecutions
Michael Easton	Integrity Commissioner
Richard Connock	Ombudsman

### **Department of State Growth**

Kim Evans	Secretary
Jacqui Allen	Deputy Secretary, Cultural and Tourism Development
Kate Mackie	Acting Director, Arts Tasmania
Alex Sangston	Executive Manager, Screen Tasmania
David Sudmalis	Acting Director, Tasmanian Museum and Art Gallery (TMAG)
Amanda Russell	Deputy Secretary, Business Service

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

**CHAIR (Ms Rattray)** - Good morning, everyone. I'd like to ask Shae to commence the broadcast. Thank you. Good morning, Attorney-General.

**Ms ARCHER** - Good morning.

**CHAIR** -On behalf of the committee, Committee B, final day for the Estimates process. We'd like to welcome you and your support team to the table together with those which you have in the room supporting you during the day. I intend to stick to the timetable that we have set out. I encourage people to make their questions succinct and the answers concise and succinct as well. Thank you.

I will introduce our team at the table, Attorney-General: Josh Willie, Jo Siejka; myself, Tania Rattray; Rosemary Armitage, Jo Palmer, and Rob Valentine. Our secretariat support is Julie Thompson, and we thank Julie for her work, and Shae from Hansard. Natasha Exel will also come in from time to time during the day; she's supports Julie. Thank you very much.

Attorney-General, we invite you to introduce your team at the table and make a brief overview and then we'll get straight into the first output group, which is Supreme Court Services.

**Ms ARCHER** - Thank you, Chair. I have with me, to my direct left, Ginna Webster, who's my secretary at Department of Justice. To my right, Kristy Bourne, deputy secretary, Corrections and Justice; and acting deputy secretary, Corporate, Strategy and Policy, Kerrie Crowder. As we require further people, we will call them up and introduce them to the committee.

**CHAIR** - Thank you, Attorney-General.

**Ms ARCHER** - I say this every year, but I am very proud of our achievements in this area, particularly in relation to our strong investment over the years in the Justice portfolio. This year there's a significant investment of \$35 million over the next four years for our justice system. Also, in relation to our significant law reform package that we continue to roll out, there's a lot happening in that space.

In relation to the investment, it recognises the very interconnected nature of the justice system across a very diverse portfolio, and the need to ensure that all areas are able to, effectively, play their part in ensuring access to justice for all Tasmanians. This funding will provide for the progression of dedicated measures, such as building on our extensive reform agenda, as I said; appointing more judges and magistrates, modernising our court buildings and providing further support for our legal assistance sector, just to name a few. Those last two are quite significant, because the increased investment for the Burnie court complex of an additional \$25 million is significant. There is the significant announcement I made yesterday with respect to our legal assistance sector, I'm very happy to go into that further today.

The other part of the Budget delivers more than \$13 million over the next four years to finalise the removal of police officers from security duties in the Burnie Court, and also includes an additional \$1 million for the purchase of a new prisoner transport vehicle and

funding to undertake necessary upgrades to the existing Burnie court complex in the current financial year. I will explain that reason also.

As I said, legal assistance sector - I will go into detail on that later. Quite a significant announcement is in relation to another additional magistrate; that's in addition to the previous additional magistrate, bringing us up to a total of 17. That, of course, is relevant to the issue of court backlogs - a multi-pronged assistance approach, if you like.

Significantly more to the Office of the Director of Public Prosecutions as well; that works hand in hand - they're getting an additional \$6.4 million over the next four years. There's also an amount out of that for the legal assistance sector package as well. The Budget - and just closing on my opening - also provides \$1.4 million for the Safe at Home family violence service system as well. They're just a few highlights of what this year's Budget delivers.

**CHAIR** - Thank you very much, Attorney-General. I'll invite Ms Armitage to commence at 1.1, which is Supreme Court services. Thank you.

## **Department of Justice**

### **Output group 1**

#### **Administration of justice**

##### **1.1 Supreme court services -**

**Ms ARMITAGE** - Thank you, Chair. I will combine some of my questions to try to keep to time.

**CHAIR** - Well done. I like the sound of it.

**Ms ARCHER** - That makes it harder for me.

**Ms ARMITAGE** - No, where we -

**Ms ARCHER** - Yes, I'll have to keep them short.

**Ms ARMITAGE** - I think we keep the -

**Mr VALENTINE** - We might be out of here by three.

**Ms ARMITAGE** - Absolutely. I know there's the dip and rise in the Supreme Court Services - in the amounts in the Budget. I also note the reason in one - that the increase in Supreme Court Services in 2021-22 reflects the continuation of funding, the additional Supreme Court judge; and then the decrease in 2023-24, the completion of the acting judges. Do you believe that there will no longer be a need for acting judges at that time, that the backlog will be caught up?

**Ms ARCHER** - No, what we've done with the acting judges is continue their appointment until that time. The approach that I've taken with respect to acting judges is to have a certain term of appointment, and we've done that. They play a vital role in not only assisting the court with backlogs but also, if we have a conflict situation arise or we need an

additional judge for appeal cases as well, they have been incredibly useful, I know, for the Chief, who deals with all of the administrative factors in this.

As members will know, sometimes in the forward Estimates it doesn't reveal what we might do following a couple of years, but that's something that I keep monitoring and assessing. We're interested in seeing the impact that the seventh judge will have; and I expect that that will be significant having our new judge based in Burnie, Tamara Jago SC. I'm really excited about that appointment. We'll monitor that, but where there is a need, I'll certainly be looking at continuing that. The answer is no, it doesn't mean that they're necessarily discontinuing. It's just a budget thing which we do here for terms of appointment. I'll look to extending that if and when required - if/or when required.

**Ms ARMITAGE** - Is it anticipated that increasing the judicial mandatory retirement age will significantly affect the disposal of backlog court cases? Or, in that case, are there plans to recruit from the talented pool of Tasmanian lawyers to increase the number of judges and magistrates?

**Ms ARCHER** - Sorry, what was the initial part of that question?

**Ms ARMITAGE** - Okay. Because there's a mandatory retirement age, obviously that could affect the disposal of backlogs in court cases. I guess the first part is do you consider that that will make a difference? In that case, if it does, do you have any plans to recruit from the talented pool of Tasmanian lawyers to increase the number of judges and magistrates?

**Ms ARCHER** - I've just increased the number of judges and magistrates. The seventh judge brings us back to a situation way back in 1995 - we haven't had a seventh judge since -

**Ms ARMITAGE** - But if it continues. That's all.

**Ms ARCHER** - With court backlogs we are monitoring a whole range of things. The full Magistrates Court package to take a lot of the load out of the Supreme Court kicks in, in or about October next year. That's in conjunction with the Justice Connect program as well. In the meantime, we've had what we affectionately call the court backlog bill, which is already making a difference to that. I know the additional magistrate, Magistrate Hartnett, who we put on - based in Hobart but services statewide as well - had it not been for COVID-19, was making an incredible difference to the backlog in the Magistrates Court.

It's a situation of seeing how all of these measures, put together, impact on the backlogs. I expect them to have a significant positive impact, particularly now that we'll have a seventh judge starting on 1 November. We will immediately recruit for that additional magistrate. In relation to the first part of the question you mentioned, what was the issue? I was going to make another point.

**Ms ARMITAGE** - The mandatory retirement age. I think they're allowed to work longer, if they so wish.

**Ms ARCHER** - Exactly. That's in keeping with, I think, societal change. There are people who want to work longer. With our current justices, should they wish to continue, there's a wealth of knowledge on the Bench that we have at the moment. We also have matters where justices need to get to - we prioritise - or the Chief, in conjunction with the DPP. When

they're talking about this, they obviously prioritise matters such as child and adult sexual assault cases over matters that are not as time-sensitive when you're dealing with witnesses - and, particularly, young witnesses. There can be a bit of memory loss, so that you try to get those matters cleared out of the court earlier.

We have a few matters that have been there for a while, and the clearance rates will show that. The seventh judge will hopefully clear some of those older, often quite complex cases which have been put on the back-burner. In relation to that issue of the mandatory retirement age, it just means we've got some continuity there for longer. There can now be more planning for retirements rather than, you know, a few or more coming up at the same time as well, which can cause quite a loss to the court all at once.

**Ms ARMITAGE** - Absolutely. You mentioned clearance rates. How is the reduction of backlog court case disposals being benchmarked?

**Ms ARCHER** - I might throw to the deputy secretary, or we may need to get someone up from the Supreme Court in relation to that question. Do we have Jim Connolly here? Is he behind me?

**CHAIR** - Welcome, Jim.

**Ms ARCHER** - Jim makes an appearance every year. If you'd like to sit just down there.

**CHAIR** - Jim enjoys this process.

**Ms ARCHER** - Jim is the registrar of the Supreme Court, as everybody probably well knows.

**Ms ARMITAGE** - One of the few people that enjoys it.

**Mr VALENTINE** - I don't see him nodding lively.

**CHAIR** - Is that a correct statement, Jim? You do enjoy coming along?

**Mr CONNOLLY** - Yes, of course. It's our accountability.

**CHAIR** - You enjoy sharing the information that the committee's looking for.

**Mr CONNOLLY** - I'm just missing Mr Dean this year.

**Ms ARMITAGE** - He hasn't given me any questions.

**CHAIR** - You did mention that yesterday, that you weren't sure how the committee would function without Mr Dean, and we wondered that on Monday but we have survived.

**Ms ARMITAGE** - And he hasn't provided any questions.

**Ms ARCHER** - He hasn't emailed?

**Ms ARMITAGE** - No. Very disappointed.

**Ms ARCHER** - Thank you. You might need to repeat that question, if we can, just so we know.

**Ms ARMITAGE** - The Attorney-General mentioned clearance rates. I was wondering how the reduction of backlogged court case disposals is being benchmarked. Are there any KPIs you can share?

**Mr CONNOLLY** - Yes, there are, indeed. There are national benchmarks which we supply that are part of the report on government services process each year. We compare our backlog, using time standards, with other jurisdictions around the country. Unfortunately, we're not faring very well by comparison with those national benchmarks, but that's, hopefully, soon to improve, as the Attorney-General mentioned -

**Ms ARMITAGE** - With the seventh judge.

**Mr CONNOLLY** - More judicial resources in there. I think this year's figures are also seriously affected by the impact of COVID-19.

**Ms ARCHER** - Yes. We didn't have trials for quite a significant period. Burnie was closed for longer as well.

**Ms ARMITAGE** - It was difficult.

**Mr VALENTINE** - That wouldn't have helped.

**Mr CONNOLLY** - No. Hobart and Launceston - we had no jury trials for four months after the initial impact of COVID-19. Burnie not for eight months, because of the limited size of the courtroom up there. We did some architectural changes to it, and then we were able to get going again. Burnie has a disproportionately high number of cases in the backlog at the moment. When Justice Jago takes her seat, being the resident judge in Burnie, she'll be able to focus very much on that, and we're looking forward to that. It's the first time a permanent resident judge has been based in Burnie. The whole state now gets an equivalent service, if I can call it that, for the first time, and not having judges only going there on Circuit to Burnie.

At the end of this financial year just closed we had a total backlog, statewide, of about 700 cases. Since then, there's been the court backlog bill that the Attorney-General mentioned, which has assisted in transferring cases that are appropriate back to the Magistrates Court. Also, the preliminary proceedings, which are an essential part of the process before matters are committed to the Supreme Court, is now dealt with entirely in the Magistrates Court. So those cases don't get on our books until they're ready to be on our books. That's driven our backlog down for the moment. Eventually, I think that might creep back up again, because -

**Ms ARMITAGE** - Catch back up.

**Mr CONNOLLY** - Yes. It's just an interim impact of that preliminary proceedings transfer. So yes.

**CHAIR** - Thank you.

**Ms ARMITAGE** - Thank you.

**CHAIR** - Stay there, Jim. Don't leave yet.

**Ms ARMITAGE** - Could I do one last question?

**CHAIR** - Yes.

**Ms ARMITAGE** - I do have others, but I'll just give others a turn. Suspended sentences - just to ask where they're at, or where the legislation's at. We've noticed that judges in the Supreme Court sentence a smaller percentage of criminals to suspended jail sentences in the seven years from 2014 to 2020. The consultation paper found also the 2015 report by the Sentencing Advisory Council advised it would cost up to \$50.9 million to completely phase out suspended sentences and replace with equivalent terms of imprisonment. Could you comment, please, on where we're at with suspended sentences and the proposed cost of phasing them out?

**Ms ARCHER** - Right. I don't know if I can give a cost figure -

**Ms ARMITAGE** - I was not necessarily a figure, but how the Government would cope with \$50.9 million -

**Ms ARCHER** - Yes. I think -

**Ms ARMITAGE** - - to completely phase out -

**Ms ARCHER** - What I can say is it's very pleasing the judiciary has taken advantage of alternative sentencing options and really embraced home detention, deferred sentencing. We also have the continuation of community-based orders, but we now call them community corrections orders. The increased uptake of that means that it has a better impact on our prison system as well, if people are able to be sentenced in an alternative manner. It's very pleasing to see that the suspended sentencing regime has decreased. The Sentencing Advisory Council obviously has put some of their - what's it called? Their report - it's not their final report - the consultation report out on 24 August. So that's very recent. That is a requirement under the previous legislation. It was, I think, a requirement when it went to this House, to the Legislative Council, that it be reviewed, that there be an independent review.

The Government and I await the report from the Sentencing Advisory Council, to see what they say in that report. I don't want to pre-empt that, but I will say it's very pleasing that the suspended sentence has come down, because -

**Ms ARMITAGE** - In the Supreme Court, not necessarily in the Magistrates Court -

**Ms ARCHER** - Yes.

**Ms ARMITAGE** - I think the decrease was less, wasn't it, in the Magistrates Court?

**Ms ARCHER** - Yes, given we're on the output for Supreme Court -

**Ms ARMITAGE** - No, that's fine.



**Ms ARCHER** - Just talking about Supreme Court.

**Ms ARMITAGE** - Absolutely, yes.

**Ms ARCHER** - The reason for this community expectation is that people be sentenced appropriately for their crime. Often, there is that view that suspended sentences can be seen as a bit of a soft touch, and particularly if there's a breach, if they've not been placed under incarceration, as the system should work. I'll be very interested to see the Sentencing Advisory Council's report with respect to a range of those types of issues, to see what the future holds. It obviously also suspended other alternative sentencing options.

We have made a significant investment in the home detention system, and I'm pleased to report that it's been highly successful. Although it's another output, it's worth noting that we've extended electronic monitoring to parole, so that we can ensure community safety with another condition or parole being able to be electronic monitoring of someone on their release. Also, family violence orders; the budget includes funding in the Department of Justice, because it's our monitoring and compliance unit which oversees the family violence orders for police.

All of those things together - I won't pre-empt the outcome of that report, but I'm looking forward to seeing what the Sentencing Advisory Council says in relation to the figures, and how the alternative sentencing options have had an impact as well.

**Ms ARMITAGE** - Thank you.

**CHAIR** - Thank you. Mr Willie.

**Mr WILLIE** - Thank you, Chair. Attorney-General, I ask this in this line item but it's more of a general question across your department. How many staff are employed across your department through labour hire companies? Staff like project and policy staff, admin staff, court security staff, cleaners and admin staff and others.

**Ms ARCHER** - Not sure if we'd have that total figure on us. I might get the secretary - you're very welcome to address that.

**Ms WEBSTER** - Thank you. Through you, Attorney-General, we don't have that exact figure, Mr Willie. I know that it's not a great number in the department, across the department, but we could probably provide that while we're still in session.

**Mr WILLIE** - Yes, all right.

**CHAIR** - The committee is always comfortable with being supplied after. Thank you. Mr Valentine.

**Mr VALENTINE** - Thank you very much. I'm only just back on this committee after quite a few years. I don't claim to replace Mr Dean, so I'll just let you know that.

I'm interested to know when you last had a system review in the Supreme Court space. Obviously, you've got all your court processes, and all your administrative processes that back that up. When was the last time you had a significant sort of deep dive - a helicopter view - as

to how it all operates, and whether there are any efficiencies that can be gained by reviewing it?

**Ms ARCHER** - If I could just say, as a precursor, that being separation of powers, the administration of the court, and those types of issues are generally - and I will say this - is handled by the Supreme Court. There's a lot that my department does in conjunction with the court, and certainly -

**Mr VALENTINE** - From the administrative space, I'm talking about.

**Ms ARCHER** - Yes, certainly assisting them, and throughout COVID-19. I will get the secretary to address how we're addressing some of those systems things that we have identified through the Justice Connect project.

**Ms WEBSTER** - Thank you. Through you, Attorney-General. Mr Valentine, we are embarking on a very widespread reform of our ICT systems, which is the Justice Connect, or Astria system. Through that process we have a number of subject matter experts from each of our affected outputs; so, Supreme Court, Magistrates' Court, prison, Victims Support Services, those areas, the DPP. There would be a review of that through simply informing the Justice Connect body of work.

**Mr VALENTINE** - So it's not just looking at replacing existing systems with digital systems, reducing paperwork? It's actually looking at the whole operational environment when doing that?

**Ms WEBSTER** - Yes, that's right. It's predominantly to revolutionise the way we move from a paper-based system to an electronic system. By doing that, we are looking at processes and systems. It's also quite a change for our staff in that regard. From that perspective, there is a review of that. I wouldn't call it a review, perhaps, how you're referring to it, but we are looking at how we can be more efficient because of the work we're doing with Justice Connect. From a court perspective, Mr Connolly would know more than me, Attorney-General.

**Ms ARCHER** - Just on that efficiency, the whole Justice Connect project is linked to greater efficiencies, and that is also to reduce the aspect of human error. We know over the years there's been certain things that, through nobody's fault, but the system of getting things from the court clerk through to the Registry, or from the Magistrates' through to the Supreme Court or through to our prison system can be very complex. Sometimes it has to go through eight or nine people, and you can see where that can cause some issues. Justice Connect did something that will revolutionise that process. That's the whole reason for the project, and it's quite a significant one, worth millions of dollars; I think \$24.5m.

**Mr VALENTINE** - No, that's fine. As long as it's not just looking at replacing what's there, but having -

**Ms ARCHER** - As to what the Supreme Court may have done, I'm not sure if Mr Connolly can add to that in any way, whether there's a regular review of systems or HR or anything like that.

**Mr CONNOLLY** - I wouldn't say it's a regular review. We tend to do reforms on an ad hoc response type of basis. We are part of the larger department initiatives; for example,

like Justice Connect. Then the individual items - I mentioned before, about the backlog bill and the change in process for preliminary proceedings to be transferred to the Magistrates' Court, or jurisdictional boundaries for different offences that are dealt with in the Supreme Court or the Magistrates' Court. There are reforms going on.

We support other legislation which comes through, for example with new initiatives like the introduction of the intermediary scheme for people with communication difficulties. Evidence law, pre-recording of evidence that occurs now, often in cases of child and adult sexual assault. That's usually the way we respond. It's not as if we engage an external consultant to come in to run a process, to do a kind of a root-and-branch type of review. It seems to be quite effective that way. It's incremental improvement, constant improvement. The judges are very interested and involved in all of those initiatives, to make sure that the quality of the service they deliver in the courtroom is to the highest standard.

**Mr VALENTINE** - Thank you for that.

**CHAIR** - Thank you. Minister, I have a couple of questions. You talked in your opening statement about the reform agenda. I am interested in when we'll see the provisions for non-fatal strangulation as a standalone offence introduced. Thank you.

**Ms ARCHER** - I'm pleased to be asked about that. It's an issue of public importance. As members will know, I sought the advice of the Sentencing Advisory Council before making a final decision on the form that that would take, and it will take a standalone offence itself. I will say at the outset that violence in any form is unacceptable, but particularly in relation to family violence, and I think our Government has demonstrated it's an absolute top priority for us. Everyone deserves to feel safe; not only in our community, but particularly at home, and in the workplace as well.

I was informed by that final advice from the Sentencing Advisory Council. It's currently with my department, and we will be going out to consultation this year, to enable me to table it in parliament early next year. My aim is to table it in the first sessions next year. I've certainly made that commitment to people, and that's our strong position. That's being worked on as we speak. I'm just getting the nod, because I'm not using notes here, and making sure I'm not misleading in any way. I think by the end of the year we're out to consultation. I think we would be - is it October, November, Ginna, do you think?

**Ms WEBSTER** - I would have to check on the exact date, but definitely this year for a public consult.

**CHAIR** - There's not a lot of this year left.

**Ms ARCHER** - There's not, and we have quite a few projects we're juggling. That's the only reason why these things can't be released immediately. I've said this before that when we're dealing with criminal law, particularly the Criminal Code or our Evidence Act, we have to do a very thorough reform before we release something for consultation, to ensure that there's no unintended legal consequences. That will go out consultation. There will be a lot of interest, but I expect that that will have a very positive endorsement as well.

**CHAIR** - We have touched briefly on the update of the Burnie Court, the relocation, and you mentioned that there has been an increase in funding. I believe you said \$45million.

**Ms ARCHER** - We originally had \$15 million on it. It will now be \$40 million. It's \$25 million that we've put in this Budget to add to that. When we started scoping the project and had architects look at it, it was felt that it was not viable to have that as a continuing operating court while any works were done on that building, and that that building was not going to be appropriate for upgrade and further fit-out. That's why we looked at moving sites. Now we will have something that is not only fit for purpose, but fairly much future proofs the court for Burnie. It's a very large site, and it has the ability, as we said to the committee -

**CHAIR** - That's the UTAS site?

**Ms ARCHER** - Yes, sorry, the UTAS site, Morville Road, to expand further, for further legal services, or create a legal precinct, if you like. If you want further detail, I can ask Ms Bourne to address the process that we've gone through.

**CHAIR** - I am interested in the community engagement and consultation around that project, and a time frame as well.

**Ms ARCHER** - I'm very happy for Ms Bourne to describe the process that that is undergoing at the moment, and subject to public consultation, because it will need to go out for the usual planning and statutory approvals process, which is fully public.

**Ms BOURNE** - Thank you, Attorney-General. As the Attorney-General noted, we have established, right from the inception of the project, a number of stakeholder consultative groups to make sure that we not only engage with the primary court users, being the judges and magistrates and court staff, but also broader community as well. They're very hands-on in providing advice and input into the schematic designs that we've been working with as well, to make sure that it meets the needs for not just those primary court users, but other services which access the court, whether that be Community Corrections or other community-based providers that assist people coming before the courts.

We essentially have three groups of those consultative forums. There's the justices and magistrates, and then, separate to that, there's staff from both courts, Law Society, DPP, Tasmania Bar, Legal Aid, police, the TPS and Community Corrections. Then we also have a consultative group with the unions; our own unions, as well as the Police Association of Tasmania, to make sure that their interests are met. We meet with them on a regular basis. We've got the next series of meetings coming up over the next couple of weeks, because the plans are quite well advanced. Then the project will also go through Public Works Committee and the like, given the spend.

**Ms ARCHER** - We've already engaged an architect, ARTAS, who is a local architect up there. Those designs and everything will be released, and, as I said, will be for public comment as well.

**CHAIR** - You're not concerned that with so much input, that it might never get off the ground, type of thing?

**Ms ARCHER** - Pleasingly, by doing it this way and having different stakeholder groups, and providing that input, you would think that it might complicate things, but it actually ensures that what it will deliver is something that everybody is content with and happy with. When

people think of the court, they only think of the criminal side. It's really important for access to justice that it's the civil jurisdiction matters as well. With the future proofing aspect, we could even have TasCAT on site if we decided to there, and have a northern base for that.

It's really important that this is a modern facility that's fit for purpose. We want to get it right, which is why we're engaging all of the stakeholders. The judiciary's a really important part of that because not only do they need their own chambers, they're very interested in ensuring that not only the security and safety aspect is maintained, but there's that access as well. I don't know if members have seen that site, but it's a very large, open site, and we'll really deliver a legal precinct.

**CHAIR** - We don't have any north-western members on this committee. They choose to be elsewhere, I have no idea why, I can't understand that at all.

**Ms ARCHER** - But it is exciting going through the tender process. We have local architects from up there who are working on the design.

**CHAIR** - My final question is, what's going to happen with the current building?

**Ms ARCHER** - That is still to be determined. In relation to that process, when we no longer need something, I think it becomes part of Treasury.

**Ms WEBSTER** - The building is owned by the Government, so that goes back into a process where there would be options for future development.

**CHAIR** - For community to step up.

**Ms ARCHER** - It gets determined basically on if we sell it, or for whatever reason, but being in the CBD -

**CHAIR** - Or handed on.

**Ms ARCHER** - Or handed on. But it's yet to be determined. It is a prime site in the CBD and I'm sure there'll be a number of interested parties when that is vacant.

## **1.2 Magisterial Court Services -**

**CHAIR** - Okay, thank you. If there are no further questions on Supreme Court, we'll move to 1.2, which is the Magisterial Court Services. Thank you very much, Jim.

Attorney-General, I'm going to go straight to the performance information on page 192, and I expect that the same concerns or the reason why we haven't made a lot of inroads into the cases older than six months, and then older than 12 months is around the COVID-19 situation. I note that the targets for this year, and we don't have the updated information yet on this table, are we tracking to meet the targets that we've got for criminal jurisdictions, youth justice, and civil jurisdictions?

**Ms ARCHER** - I might get Penny Ikedife up, who's the administrator of the Magistrates' Court.

**CHAIR** - Welcome, Penny.

**Ms ARCHER** - What I will say about the Magistrates' Court is the significant changes that will occur because of what Mr Connelly alluded to, ensuring that we have less back and forth between the Magistrates' and Supreme Court, to ensure that we minimise the length of time that matters take, and don't clog the Supreme Court with things that can be readily dealt with in the Magistrates' Court. This is why we put on the previous additional magistrate, and why we're now putting on another additional magistrate to ensure that the court is adequately resourced. Not only deal with that, but the backlogs, which is being intensified by COVID-19.

Ms Ikedife will be able to describe that the Magistrates' Court is still not back to 100 per cent capacity in respect of social distancing and restrictions like that, so there are some limitations still in the operations of the Magistrates' Court which I'm sure would still be impacting on the backlog issue.

**CHAIR** - Right, so we are possibly not going to meet the targets in the performance information?

**Ms ARCHER** - I'll let Ms Ikedife address that.

**Ms IKEDIFE** - Thank you, Attorney-General. We don't look like we will meet those targets. For the preliminary figures for the 2020-21 year we have a 43.6 per cent of pending cases that are over six months old, and 19.1 per cent of cases over 12 months old. While there is a significant number of cases in that backlog category, in the pending caseload category, we have noticed a significant decrease since the previous financial year, the June 2020 figures. We had a 26 per cent rise in backlog during one quarter in the COVID-19 year, if I could put it that way, which took us to 9401 cases pending. We've got that back to 7706 cases now, which is essentially on par with the pre-COVID-19 figures. A lot of that has been attributable to the appointment of the additional magistrate which the Attorney-General referred to previously.

**CHAIR** - Thank you. We always are interested in the number of positions, the FTEs, so if we can have that figure, that would be useful as well.

**Ms ARCHER** - I will let someone turn that figure up.

**CHAIR** - Also, the cost of security for the Supreme Court as well.

**Ms ARCHER** - Do you mean Magistrates'?

**CHAIR** - Magistrates' sorry. Mr Dean would be interested in knowing what that figure is if he was here with us. We've all decided since Monday that there's no way of him watching in.

**Ms ARCHER** - Ms Bourne says she has those figures. I'm very happy for her to address that.

**Ms BOURNE** - Thank you Attorney-General, through you. As of 30 June 2021, the actual head count is 85, and that includes Magistrates', so that's 69 without Magistrates', that's

an actual FTE of 81.8 with Magistrates', and 65.8 without Magistrates'. So they're the numbers as of 30 June.

**CHAIR** - The security?

**Ms BOURNE** - We will find those.

**CHAIR** - Thank you. While somebody's finding that, my last question is, we often talk in this area about the coronial division. Obviously that's a very difficult time for families, because of the nature of coronial inquest. I'm interested in how the figures are tracking there, and whether we're meeting expectations for dealing with those sensitive matters, thank you.

**Ms ARCHER** - Yes, highly sensitive. I've actually got some of the figures here, while we're turning up that other question. The coronial case load in 2020-21 financial year, so that last financial year increased compared to the previous year. The number of deaths reported to the coroner increased, as did the number of finalised cases. In the 2020-21 coronial division it achieved occurrence rate of 94 per cent, meaning that it finalised 94 per cent of the number of incoming cases, and the clearance rate for the previous financial year 2019-20 was 96 per cent, so fairly much the same.

The clearance rate is an indicator of efficiency and processing the inflow of cases through the court, and whether or not the court's keeping up with its workload. A clearance rate of under 100 per cent means that the pending case load has increased, but it's not obviously a significant percentage difference. In 2020-21 the pending case load increased by 36 deaths to a 705. Of those 669 cases were pending in 2019-20, and 638 in 2018-19. A significant factor in the clearance rate is the incoming workload, in 2020-21 there were 27 more reported deaths, than in the 2019-20 financial year, and in 2020-21 an average of 64.83 deaths per calendar month was reported to the coroner compared with an average 62.58 deaths in the 2019-20 financial year.

Did that cover all of your questions, Ms Rattray. Yes, so it's keeping up with the workload pleasingly.

**CHAIR** - But there's an increased workload as well.

**Ms ARCHER** - Yes, just because of there being more reportable deaths.

**CHAIR** - Yes, which is unfortunate.

**Ms IKEDIFE** - Security costs for the 2020-21 financial year fell by 13 per cent to \$1 201 714, so in the previous financial year it was \$1.3 million, a little over.

**CHAIR** - But we had fewer cases as well.

**Ms IKEDIFE** - That's right.

**CHAIR** - That would stand to reason. Thank you, Ms Armitage.

**Ms ARMITAGE** - The Attorney-General will tell me if I can ask this in this area, or whether it needs to be another area. It relates to safety in the Magistrates' Court, but it also relates to the WorkSafe Regulator. So obviously the hazards are inclusive,

**Ms ARCHER** - Ask your question, and we will tell you if we can answer it in this or if we can leave it till later, because it may be the regulator that I need to address the question.

**Ms ARMITAGE** - It could be. Safety in the 10 Magistrates' Courts around the state, with the hazards requires effective entry screening, security training and equipment, and so on. In February 2020 the WorkSafe Regulator issued an improvement notice, and after an investigation in 2019 that was withdrawn in July 2020, with no remediation to the courts. Then WorkSafe reissued three improvement notices after a further investigation on 12 March 2021, with the finalisation of remediation by May 2021. Justice gained an extension to remediate the issues until October 2021.

My question is, will the remediation identified in the improvement notice be finalised in the 10 Magistrates' Courts by the extension date of October 2021? If you could let know the proposed actions and time lines, please.

**Ms ARCHER** - Yes, you are quite correct. There were three improvement notices served on the Department of Justice by a WorkSafe Tasmania inspector. The notices apply to the various Magistrates' Court buildings around Tasmania, both permanent registries and country courts. After a number of meetings with WorkSafe, the department and Magistrates' Court personnel, WorkSafe extended the time for compliance with the improvement notices from the initial dates of 9 April 2021 to 10 September 2021 - tomorrow. WorkSafe agreed to provide a detailed report by the end of April this year identifying the nature of the asserted contraventions to assist in understanding the scope of the notices. WorkSafe subsequently advised that the report would not be provided, then in verbal advice, the advice on 9 June a WorkSafe inspector indicated that a report on opportunities for improvement was being prepared, and that it would set out in more detail what was required in order to comply with the improvement notices.

That opportunities for improvement report was received by the court on 2 July, and that report provided the additional detail as to what was expected by WorkSafe to achieve compliance with the improvement notices issued on 11 March. The department has provided the Magistrates' Court with additional resources to assist in carrying out the work needed to comply with the improvement notices and ensuring appropriate records and be supplied to WorkSafe as evidence of compliance. In many instances' documentation exists but needs to be updated.

In other cases, a deficiency applies to only one or two infrequently country courts in buildings that are not owned by the court, rather than a permanent registry occupied solely by the court. The Magistrates' Court began responding to issues as soon as they were identified by WorkSafe in the course of its inspections, which I think is important to highlight. I'm advised that a meeting occurred between the Magistrates' Court and the relevant WorkSafe inspector on 17 August to discuss the courts progress towards compliance with the notices was very positive. The Magistrates' Court expects to be able to satisfy the requirements of the improvement notices within the agreed time frame.

**Ms ARMITAGE** - By 10 October?



## PUBLIC

**Ms ARCHER** - 10 September, so tomorrow. The courts now supplied all materials to evidence in compliance with the improvement notices, and Ms Ikedife is nodding.

**Ms ARMITAGE** - I had an extension to October 2021, so the remediation will -

**Ms ARCHER** - No it's the 10 September which is the said time.

**Ms ARMITAGE** - That's fine. The remediation will all be completed.

**Ms ARCHER** - In relation to Whitemark and Flinders Island, I might pass that to Ms Ikedife.

**Ms ARMITAGE** - Just to check what the actions and time lines are if it's not completed by the deadline.

**Ms IKEDIFE** - Thank you, through you Attorney-General. The material that's been supplied by the Magistrates' Court to the regulator, it has been indicated it will comply with the requirements of the improvement notices. There is one area which is outstanding, and that is the risk assessment on Flinders Island at the country court which sits there quite infrequently. While we have video links to that location it's rare that we have in-person sittings, and we haven't had an in-person sitting since the improvement notice was issued, so we haven't been able to undertake that.

**Ms ARMITAGE** - So the other nine Magistrates' Courts will all comply by the due date?

**Ms IKEDIFE** - Yes, every other item has been complied with.

**Ms ARMITAGE** - Thank you.

**CHAIR** - Before I go to Ms Siejka, there was \$400 000 to be provided for upgrading of infrastructure across the Magistrates' Court out of the COVID-19 \$50 million. Would some of that have been used to meet the compliance that was required, would that be correct?

**Ms ARCHER** - I'm getting a no. It was in relation to other projects, wasn't it? A number of other projects, I think. If you wanted any detail on that Ms Bourne can identify what that was spent on.

**CHAIR** - Happy for you to table what the \$400 000 was spent on.

**Ms ARCHER** - I think we've got the answer here we can give, maybe quickly, and that avoids that. Yes?

**CHAIR** - Although \$400 000 doesn't go a long way in this day and age, does it, when it comes to remedial works.

**Ms IKEDIFE** - Thank you, Attorney-General, through you. In fact, the total allocation to the Magistrate's Court ended up being \$660 000, which covered an upgrade to the protective witness room and family violence waiting room in Launceston. Replacing air conditioning, R22 refrigerant in Launceston, Hobart and Devonport. An upgrade to the RCD circuits on switchboards in Launceston and replacing switchboards in Hobart, together with the significant

project which was the replacement of the main staircase in the public foyer of the Hobart Magistrate's Court. All of those items were fully completed by March 2021 and the total amount spent was \$637 940.

**CHAIR** - Sounds like quite good value. Thank you.

**Ms ARCHER** - Very.

**Ms SIEJKA** - I was after an update on how plans are progressing for the Smithton Court.

**Ms ARCHER** - In relation to Smithton, and thank you for taking on the north-west interest in lieu of the north-west members. The building that was most recently used for the Smithton Country Court is no longer available and was inadequate for the court's purposes in any event. The court and the Department of Justice has been unable to identify a suitable alternative, despite making extensive inquiries. The Agritas building, where the Smithton Court sittings were being held, was unavailable from January this year to July, due to the owner carrying out building work. The building is unsuitable for court sittings, in any event, due to the poor acoustics and inadequate chamber accommodation for the magistrate and, after the building work is complete, will not be available to the court.

The last scheduled in-person Smithton list was on 11 November last year. All Smithton matters have been transferred to Burnie pending a suitable alternative being found in or near Smithton. For the past several years, matters which might result in a sentence of imprisonment as well as high risk family violence charges have been listed in Burnie, rather than in Smithton because of difficulties in ensuring local police availability to take a person into custody, transport them and hand them over to the Tasmania prison service. The Magistrate's Court and Department of Justice have made - and I know this to be the case - extensive efforts to find alternative premises in or around Smithton that would be suitable for holding court proceedings. Members will appreciate that because of the nature of the court room it's not easy to find that type of site.

A possible site has now been identified, being a site that relies on co-location with a not-for-profit organisation in a refurbished building. Preliminary discussions have commenced to determine whether refurbishments could be made to meet the court's requirements. As a government we're committed to providing access to justice in regional communities, and so we'll continue efforts to find this suitable accommodation for the Magistrate's Court Smithton lists.

In the meantime, anecdotally I understand that the Magistrate's Court's been allowing more phone attendances for people unable to get to Burnie, and has adjourned matters to the following list if they haven't turned up, knowing that it can be difficult for people to get to Burnie rather than issuing a warrant, which would be the standard course of events in criminal matters. There's been a bit of leniency there adopted. I thank the magistrates for that approach because it is in recognition of the fact that some people might have transport challenges in getting to Burnie.

**Ms SIEJKA** - It's reassuring that you're continuing to look for a site and there might be an appropriate one. You've touched on the barriers that it might be for travel of that distance. Has there been any offer of, in particular - I mean there must be people who have support in order to attend court. Has transport been considered -

**Ms ARCHER** - We've looked at that and there's been a few problematic issues with that. I will ask Ms Bourne to address that, but that's why the court's taken the approach that it has in ensuring that if people do have transport difficulties that they're not going to be faced with a warrant being issued. I'll ask the deputy secretary to -

**Ms BOURNE** - Through you, Attorney-General. That's right, we are the department that is having discussions with the court and Ms Ikedife through to the Chief about if we can facilitate the provision of additional transport services in addition to the one bus that comes from Smithton to Burnie and back each day. We're working through that at the moment with a view to at least try to provide an alternative option for people who need to attend court.

**Ms SIEJKA** - Should the new possible building be an option, when would you be able to utilise that?

**Ms ARCHER** - Do we have any time frame that we - no. I think it's, yes, still in the negotiation phase so we probably can't pre-empt the time it might take. The interim solution is as I've said, the court's been adopting that more lenient approach in relation to whether someone has or hasn't been able to attend court in Burnie, and making that inquiry as to why so that they're not necessarily faced with a warrant for their arrest.

**Ms SIEJKA** - Thank you.

**CHAIR** - Is it possible to have the number of family violence matters for the previous -

**Ms ARCHER** - I'm sure we've probably got that to hand.

**CHAIR** - Previous year, thank you. Together with the number of family violence orders.

**Ms ARCHER** - Do you mean across the whole Magistrate's Court?

**CHAIR** - Yes, thank you.

**Ms ARCHER** - Ms Bourne has it, I think.

**Ms BOURNE** - Thank you, Attorney-General, through you. For the 2019-20 period, the number of family violence-related applications lodged increased by 1 per cent, between 2018-19 and 2019-20, from 1361 to 1370. Breaking that figure down further, the number of applications for court issued family violence orders increased by 3 per cent in 2019-20 - sorry 2019-20 from 747 to 770. In that same period, the number of applications to extend, vary or revoke a family violence order or a police family violence order decreased by 2 per cent. Formal figures for 2020-21 are not yet available, however preliminary figures provided by the court indicate that applications for court issued family violence orders have risen by around 6 per cent, whilst the overall number of family violence related applications has increased marginally by around 2 per cent.

**CHAIR** - We heard that there was an increase in family violence due to COVID-19 restrictions for families.

**Ms ARCHER** - Yes. I'm not sure what studies have actually been done. I think we're largely basing that still on anecdotal evidence. I'm not doubting it in any way, shape or form. But we don't necessarily at this stage have concrete figures. All we can base our findings on are what presents to the court. I'm sure that's not necessarily an accurate figure of any increase which we, as committee members, need to keep close watch on and provide support where we can.

**CHAIR** - We certainly do. Thank you. Attorney-General, I'd like to move now to 1.3 Births, Deaths and Marriages, and thank Penny.

**Ms ARCHER** - Thank you.

### **1.3 Births, deaths and marriages**

**Ms ARCHER** - I must say I love how this place goes through the Outputs. It makes our job so much easier in locating information for you.

**CHAIR** - We've also considered they're there for a reason.

**Ms ARCHER** - They are. To examine the Budget.

**CHAIR** - That's right.

**Mr VALENTINE** - We don't spend the day in overview.

**CHAIR** - No. I'm going to invite Ms Siejka, who's probably the one marriage and birth is the most recent of all members.

**Ms SIEJKA** - Thank you. And utilising the services.

**Ms ARCHER** - Before we start, Chair, my secretary has that labour hire figure which was requested by Mr Willie. If we can quickly provide that maybe.

**CHAIR** - Absolutely.

**Ms ARCHER** - Thank you.

**Ms WEBSTER** - Thank you, through you Attorney-General. This doesn't include cleaning contracts; for example, we may have an overarching cleaning contract with an organisation that may provide cleaning. This is for individuals that are providing services. Mainly for short term admin or prison-related, so it would be the kitchen, prison industries or the prison laundry. Last fortnight, running the pay period, we had 18 individuals currently who were from labour hire companies, noting that some of them perform similar roles on different days. Someone that may be working in a prison kitchen on one day from a labour hire company may be required in the laundry on another day if that makes sense.

**Mr WILLIE** - Is it possible to get the information about the cleaning contracts as well?

**Ms WEBSTER** - I'm sure we - if the Attorney-General's happy to do that?

**Ms ARCHER** - That can be on notice, yes.

**CHAIR** - Cleaning contracts on notice, thank you. Thank you, as I said the most recent birth as member of the committee and the most recent marriage, so Ms Siejka.

**Ms ARCHER** - Congratulations.

**Ms SIEJKA** - Thank you. It was a lovely day. Minister, I'm interested in how many Tasmanians have utilised the changes to the Births, Deaths and Marriage Act which allow for the change of gender markers listing on birth certificates?

**Ms ARCHER** - Thank you. For that specific detail -

**CHAIR** - Are we going to invite Ann to come or -

**Ms ARCHER** - I think I'll invite Ms Ann Owen who's the registrar for Births, Deaths and Marriages, who will have that specific figure for us.

**CHAIR** - Welcome, Ann. Another familiar person to the committee.

**Ms ARCHER** - All I have here is that from 1 July 2020 to 30 June 2021, 2118 marriages were registered, approximately 4 per cent were for same-sex gender couples. I know you're specifically asking about the gender on birth certificates figure, aren't you?

**Ms SIEJKA** - Yes, it was quite the debate in-house and it's good to follow.

**Ms OWEN** - Through you, Attorney-General. As far as registrations of gender, there's been 127 applications to register since 5 September 2019 and approximately 86 per cent of those are for adults over 16.

**Ms SIEJKA** - Thank you. This is a tricky one because I don't quite know - I was interested in - when we were having that debate there was a lot of conversation around people's - how it would have a positive impact on their life and their safety, and I guess that crosses over into some other areas of your portfolio. Has it been noticed that there has been a positive impact in terms of crime reduction and safety? I've asked it in the wrong place, I'm sorry.

**Ms ARCHER** - No, that's all right. I don't think in any event we'd be able to have a marker for that and if there was any sort of marker it would be anecdotal.

**Ms SIEJKA** - It'd be interesting to know because that was a big issue at the time.

**Ms ARCHER** - I'm not sure we can help in that respect because I don't think any studies or any formal research has been done on that point.

**Ms SIEJKA** - No, that's all right. Is there any intention to repeal or amend that particular or any sort of -

**Ms ARCHER** - The Premier and I have both said publicly no, there isn't. We were asked during the election campaign that question.

**Ms SIEJKA** - Thank you. That's all I had on that one.

**CHAIR** - Can we have our usual question around the number of births registered and deaths, thank you.

**Ms ARCHER** - I gave you marriages. That was on top of my list there.

**Ms SIEJKA** - You know we always want to know these things.

**Ms ARCHER** - I'm quite happy for Ms Owen to address that.

**Ms OWEN** - Through the Attorney-General again. Births registered in 2020-21 were 5878; deaths registered were 4526; and marriages registered were 2118.

**CHAIR** - Not much has changed in Tasmania, believe it or not. It's virtually almost identical, isn't it, just under a handful in each area. Very interesting when you have a look at last year's figures.

**Ms SIEJKA** - It is interesting. It is given COVID-19.

**CHAIR** - That's right. Tasmanians find away whatever it may be.

**Ms SIEJKA** - I expected that some of those figures might have changed.

**Ms ARCHER** - Yes, I would have thought so too.

**CHAIR** - I was expecting more births with people at home more, but anyway.

**Ms ARCHER** - I think we may see that next year. I think these figures relate to 2020-21 and we may -

**Ms SIEJKA** - That will be an interesting conversation when it comes up.

**Ms ARCHER** - Well, there's nine months to occur.

**CHAIR** - That's right. Thank you. If there are no other questions in this area then -

**Ms ARCHER** - Thank you.

**CHAIR** - Thank you very much, Ann. We appreciate always the information that you provide. 1.4 Support and Compensation for Victims of Crime. Thank you, Ms Palmer.

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

**CHAIR** - 1.4, Support and compensation for victims of crime. Thank you, Ms Palmer.

**Ms PALMER** - Thank you very much Chair. Attorney-General, could you advise the committee on how the Tasmanian Government is supporting victims of crime?

**Ms ARCHER** - Yes, it is a really important area. With victim survivors in relation to child sexual abuse and adult sexual assault survivors as well, the victims of crime assistance is of even more importance. I thank you for that question.

Our Government recognises that the criminal justice system can be a very daunting prospect for victims of crime, which is why we're committed to ensuring that the process provide an appropriate level of support for victims and improving their access to justice as well. We have a dedicated victim support service or services within the department, and it continues to support the needs of victims of crime in our community.

It does so through four areas of service, and that's the Victims of Crime Assistance, Eligible Persons Register, the Victims of Crime Service, and Court Support and Liaison Service.

The Victims of Crime Assistance area is responsible also for administering the Victims of Crimes Assistance Act 1976 which provides the support of the Criminal Injuries Compensation Commission in finalising awards. It allows for the payment of costs of medical counselling and support services as well as compensation for pain and suffering to victims of violent crime or certain sexual offences where the victim has suffered an injury or death.

Victims on the Eligible Persons Register are entitled to be provided with certain information about the offender while they remain within our prison system, including their location, security classification, parole and hearing dates, as well as possible release dates and times which is of utmost importance. The role of the eligible persons register is to provide information about leave and convey any concerns from the victim and continue to see a high number of eligible victims registered. It's there right to register, that's done so voluntarily, isn't it?

The Victims of Crime Service provides a dedicated counselling, support and referral service to victims of serious interpersonal violence and sexual offences. It also aids with the provision of victim impact statements, completing victims of crime assistance applications, referral to other service providers, and information regarding the criminal justice system. Finally, the Court Support and Liaison Service is funded through Safe at Home initiative, and the role of the unit is to provide support to victims of family violence and guide them through the justice system before, during, and after court appearances.

Further to these victim support services, our Government made a number of reforms over recent years to assist victims in our community, and to seek to ensure that the stress caused by the criminal justice system is kept to a minimum. That includes supporting the DPP with their witness assistance service, providing further support to children and special witnesses through our Witness Intermediary Scheme. That was an initiative, and recommendation from the Commonwealth's Royal Commission into Institutional Child Sexual Abuse. I'm happy to say that's working really well and has been utilised well as part of court proceedings for children and special witnesses.

We've progressed reforms to ensure that victims of family violence as well as crimes involving death and serious injury are given an opportunity to present their victim impact statements in a Magistrate's Court. We'll continue to explore ways in which victims can be provided with the support they need as things come to light. This has included an additional

\$2.7 million funding that was committed last year to respond to family and sexual violence during the COVID-19 pandemic, which the Chair mentioned previously.

So, in anticipation of their being an increase in those types of matters we provided that funding on top of a significant amount of funding from the Commonwealth. Attorney-Generals from around the country worked together on that project. So that funding goes to an additional court support liaison officer in the Launceston Victim Support Service office. An extension of funding for the additional fixed term court support and liaison officer in the south for a further 12 months. An extension of the Safe at Home funding provided through to 31 December with a further extension of this funding until 30 June 2022 was announced in this year's budget. The department's also been undertaking work to carry out a review of the regulations, including consideration of compensation amounts and what options may be available for further improvement of those regulations as well.

**CHAIR** - Thank you Attorney-General. 1.5 is the Tasmania Legal Aid. Thank you, Mr Willie.

### **1.5 Tasmania Legal Aid -**

**Mr WILLIE** - Thank you, Chair. Minister, the Budget contains funding for representation of children and young people in the courts in the north and the north-west. Is it true there's also a shortfall in representation of young people in the courts in the south, in particular out of hours, and if so what's been done about it?

**Ms ARCHER** - You said in the south, do you mean in the north?

**Mr WILLIE** - No, this Budget contains funding for children and young people in the courts in the north and the north-west.

**Ms ARCHER** - Yes, that was because it was identified there was a shortfall there, so we're happy to address that. So, correct.

**Mr WILLIE** - I'm interested in the shortfall in the south, in particular out of hours.

**Ms ARCHER** - As to the south, I might get Ms Bourne to address that. I'll make the comment though that there was an issue with the north and north-west and that's why we did commit the \$320 000 over four years to legal aid to provide that legal representation, to ensure that children in the north and north-west had access to that service. As to the south -

**Ms BOURNE** - Thanks, through you Attorney-General. Mr Willie, the department's not aware of any concerns in that regard, noting that Hobart Community Legal Service provides a lawyer rostered to appear for young people and adults for that matter appearing before after-hours courts. It's certainly something that I can take away and make inquiries about. We worked very closely with Tasmania Police around the safeguards for young people in particular who appear in court and after-hours courts.

**Ms ARCHER** - We also announced yesterday the legal assistance - I suppose, the dividing up of the additional \$2.2 million, and that included the reference to funding that goes to the Hobart Legal Service, Law Society, and Legal Aid, with the duty lawyer based in the south as well. So, that's been fully funded.



**Mr WILLIE** - Can we get some numbers around the number of children and young people that have been represented with this funding?

**Ms ARCHER** - Their funding announcement yesterday, obviously that won't kick in yet, but we would need to know the specifics around what you might be asking for as to time periods and what funding might apply.

**Mr WILLIE** - Just in the last financial year.

**Ms ARCHER** - We're not aware of a funding shortfall. We've got the figures of children appearing, but we haven't got any detail about there being any shortfall in funding, because as we said we're not aware of there being a shortfall.

**Mr WILLIE** - Can we have the numbers?

**CHAIR** - So can we have the numbers, thank you?

**Ms ARCHER** - Yes, sure.

**Ms BOURNE** - Thank you, through you Attorney-General. Are you happy for me to go through each jurisdiction, or just registry?

**Mr WILLIE** - Yes.

**Ms BOURNE** - Registry, yes. So, I'll focus on the 2020-21 period. In Burnie there were five appearances of youths appearing before the after-hours court, three of whom were bailed, two were remanded in custody. One of those was represented by counsel; three of those were represented by a youth justice worker. In Devonport, for the same period, there were five appearances. Two were bailed; three were remanded in custody; one represented by counsel; five represented by a youth justice worker. In Hobart there were 59 appearances; 36 were bailed; 23 were remanded in custody; 39 of those were represented by counsel; 55 by youth justice worker. In Launceston there were seven appearances; one was bailed; seven were remanded in custody; and seven of those were represented by a youth justice worker.

**Mr WILLIE** - Thank you.

**Ms BOURNE** - Thank you.

**CHAIR** - No further questions, we'll move onto 1.6 which is Legal Assistance. Thank you, Mr Valentine.

#### **1.6 Legal Assistance -**

**Mr VALENTINE** - Thank you, Chair. There has been a reorganisation of the output. You did mention \$2.2 million extra funding. The difference between the two, if you look at them, between last year's papers and this year's papers is \$2.64 million. I am interested in the fact that there's been no corresponding increase in the delivery of services when you look at the performance indicators for this year on page 192. First, you might explain why we don't have the update. Is that something that only happens at the end of this current year, as opposed to the financial year? Why do we have a target in 2021 and not the actual?

**Ms ARCHER** - Because the budget is always - the information we can deliver is up to - correct me if I'm wrong - the end of last year's budget. Then obviously this year's Budget is the future, and that's why we have a target.

**Mr VALENTINE** - Okay.

**Ms ARCHER** - Even though we're sitting now, the Budget would normally be handed down in May or June.

**Mr VALENTINE** - May, yes.

**Ms ARCHER** - I think that explains that lag.

**Mr VALENTINE** - No, because we're so far into the year, I was wondering why the target wasn't - why we didn't have the actual -

**Ms ARCHER** - So the budget papers are drawn as they would normally be drawn to the previous financial year.

**Mr VALENTINE** - So are the actuals available now, or not?

**Ms ARCHER** - That is a question for my department. Yes, we should have them, we should have them in 20, we just need a little bit of time.

**Ms BOURNE** - We would need to take -

**Ms ARCHER** - We'll come back to that.

**Mr VALENTINE** - That's okay. So, my question is, with the extra funding - which is a significant amount - has there been no increase in the target? Can you explain why that might be? What's expected to be achieved with that \$2.2 million?

**Ms ARCHER** - Rather than it be based on performance indicators or targets, it's a continuation of funding. So, there's national, legal assistance partnership funding from the Commonwealth, there's the top up funding which we provide in that of \$640 000, thank you. Then on top of this, this is the \$2.2 million you recall - well, you may not, but the SGF solicitors guarantee fund is typically used for various organisations and they are always, always from the legal assistance sector. What this funding does is fund what would typically be funded by the SGF. What I announced yesterday was all the submissions that were made from those various organisations that form the legal assistance sector right through to the Prisoners Legal Service, the Refugee Legal Service. There is also a bit of a surplus left over so the department would be writing to those organisations again as to - but calling for project type things rather than ongoing funding.

This is largely to continue the funding that would have otherwise been provided under the SGF. Those organisations can continue on not only with - and give certainty for staff members, but also there's a few things in there in terms of new staff as well. We don't link that to targets for that reason because it's to ensure that they're adequately funded.

**Mr VALENTINE** - Resourced. So, in terms of outcomes, obviously you're just expecting you can provide more assistance going forward. Do you have any understanding of - well, can you provide us with any figures with the types of cases that are dealt with?

**Ms ARCHER** - Yes, sometimes the funding is provided for a specific service, for example, with a lot of legal aid funding. We provide funding for their Serious Cases unit or fund, and sums for family violence in other areas. We can benchmark that. When it's provided under a - is it a deed of arrangement? Grand deed. There are all sorts of conditions that need to be met by that organisation, and if an organisation wanted to change the purpose for which the funding was provided they write to us and seek my approval to do so. Quite often I do grant it because they discover that they don't need it in one area or they've got some surplus funds, and can we use it for something else. So, we tend to get a fairly good view of what it's been spent on.

**Mr VALENTINE** - Do we have that tabulated anywhere? So many cases on this aspect, so many on that. I know you don't do matrimonial. I'm pretty sure of that. So, yes. So, is there a -

**Ms ARCHER** - With respect to organisations themselves, they probably do, but we as a department don't. So, for example, with Legal Aid, I'm sure they probably do.

**CHAIR** - Probably in their annual report.

**Ms ARCHER** - They would, and I would say it's in their annual report.

**CHAIR** - Yes. You might note it in the House some time.

**Mr VALENTINE** - With this particular assistance, you'd want to find out how it was acquitted, if I can put it that way, and -

**Ms ARCHER** - We do under that grant deed. There are acquittals. I might get Ms Bourne to address that procedural-type issue.

**Ms BOURNE** - Thank you, Attorney-General. As the Attorney-General noted, there are a number of mechanisms and a number of funding streams that both Tasmania Legal Aid and community legal centres operate under, and they have different reporting requirements, particularly Tasmania Legal Aid, the funding announced by the Attorney-General yesterday for the continuation of their essential duty lawyer services. They most certainly keep records of the number of services provided in both the Magistrates Court and the Guardianship Board and the Mental Health Tribunal. With predominantly the criminal law work that Tasmania Legal Aid does as well, their annual report and quarterly reports provide a lot of publicly available statistics on that. Community legal centres report to the department on the services they provide.

**Mr VALENTINE** - As far as you're concerned, with this extra funding you're satisfied that you're getting value for money, so to speak?

**Ms ARCHER** - Yes. The secretary has helpfully provided me with the Tasmania Legal Aid, as it's now known, with a name change of its high-quality legal assistance services, and there's a whole range. In last financial year to 30 June of this year they delivered, for example

- and I've got a whole list here, but I can give you just a sample. 57 894 services of telephone advice and referrals; 3774 face-to-face legal clinic services; 6027 duty lawyer services; 5186 new grants of legal aid for representation with 55 per cent of that to the private profession. I have a list of the type of information that is sought and provided. I know that nobody is doubting the assistance that Tasmanian Legal Aid provides, so we're very content with the fact that when we provide money it's always fully utilised for the purpose for which it's been given. Plus, there's that acquittals process in relation to grant deeds, in any event.

**Mr VALENTINE** - And long may it be so. Thank you.

## **1.7 Equal Opportunity Tasmania**

**CHAIR** - 1.7 Equal Opportunity Tasmania. Ms Siejka.

**Ms SIEJKA** - Thank you. Minister, are you able to tell me the top three reasons, or the main three reasons, that people are making complaints to EOT in the last -

**Ms ARCHER** - As to what the current trend might be?

**Ms SIEJKA** - Yes. Maybe compare it this year and last.

**Ms ARCHER** - I think I can. Yes, I can. I'll start off for the - 190 complaints were received in the current financial year as at 30 June 2021 compared to 166 complaints received in the previous year. This is the highest recorded number of complaints received in the last decade. I will say Equal Opportunity Tasmania is continuing to raise public awareness of the positive effects of complaints that may or may not have an impact to the educative aspect in making sure people are aware they can make a complaint.

Of the 190 complaints, eight related to COVID-19. Probably expected a higher number than that. Within these eight complaints there were various alleged breaches of discrimination, offensive conduct, inciting hatred and victimisation on the basis of age, disability and industrial activity. Disability discrimination remains the highest attribute of discrimination. Inciting hatred and offensive conduct alleged in complaints received as at 30 June, following by the attribute race.

**Ms SIEJKA** - Last year we heard that race was one of the higher ones and I thought -

**Ms ARCHER** - Yes. So, disability, race and complaints in the areas of employment. Provision of facilities, goods and services remain the dominant areas of activity for complaints received. They're the three areas.

**Ms SIEJKA** - Is there any evidence to - there's things we're all aware and the media are talking about, so, with COVID-19, race early on was a concern in the community, that people were -

**Ms ARCHER** - Still is a concern, I think.

**Ms SIEJKA** - Still is a concern. Then the other one, I guess, is around mask wearing and those sorts of things as well. Do you think that's what's attributed to that increase?

**Ms ARCHER** - I would only be talking anecdotally. I'm sure the commissioner is keeping a watchful eye over that and would be able to provide more detail on that. I know from discussions that I've had - and I'm sure she wouldn't mind me revealing this - but early in the piece we were incredibly worried about racism. The commissioner also had discussions with the Premier, and we were very open to the suggestion of an awareness campaign which was executed and done by the Equal Opportunities Tasmania and we were very happy to know if additional resources were required. We were prepared to look at that as well because racism in any way, shape or form or any type of discrimination is unacceptable, and even more so with that concern, we didn't want it to get out of hand, and we really did need that awareness campaign.

**Ms SIEJKA** - Following on from the work that you did to address that, is there more work intended at this point, or is there something that needs to be done to decrease racism?

**Ms ARCHER** - I haven't had a meeting with the Anti-Discrimination Commissioner for a little while, so I'd have to follow up on that. All I can say is that I'm assuming because I haven't had any further correspondence on that from her, perhaps that educative awareness program has gone quite well. I would only be assuming that and I will follow up on that because I am due to meet shortly.

**Ms SIEJKA** - Yes. If Delta were to come here - well, I hope not, but it could mean more resources are needed.

**Ms ARCHER** - Yes. It's very much on our mind and has been throughout COVID-19. You're quite right, it's something that we need to monitor within our community. I know anecdotally, various examples have been provided to me and, no doubt, other members of the House, or you may have witnessed things yourself.

**Ms SIEJKA** - Certainly had a few constituents really worried for their own safety at the time.

**Ms ARCHER** - Yes. Particularly when we've got Australian citizens who may have an origin from elsewhere. They have every right to be treated equally and the same as anyone else and anyone for that matter residing in our state and our country. We don't condone any form of discrimination whatsoever.

**Ms SIEJKA** - I had a constituent who had lived here for 40 or 50 years and for the first time they were experiencing quite vitriolic racism.

**Ms ARCHER** - Yes. I think we're probably seeing a lot of that, but it's not transforming into complaints and it's very hard therefore to track.

**Ms SIEJKA** - There's a process of them before people get to the complaint stage as well.

**Ms ARCHER** - We can add to that because our commissioner has messaged through.

**Ms BOURNE** - Thank you, Attorney-General. Through you, the wonders of modern technology. I thank the commissioner; she's just sent me a quick note wanting to bring to the committee's attention that the online complaint form has made a real difference in ease of access for people to lodge complaints. She says no complaints related to mask wearing, but

certainly the unease that the COVID-19 environment brings and that the office plans to do more work in relation to race. They're currently recruiting a new community engagement officer to do that.

**CHAIR** - It's good to get that update. Thank you.

**Ms SIEJKA** - Can I ask one more? Is that all right? Yes, it is a quick one. I wondered, is it an increase or decrease in appeals to the tribunal in the last financial year as well? If you're concerned about time, I don't mind taking it on notice, Chair.

**CHAIR** - I'm always concerned about time.

**Ms SIEJKA** - I know. I don't want to upset you.

**Ms BOURNE** - I think we've got it, yes. So, through you, Attorney-General, the Anti-Discrimination Tribunal received 36 referrals in the 2020-21 financial year. That was consistent with previous financial years. Seventeen were referred for inquiry and 19 reviews occurred. The tribunal finalised 58 matters during the 2020-21 financial year which was a significant increase on previous years, noting that one matter finalised involved nine separate reviews, and 16 matters have been set down for hearing in the tribunal's jurisdiction for the 2020-21 financial year. Seven matters have been resolved by conciliation in the same period. All inquiries are referred to conciliation and is used on occasions for reviews or dismissal, but not for reviews of rejection. They're the figures that I have.

**Ms SIEJKA** - Thank you.

## **1.8 Elections and referendums**

**CHAIR** - Moving now to 1.8 which is Elections and Referendums. The figures that we have in our Budget papers are somewhat out of date. We know that's because of the timing of elections and the timing of the Budget. I am interested in whether they are available even though they're not printed in the papers. What are the actuals of the participation rate and informal for the previous House of Assembly and Legislative Council elections.

**Ms ARCHER** - I am just calling up our Tasmanian Electoral Commissioner.

**CHAIR** - Welcome, Mr Hawkey, who we all get to know well from time to time.

**Ms ARCHER** - Who can speak for himself. He comes prepared.

**CHAIR** - Are those figures available?

**Mr HAWKEY** - Yes, they are.

**CHAIR** - I knew they would be. We can start with the Legislative Council, Attorney-General, if that's possible.

**Ms ARCHER** - Yes.

**CHAIR** - So, the participation rate.

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**Mr HAWKEY** - So, the participation rate across all the elections for the 2021 Legislative Council, being Derwent and Windermere, Mersey being uncontested, was 81.7 per cent of electors.

**CHAIR** - It's expected that it was lower because of COVID-19 and the apparent issues around where people were confused about where they could vote; is that your understanding?

**Ms ARCHER** - I'm very happy for Mr Hawkey to address that issue.

**Mr HAWKEY** - The participation rate was relatively on par with previous -

**CHAIR** - Down 2 per cent according to my figures.

**Mr HAWKEY** - Yes. So, sorry. Yes, they're a little bit low, and I have a summary table of those if you want further clarification.

**CHAIR** - Thank you. Would they be possible to be tabled?

**Mr HAWKEY** - Sure.

**CHAIR** - Thank you. That's okay. At the end is fine.

**Mr HAWKEY** - So, yes. They were slightly down, but what we see across all our points of participation, whether it's state elections or council, there is a slight reduction in participation. We saw that also with the House, that that was down 1.1 per cent on the previous time.

**CHAIR** - Thank you. We're happy to have those tabled. My second question, Attorney-General, you indicated last year - and it was only in November - that all departments would do a review of what happened and what occurred during COVID-19. I'm interested in the review of this particular area of elections, whether there has been any findings and possibly recommendations or implementation of any of those recommendations being progressed.

**Ms ARCHER** - I'm not sure the review on COVID-19 generally related to this other than -

**CHAIR** - This is where it was asked last year.

**Ms ARCHER** - I see.

**Ms WEBSTER** - Through you, minister. One of the things that we're continuing to do is prepare in case we needed to go to a lockdown situation. In terms of a review, what we've done is see how all our outputs managed last year and making sure that we're building on that for a possible potential outbreak if we needed to.

**Ms ARCHER** - We did have that other - the previous election - that were done under COVID-19 conditions where people could do postal votes, and we had different measures in place thanks to the commissioner in relation to that previous Legislative Council election which worked well on the day.

**CHAIR** - That leads beautifully into my next question - is the Government considering allowing postal votes for those state elections given that COVID-19 appears -

**Ms ARCHER** - You mean as a standard right to that?

**CHAIR** - As a standard option.

**Ms ARCHER** - When we looked at this obviously there are distinct advantages throughout a COVID-19 period, but there can be some disadvantages to that as well. Did you want to say something, commissioner, on this particular issue? I know you've looked at that, and it is quite difficult to incorporate that into our present act as well, I believe.

**Mr HAWKEY** - At the last Budget Estimates, and at the briefing of the Legislative Councillors before the 2020 Legislative Council elections.

**CHAIR** - We thought we'd be out of COVID-19 by this time too, and we're not.

**Mr HAWKEY** - We did, and unfortunately, we're not. The act is written in line with an attendance ballot, and there are many elements that, it's a much more complicated thing than just putting a section in, there's also a current section in the act that says that there must be a polling day, again, which I referred to before.

It could be done, but it would be a complex process. It would be breaking with the standard tradition of Australian parliamentary elections, that they are attendance ballots, and I think it would have a significant implication on turnout. We know even though there'd be compulsory elections, Tasmanians are used to post ballots being local government and non-compulsory, and we know we have issues with Australia Post with delivery of services. I don't think the public would fully appreciate that it would have the same status and importance if it was a fully postal. So there are a lot of overlaying issues, there is a technical process, but there are other electoral issues.

**Ms ARCHER** - The other thing, during COVID-19 though, it is safe to say it was a relaxed approach to the fact that a lot of people sent in postal ballots during that time. I think that was a very reasonable way to deal with that situation rather than go through this process of amending an act, which would be, as the commissioner's identified, quite a difficult thing to do. To answer the question, it's not currently on the Government's agenda to make that a permanent change to the act for those various reasons.

**CHAIR** - So for May 2022, Mr Willie and I can expect the same process to occur.

**Ms ARCHER** - If we were in the height of COVID-19, and let's all hope we're not, then I'm sure we would revert to a situation as we did previously. We did a lot of planning around that, but as we've always said in relation to COVID-19 it can be so unpredictable, sometimes we need to adapt quickly to change and with the Delta strain it might even present even more challenges than we had previously, but we would assess that at the time if that there was a problem.

**CHAIR** - My final question - following the House of Assembly and Legislative Council election, was there an increased number of queries and complaints?



**Ms ARCHER** - That would be a question for the commissioner.

**Mr HAWKEY** - No, there were fewer complaints. From our point of view, since COVID-19's begun there seems to be a lot less finger pointing. There seems to be people trying to be proactive and they ensure that the processes occur as best they can. So we had a reduced number of complaints and queries presented to us.

**CHAIR** - That's positive. Good news.

**Mr VALENTINE** - I'm interested in some of the issues that were experienced during the election period, given that they were both on the same day. To place this on the record, I suppose, through you Attorney-General, for the commissioner, to place it on the record with regard to the availability of voting papers. Some people voted in the lower House elections and weren't able to pick up Legislative Council election material to be able to vote if they were outside the electorate. Can you please, for the record, describe what the issues were, and how you endeavoured to reduce the opportunity for issues to occur in the first place. I am very interested to hear that if that's okay.

**Ms ARCHER** - Yes.

**Mr HAWKEY** - Through you, Attorney-General. We normally have our House elections on the first Saturday in May, and when those elections occur, we have polling places within the electoral boundaries, with the exception usually being Agfest, given it is such an important event to many rural areas of Tasmania. In this case with Mersey uncontested, there were essentially 39 polling places within those divisional boundaries.

Now yes, we had a broadening of complexity around the fact that we ran two elections on the same polling day, and that would be a different experience for electors. What we undertook in that sense was to expand some of our process to make it simpler. 50 000 out of 350 000 electors in Tasmania were required to vote at the two elections, so we undertook that with advertising campaigns, but from the voting experience we tried to simplify things as much as we could.

We effectively expanded prepoll voting. Historically, there would be one prepoll sent, or maybe two in each division, and that was expanded to all 15, where you could vote for both elections. One post application would come in, and if you were entitled to two, we'd send out ballot papers for both. The major hospitals you could vote in both, but we didn't have the capacity to expand from 39 polling places for our LC to 262 polling places for both sets of elections.

**Mr VALENTINE** - Through you, Attorney-General, basically that amounts to disenfranchisement, doesn't it, of some electors who aren't inside the electorate?

**Mr HAWKEY** - If we hadn't had the two elections there was greater provisional services than there would have been for a normal LC but there will be for this other. So, disenfranchisement depends on how you're putting the term. There were services available, there were services around the state for prepoll for three-and-a-half weeks leading up to polling day. It crossed into places like Smithton and Huonville, and things like that. We did provide broader services than normal.

I don't think you could argue it's disenfranchised. It's just there may have been confusion that when people saw a polling place on polling day, they thought every polling place. Our messaging was fairly clear with our full-page spreads, and newspaper, our television, our radio, and our website to say here's where you must go if you're an elector for both.

**Mr VALENTINE** - But the staffing of the polling booths of those that were outside the electorate, some staff, it seems, from the general reporting of this, weren't aware that they had to provide a person, or didn't ask the question, are you within such and such an electorate, here's your paper you need to consider. For some of the staff that were there, it looked like there was no training. Can you just describe that?

**Mr HAWKEY** - Yes, the double up of polling places, and the creation of what we termed dual polling places meant the establishment of new training, new materials, new management tools, but they were only expanded to the dual polling place voting options. They were not expanded to the others because the others did not provide those dual services. In hindsight maybe we could have had an information that said, 'If you're one of these electors you'll need to go somewhere else.' But again, if you're in Smithton on polling day there's very little you can do anyway, because the closest you'll have is the division of Windermere.

**Mr VALENTINE** - I guess that's what I'm saying about disenfranchisement, that if the staff aren't there to check whether that person lives in the electorate of Windermere or wherever, that if they're not being made aware that there is an election that they need to also attend, because it's compulsory. It's not like it's -

**Ms ARCHER** - I think the commissioner's clarified that they were notified.

**Mr HAWKEY** - Yes. We also provided, as we do for all Legislative Council elections, every elector and it was made very clear that there were two elections, that this is where you could vote. So normally an elective race would just give the division the elector was a part of, but it gave both divisions all the polling places there, all the prepolls. So there was more information provided than normal. But yes, it was a more complicated experience which people hadn't seen or understood before.

**Mr VALENTINE** - Can I ask the question, through you, Attorney-General, did you communicate to the Premier that this was going to be a complex and difficult election to run as a same day election, given that it's the first time since parliament has been formed - correct me if I'm wrong, Attorney-General - where there's been an upper House election and a lower House election on the same day?

**Mr HAWKEY** - The Premier did contact me on the day he announced the election, and as we are an electoral commission organisation, we're there to undertake elections, so we said that we will do what needed to be done to the best of our ability to get that done, and I think we did. Can-do attitude.

**Ms ARCHER** - The other thing to add there is that we provided whatever resources were necessary for the commission to carry out that work, and also took our own advice on the fact that the elections could be held on the same day.

**Mr VALENTINE** - Technically under the act -

**Ms ARCHER** - We had our advice that what we did was lawful, yes.

**CHAIR** - Okay, final question to Ms Armitage.

**Ms ARMITAGE** - A supplementary to the polling booth. So, the prepolls - I did a prepoll in Charles Street, not in the Windermere electorate. When I went in there, they asked me, they actually had the forms as well, they did their job. It was just the prepolls then that had both lots of forms, so when the actual day came, they'd run out of forms, or they no longer had them, or some prepolls could do both, so what was the situation there?

**Mr HAWKEY** - So all prepolls across the state could do both. If you were visiting someone in the north of state, or looking after a family member, you could vote at any prepoll centre for both. It was only on polling day where we restricted it to within the divisions, which is essentially the same as what we'd normally do for a Legislative Council.

**Ms ARMITAGE** - Thank you.

**Mr WILLIE** - One last question on this, sorry.

**CHAIR** - Out of pure interest, go for it, thank you.

**Mr WILLIE** - With any of the people who attended the polling booth where they couldn't vote in the upper House division, were they fined?

**Mr HAWKEY** - No, and the commission clearly made the position that due to the complexities and the differences that people were not aware of, we had not issued any non-voters for any LC electors that didn't vote, especially for those that did turn up, because polling day was there for Saturday, so we essentially said if anyone turned up, or was confused, we wouldn't send a message. Essentially, everyone from Legislative Council was deemed given an excuse due to the complexity, but we are in the process of sending out all non-voters for the state election, so if you're essentially someone who didn't vote at all on polling day you'll go through that process.

**Mr WILLIE** - Through the Attorney-General, the non-issuing of fines, isn't that an acknowledgement that they were disenfranchised?

**Mr HAWKEY** - Well, they'll still be sent one, but it's just the confusion level and the complexity. Essentially if you didn't vote at all there are two processes and two fines. We didn't think there was necessarily a lot to be gained from people sending in two notices or which notice did they send in in relation to the fines, because there could be two. We just thought it was fair on the public, especially given that as we reported to the Legislative Council, that there were cases of confusion, and there was the odd error in our environment as well, so we thought it was best to say we would undertake the process for the state only.

**Ms ARCHER** - I don't think it's fair to say that it was disenfranchisement. It's that people may not have, for whatever reason, either received that correspondence or didn't read it, because as the commissioner has made it very clear, everybody did receive or was sent out the information about what they needed to do to vote in both if they had to vote in both.

**CHAIR** - Thank you. We've got eight line items to get to before 11 o'clock, so thank you.

**Mr VALENTINE** - Scrutiny's important.

**CHAIR** - Scrutiny is very important but we only get allocated *x* amount of time, and we always have other opportunities to provide scrutiny.

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

### **1.9 Tasmanian Industrial Commission**

**CHAIR** - Thank you. 1.9 Tasmanian Industrial Commission. Thank you very much, Mr Hawkey. Thank you, Mr Valentine.

**Mr VALENTINE** - Oh, sorry.

**Ms WEBSTER** - While Mr Valentine gets his question ready, we have the answer to the cleaning question. Through you, Attorney-General. Mr Willie we currently have nine contracts within the department for cleaning around various complexes: Hobart Magistrates' Court, the Hobart Supreme Court, the Tasmanian Electoral Commission, Crown Law, Community Corrections Hobart and Glenorchy, the Burnie Magistrates' Court, the Launceston Magistrates' Court, including the Launceston Reception Prison, the Devonport Magistrates' Court, and our Rosny Complex. We also have a number of other minor cleaning contracts that are on a month-by-month arrangement because obviously with COVID-19 we've increased our cleaning arrangements through a number of our areas. In particular, the prison service needs to be able to ramp cleaning up and down depending on the circumstances associated with COVID-19.

**Mr WILLIE** - That's understandable. The more permanent contracts, how come they're not employed in the public service?

**Ms ARCHER** - I think the question is why do we outsource and we don't employ cleaners.

**Ms WEBSTER** - Through you, Attorney-General.

**Ms ARCHER** - Isn't that a whole-of-government question?

**Ms WEBSTER** - It's a very common arrangement through whole-of-government. I'm told, through you, Attorney-General, most of them are too small to warrant permanent employees.

**Ms ARCHER** - Certainly in relation to the Department of Justice, which we're dealing with today, we do have the whole-of-government.

**Ms WEBSTER** - Through you, Attorney-General, we do have some permanent employee - cleaners employed at the Prison Service, for example, where it's more regular.

**Ms ARCHER** - Yes. Those ongoing contracts.

**Ms WEBSTER** - Yes.

**CHAIR** - Thank you.

**Ms ARCHER** - Thank you, sorry about -

**Mr VALENTINE** - Thank you. No, you're right, Attorney-General. What is the high-level profile of the type of work undertaken by the Tasmanian Industrial Commission in the last 12 months, and the number of cases for each, and the overall total. Save me a visit to the calculator.

**Ms ARCHER** - I can actually break that down. A total of 135 applications were lodged with the TIC during the reporting period 1 July 2020 to 30 June 2021. For the breakdown during this period, 70 industrial matter applications were lodged pursuant to the Industrial Relations Act 1994. Fifty industrial matter files were finalised and closed during this period. Thirty-four applications were lodged pursuant to the State Service Act 2000 for a review of an action, and 26 applications were finalised during this period. Thirty-one applications were lodged pursuant to the State Service Act 2000 for a review of a selection, and 30 applications were finalised during this period. Eighty-four applications were finalised within three months. Members of the TIC sat a combined total of 185 days. I add that there's no backlog of work and no delay in the commission offering parties a date for conciliation.

**Mr VALENTINE** - That's very good. Do you have the six-, nine-, and 12-months finalisation figures?

**Ms ARCHER** - I haven't got that at present on me, no. We would have to take that one on notice.

**Mr VALENTINE** - Yes, if that's possible. So the finalisation of occasions: delay in cases starting from time lodged, do you have that figure?

**Ms ARCHER** - I don't have that figure, but as I said, overall there's no delay at present.

**Mr VALENTINE** - Are you saying no delay at all, so that's fine, and I don't need that figure in that case, because there is not one. Or there is, zero, it seems; is that right?

**Ms ARCHER** - Correct.

**Mr VALENTINE** - How many cases are currently before the commission, and the nature of them?

**Ms ARCHER** - Again, the current date, as at today, we would have to get for you. Those figures I mentioned were the last financial year.

**Mr VALENTINE** - Yes, I can appreciate that. It would be interesting to know how -

**Ms ARCHER** - We can get that on notice.

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**Mr VALENTINE** - Can we have that on notice? How many cases are currently before the commission and the nature of them. How many enterprise and industrial agreement approvals have there been in the last 12 months?

**Ms ARCHER** - Same. It would be on notice.

**Mr VALENTINE** - Thank you. Current FTEs, excluding the two commissioners.

**Ms WEBSTER** - I might have that.

**Ms ARCHER** - I think we have that one. The secretary can answer that.

**Ms WEBSTER** - Thank you. Through you, Attorney-General, we currently have four FTEs. That doesn't include the two commissioners, as the Attorney-General said.

**Mr VALENTINE** - Anything else we need to know regarding the Industrial Commission?

**Ms ARCHER** - Not from my perspective, particularly when there's no delays there.

**Mr VALENTINE** - No operational issues or concerns that you have, Attorney-General?

**Ms ARCHER** - It doesn't appear so. The only other thing is the legislation that we've introduced, just in relation to the matters there. Kristy, I'm not quite sure - yes, I've recently tabled a bill, statutory validations bill. It does have an aspect in there for the Industrial Relations Commission for members to watch out for. That will be debated in due course in the House. It's a validation issue regarding some matters.

**Mr VALENTINE** - Thank you. I think that's all from me, apart from those questions on notice.

**Ms ARCHER** - I'm sorry, the secretary is about to whisper something in my ear.

**Ms WEBSTER** - Sorry, Attorney-General, the deputy secretary who looks after the TIC has just gone to Planning.

**CHAIR** - Okay.

**Ms WEBSTER** - There are actually five FTE at the commission. That includes the two commissioners, so three -

**Mr VALENTINE** - That includes the two commissioners.

**Ms WEBSTER** - Three State Service and two statutory officers.

**Mr VALENTINE** - There's three officers, not four.

**Ms WEBSTER** - A lot smaller than it used to be because it deals with State Service matters. Correct, Attorney-General. My apologies for that.

**Mr VALENTINE** - Thank you, Chair.

**CHAIR** - I'll move now to 1.10 which is the Tasmanian Civil and Administrative Tribunal.

**1.10 Tasmanian Civil and Administrative Tribunal -**

**CHAIR** - I note in the Budget papers that there's been an increase in Budget allocation of just under \$1 million. It talks about the significant cost of the tribunal to pay the board members to preside over hearings. I am interested in the number of references to that board. Thank you.

**Ms ARCHER** - TasCAT has formed to have nine tribunals and boards co-exist as one Civil and Administrative Tribunal. They will formally become TasCAT, one body, on 1 November. In relation to the increase of budget, there are costs around doing that and also in recognition of the increase in types of cases in some of the protective jurisdictional matters. We know in relation to guardianship, mental health, and those types of issues, and particularly around an increase in dementia and cases like that -

**CHAIR** - Older Tasmanians with capacity matters.

**Ms ARCHER** - In relation to your specific question, yes, at this point in time, we only have them per jurisdiction because TasCAT hasn't formally become the one body.

**CHAIR** - No, that's fine.

**Ms ARCHER** - Do you have a particular area of interests?

**CHAIR** - No. That's fine.

**Ms ARCHER** - We'll be able to give you that figure as one next year because they will all be divisions within the one body.

**CHAIR** - I'll try to get that output group if I'm fortunate enough to be here next year, and so I can ask that exact question.

**Ms ARCHER** - Thank you.

**CHAIR** - Thank you. Moving on to 1.11 which is the Office of the Public Guardian. Mr Valentine, thank you.

**1.11 Office of the Public Guardian**

**Mr VALENTINE** - Thank you. This output group is also a result of an issue with the output group restructure which has been undertaken. Previously, the allocation for the Public Guardian had been included within the allocation of the Protective Jurisdictions output group; is that correct?

**Ms ARCHER** - Yes.

**Mr VALENTINE** - The Public Guardian is picking up an increased share of overheads, I believe, rather than receiving an increased allocation to undertake its duties. Can you please outline why the allocation for the Public Guardian has been increased by 26.4 per cent from the allocation provided in 2020-21? Since looking at last year's papers and looking at this year's papers, we have a difference of 26.4 per cent. Can you just explain what that difference is about, Attorney-General?

**Ms ARCHER** - I think it's because it's reallocated, but I'll let the secretary address the budget paper.

**Ms WEBSTER** - Through you, Attorney-General, my understanding it's a reallocation of overheads.

**Mr VALENTINE** - It's as I -

**Ms WEBSTER** - Correct, Mr Valentine, yes.

**Mr VALENTINE** - This increase is only to cover the reallocation of overheads as a result of the output group restructure. Can you, Attorney-General, please outline why there has been an increase in the aggregate allocation to the four output group areas affected by the restructuring, which I think some have been renamed TasCAT, Workers Rehabilitation and Compensation Tribunal, Resource Management Planning Appeal Tribunal, and the Public Guardian, and it's 17.6 per cent for 2021-22 when you compare to last year. What's in that 17.6 per cent figure?

**Ms ARCHER** - Secretary.

**Ms WEBSTER** - Through you, Attorney-General, Mr Valentine, can I just clarify you are wanting to know what makes up the overhead costs?

**Mr VALENTINE** - Yes.

**Ms WEBSTER** - Predominantly it's for provision of HR services, finance services, and ICT services, and those sorts of things. A combination arrangement as well. We apply an overhead. I'm looking at the finance director to make sure that I'm providing the right information.

**Ms ARCHER** - I'm very happy for him to come up if he needs to answer this question.

**Ms WEBSTER** - It might be easier, Attorney-General.

**Ms ARCHER** - We have Gavin Wailes, director of finance in Department of Justice.

**CHAIR** - Thanks Gavin, and always as succinct as possible. It is appreciated.

**Ms ARCHER** - Finance people always are.

**Mr WAILES** - I'll try. Thank you.

**Mr VALENTINE** - I think I'm the bogey when it comes to finance questions.



**Mr WAILES** - Through you, Attorney-General. The output-based budgeting that we have, we have the allocations that go to each of the outputs, and then because we don't have a specific output for overheads, we take that overhead and spread it over the top of each one. When we restructured these new outputs, to try to give a better gauge on that output budgeting cost to each of those outputs, we've just reshuffled them around a little bit. Some of them are a little bit underdone and some of them are a bit overdone. It's something that we are intending to look at more broadly across the department because it is something that changes from year to year.

As outputs expand, unless we actively readjust our overheads, the overhead stays the same, which is not completely reflective of the HR time, the finance time, the office of the secretary time, et cetera, that's spent on those outputs. The ones that we've restructured are our best estimate at the moment, but we are intending to review the rest of the outputs now.

**Mr VALENTINE** - Thank you for that. Appreciate that.

**CHAIR** - Thank you. We will move to 1.12 -

**Mr VALENTINE** - I haven't finished yet. Sorry, Chair, I've still got some questions on this. It's noted that the Public Guardian has come under significant criticism from a number of bodies in relation to how it undertakes its functions. Given this criticism and the lack of specific performance indicators for the Public Guardian, can you outline how the performance of the Public Guardian is going to be assessed?

**Ms ARCHER** - I think there's been a bit of confusion as to the role of the Office of Public Guardian and the Guardianship and Administration Board. A lot of the issues that have come to light as a result of recent media issues and why we called the review into the Public Trustee, and that review is happy to take on people's stories regarding guardian and administration as well, because it's often a mixture of two.

The Office of Public Guardian is a last resort type appointment - as the member is nodding - to make lifestyle and personal decisions on behalf of people who lack capacity to make reasonable decisions due to a disability such as mental illness, intellectual disability, an acquired brain injury, or dementia. They act as guardian.

I'm not pre-empting the review, but I expect a lot of the concerns are more broadly around guardianship and administration, not specifically the role of the Office of Public Guardian. Having said that of course, in relation to how we monitor any performance, I'm not sure if it's a KPI-type of situation because that person operates independently of government. You can address that, secretary?

**Ms WEBSTER** - I can provide a little bit of information across the agency around performance management of outputs, rather than people. We, as an agency executive, have a quarterly reporting process where we would receive from their output manager information around a range of initiatives, how they're performing against their budget, how they're performing against some of their risks that they've identified, and as a result of that we then address that with the output manager.

## PUBLIC

**Mr VALENTINE** - I guess it's just noted that, for instance, with Equal Opportunity Tasmania, there are nine performance indicators, and yet there are none for the Public Guardian.

**Ms WEBSTER** - That's part of the restructure too, Mr Valentine. Previously they would have been included in protected jurisdictions and hadn't ever really had any performance indicators allocated to them. The separation and the restructure allows us to look at that for future years.

**Mr VALENTINE** - Thank you for that. The last question: how many applications were received by the Guardian and Administration Board? There are percentages in the performance -

**Ms ARCHER** - The actual board, not the Office of Public Guardian?

**Mr VALENTINE** - Yes. It gives an understanding, I suppose, as to the sort of workload that's happening in that space, doesn't it, given we don't have any other performance indicators to look at?

**Ms ARCHER** - Do you have that figure, Ms Bourne?

**Ms BOURNE** - Through you, Attorney-General. Mr Valentine, there are various applications made to the board, including those appointing a guardian, administrator, or both, or the making of emergency orders, and others. In emergency orders there were 1870 received - sorry, I beg your pardon. The total number of applications received by the board was 1870 from 1 July 2020 to 30 June 2021. There were 914 new applications. There were 117 applications for reviews of guardianship and administration orders; 290 emergency applications; 52 renewals of emergency guardianship and administration orders; and 497 statutory reviews.

**Mr VALENTINE** - In terms of backlogs, in that sense are you satisfied that they have enough resources to do their job, Attorney-General?

**Ms ARCHER** - We're always looking at these matters, and should anything be raised with me, we're very willing to look at it in the budget context. Having said that we're forming TasCAT, and they're already collocated, I know that that's created deficiencies already. It's fairly much a watching brief in that respect, but I believe at this point in time, it's okay.

**CHAIR** - Thank you.

**Mr VALENTINE** - Thank you, Madam Chair.

**CHAIR** - I've made an executive decision that we will break at 11.15am. We'll have to invite the scrutiny for the Office of the Director of Public Prosecutions to be the 11.30am start. We have 15 minutes to get through the rest of the output groups in this area of justice. Members, it's entirely up to you whether we get a cup of tea or not. I'll move now to -

**Ms ARMITAGE** - I would like to have a break. If I could have a toilet break at some stage, it would be lovely.

**CHAIR** - I'm sure you would, which will be 11.15am.

**Ms ARMITAGE** - Thank you, Chair.

**CHAIR** - If we don't get there, there will be some cross members. 1.12, which is Child Abuse Royal Commission Response Unit. Thank you, Ms Siejka.

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

**Ms SIEJKA** - Thank you. Minister, is there ongoing funding for the administration of the Witness Intermediary Scheme Pilot?

**Ms ARCHER** - Witness Intermediary pilot scheme. Do we have that as a line item there, in terms of - I can say lots about the scheme, but as to the funding of it -

**CHAIR** - Well, it's a line item.

**Ms ARCHER** - Is it its own -

**CHAIR** - Yes.

**Ms ARCHER** - I'm just finding out for you, Chair.

**CHAIR** - \$10.6 million.

**Ms ARCHER** - Well, there you go.

**Ms SIEJKA** - While you're looking, the other thing I was interested in was the number of people who have been trained to work as intermediaries, and, as is the case with a lot of these things, whether that same amount is still participating.

**Ms ARCHER** - I've got 21 witness intermediaries, and six of them are employees of the Tasmanian Health Service, and are acting as witness intermediaries under a service agreement between our Department of Justice and Tasmanian Health Service. The 21 witness intermediaries have received specialist training, and have been appointed to the intermediaries panel, and are engaged on a sessional basis, so they're selected as required.

**Ms SIEJKA** - They're the same 21 that were initially trained? They've stayed?

**Ms ARCHER** - Yes, they have.

**Ms SIEJKA** - Have there been any further intermediaries, any additional training that's needed in that time?

**Ms ARCHER** - I don't believe so, but I know that the process has been really well used and taken up by the judiciary, the magistracy. Tas Police, I know, has used them extensively in interview processes and things like that.

**Ms SIEJKA** - How many occasions of service have there been under the trial to date?

**Ms WEBSTER** - Through you, Attorney-General, so, 137 referrals in the first four months of the scheme. That's to 30 June 2021. One hundred and twelve of those have been from Tasmania Police; 11 from the Supreme Court; and 14 referrals from the Magistrates' Court. Costs, if you're happy, Attorney-General -

**Ms ARCHER** - The previous question.

**Ms WEBSTER** - So, to 30 June 2021, the costs of the witness intermediary services for the court, \$29 985.29, and for police, \$29 022.8.

**Ms ARCHER** - It's been a really good uptake and a great initiative. It's as a result of the Royal Commission into Institutional Child Sexual Abuse.

**Mr WILLIE** - Thank you, Chair. Attorney-General, yesterday you were able to clarify that there were no current employees of the State Service who had redress claims made against them. Is that correct?

**Ms ARCHER** - That was the secretary, I think, of Communities Tasmania who made that statement. You just said that I did, but it was the -

**Mr WILLIE** - The Community - yes, all right. Or the government. Would the Government be aware of evidence that may have been provided to the royal commission in relation to current State Service employees?

**Ms ARCHER** - As I said yesterday, before the other committee, it's important to note the National Redress Scheme process here, and that it's not uncommon for applications to contain minimal information about the alleged abuser or conduct. All redress claims received by our Child Abuse Royal Commission Response Unit, or CARCRU, as we call it, are referred to the relevant agency for information, and includes details of any alleged abusers, to enable that agency to undertake inquiries as to whether the abuser is a current employee or risk to children. That notification includes, where available, any details of the alleged abuser's name, and that may only be a first or a surname only; and if unnamed, a description, if provided at all, of the role or circumstances of the person's relationship to the institution.

If the employee is identified as a current employee by the agency, the matter is investigated by the agency, consistent with its own internal policies and procedures. This is because the agency holds the employment information and information surrounding the allegations, that may support a disciplinary proceeding. The agency may request additional information to support a disciplinary investigation. For example, they may seek to contact the applicant or obtain further information held by the Commonwealth Government, as is the scheme operator.

In those circumstances, CARCRU assists by approaching the scheme operator and seeking their assistance to facilitate any further information or such contact if the applicant agrees. It's only when the applicant agrees, and consistent with the Redress Scheme's legislation principles and policies, of course. It should be noted that the state is prevented from contacting the applicant directly, and is not provided with the personal contact details of the applicant, consistent with the Scheme legislation. I'm not sure if that provides some context for you. As Attorney-General, I have oversight over the National Redress Scheme, of course.

I have oversight over, obviously, the appointment of the commission of inquiry, under the Commission of Inquiry Act. The reporting yesterday was most unsatisfactory, from my respect, because I can't be expected to know about what goes on in other outputs in other ministers' portfolios. I can certainly clarify issues around how National Redress Scheme operates, and, as I've just outlined, how it operates with respect to our agencies, and what we are required to do, and the little information that we are entitled to by way of that redress scheme.

**Mr WILLIE** - So my question, Attorney-General, is where, potentially, a redress claim hasn't been made, but evidence has been given to the royal commission -

**Ms ARCHER** - Yes, and what's the question?

**Mr WILLIE** - and whether current State Service employees may have been named in royal commission evidence, and whether they're -

**Ms ARCHER** - When you say 'royal commission,' do you mean our commission of inquiry in Tasmania, or do you mean the Commonwealth royal commission?

**Mr WILLIE** - Yes, I meant the Commonwealth royal commission.

**Ms ARCHER** - I'm not quite sure what you're asking.

**Mr WILLIE** - I'm trying to separate redress claims to evidence given at the royal commission, whether there are any current State Service employees that were named in that process.

**Ms ARCHER** - Again, you're asking me a broad question across government about State Service employees. I simply don't have access to that information. Do I? The secretary is telling me we don't believe any State Service - I will get Amber Mignot, because she heads up our CARCRU. That unit is responsible for responding to both the royal commission recommendations, the national one, and is, as I just outlined, the body that communicates with the agencies in relation to our Tasmanian Commission of Inquiry.

**CHAIR** - We have six minutes to wrap this up.

**Ms ARCHER** - Thank you, Chair. It was a complicated question, which requires a detailed answer, unfortunately, because of the mischief that was made yesterday -

**Mr WILLIE** - I don't think there was mischief made.

**Ms ARCHER** - There was mischief made on the part of my answer. I can't be expected to answer questions outside of my own area of oversight.

**Mr WILLIE** - I think it was because there were a number of ministers passing it to other ministers. That's where the confusion -

**Ms ARCHER** - I'm just saying it requires a detailed response.

**CHAIR** - Well, let's get the answer that we can get here.

**Ms MIGNOT** - As the Attorney-General has indicated, in terms of published reports under the Commonwealth royal commission, state servants weren't personally named or identified. The Commonwealth royal commission made its own process for child safety reporting, and made reports directly to Tasmania Police. Again, those matters are not monitored by the Department of Justice, and they would have been actioned by Tasmania Police as and where appropriate.

**CHAIR** - Thank you.

**Mr WILLIE** - A follow-up question. It could potentially be possible that current State Service employees were named in royal commission evidence, potentially in camera, that could have been referred to Tasmania Police, and I guess the complainant, or the person who made that submission, didn't want to follow it up -

**Ms ARCHER** - That's a hypothetical.

**Mr WILLIE** - Well, that circumstance is possible.

**Ms ARCHER** - We can only answer questions about things we know about. And as Ms Mignot has just stated quite clearly, she didn't believe that any State Service employees had been named. You've got a possible scenario. I can't answer a possible scenario. I'm not trying to be difficult, but that's a hypothetical. We can't really provide an answer to a hypothetical.

**CHAIR** - Thank you. Is there a question?

**Ms ARCHER** - I can't answer a hypothetical question like that, and nor can Ms Mignot.

**Mr WILLIE** - Perhaps it's a question for the Police department.

**CHAIR** - All right, thank you. We always have other opportunities, but I understand this is one opportunity. Thank you. 1.13, Safe at Home. Ms Palmer.

### **1.13 Safe at Home**

**Ms PALMER** - Thank you, Chair. Attorney-General, can you please provide the committee details on the Safe at Home initiative, and how the Government is continuing to support this vital service as part of its plan to address family violence in the state?

**Ms ARCHER** - Thank you, Ms Palmer. Great question in relation to Safe at Home; it's a really important feature. Safe at Home is Tasmania's nationally recognised integrated criminal justice response to family violence. It is a nation-leading response to family violence. The Safe at Home service system is designed to meet the needs of victims, both adult and children, while holding perpetrators accountable for their behaviour.

The four objectives of Safe at Home are to improve the safety of adult and child victims of family violence in the short and long term; ensure that perpetrators are held accountable for family violence as a crime, and change their offending behaviour; reduce the incidence and

severity of family violence in the longer term; and minimise the negative impacts of contact with the criminal justice system on adult and child victims.

Safe at Home has undergone four reviews: the Urbis review of the Family Violence Act; the Success Works review of the Safe at Home integrated response system; an internal performance review back in 2014; and it was reviewed as part of the family violence service system review in 2019. I'm pleased to advise that these reviews confirmed that Safe at Home has continued to be a leading model of an integrated criminal justice response in family violence in Australia. The legislation that underpins the Safe at Home response has also been reviewed as part of Safe Homes, Safe Families family violence action plan.

Over 20 amendments to the Family Violence Act and associated legislation have been enacted in recent years, to improve and enhance the Safe at Home response. Importantly, our Government has continued to make significant investments into this vital service, as you're heard as well, to ensure that we continue to meet the unfortunate increased demand for and support of the delivery of Safe at Home initiatives. It includes \$1.9 million requested in the Safe at Home budget bid for 2020-21. I have a list of initiatives here. I know in the interests of time, Chair -

**CHAIR** - You might like to table those.

**Ms ARCHER** - I can always provide that to the committee. In March, this funding was extended again, until December of this year, and I'm pleased that \$1.4 million has been allocated in this year's Budget to support the Safe at Home initiatives even further. This includes funding for projects that will be delivered by the Department of Communities Tasmania and Department of Police, Fire and Emergency Management as well.

**CHAIR** - Thank you very much. Any other questions on Safe at Home, members? We have one minute. No? Thank you. In the interests of not starting another output group, we'll suspend, and we'll be back here at 28 minutes past 11, to commence again. Thank you.

**The Committee suspended from 11.13 a.m.**

**The Committee recommenced at 11.27 a.m.**

**CHAIR** - Welcome back, minister. I'd now like to head to Output Group 2, Legal Services, 2.1 Crown Law. I invite Mr Valentine if he has any questions in this area.

**Output Group 2  
Legal Services**

**2.1 Crown Law**

**Mr VALENTINE** - Yes, one question. I note that with this there's a 44 per cent increase, a \$2.743 million difference between last year and this year. Can you outline why performance criteria don't appear to have been developed to specifically measure the benefits that flow from this particular funding?

## PUBLIC

**Ms ARCHER** - The increased funding is largely there because not only the essential role that they play, but the office of the Crown Solicitor needs a better resource for the delivery of legal services to agencies. You'd be aware of our massive infrastructure investment.

**Mr VALENTINE** - Is it because of the risks associated with it?

**Ms ARCHER** - There is additional funding there. Likewise, with the office of the Solicitor-General in relation to KPIs, I would have to go to the secretary on that.

**Ms WEBSTER** - Yes, thank you, through you Attorney-General. The Attorney-General has indicated that the increase in Crown Law funding for the Office of the Crown Solicitor and the Solicitor-General is purely for a demand for services. On that point, Mr Valentine, we haven't really had an opportunity to develop or look at those targets. It's not something that we would rule out, but we haven't had an opportunity to do that because the increased funding is really about increased demand for service, not necessarily a change in services.

**Mr VALENTINE** - No, so you can't project how much work is likely to be needed as a result of increase in risk?

**Ms WEBSTER** - The work's already there and we're responding to the workload. The funding for the Office of Crown Solicitor, for example, will enable the recruitment of one FTE special counsel, three FTE legal practitioners' level three, a senior conveyancing clerk band four, and legal administration officer band three. It's quite a significant increase and that is responding to workload demand.

**Mr VALENTINE** - What's your headcount now in Crown Law?

**Ms WEBSTER** - I'll quickly have a look.

**Ms ARCHER** - Do you mean total Crown Law? So, Crown Solicitor plus Solicitor-General?

**Mr VALENTINE** - I'm particularly looking at Crown Law.

**Ms ARCHER** - Sorry, Crown Law is the both. You mean Crown Solicitor?

**Mr VALENTINE** - Sorry, that's total? Okay, no the total's what I want. It was 66.6, I think.

**Ms WEBSTER** - I couldn't tell you what it was, Mr Valentine, but certainly Crown Law staffing as at 30 June 2021. So, 47.4 FTE, and 52 head count. That doesn't include the head -

**Ms ARCHER** - That's before we put in the budget, yes. That's correct.

**Mr VALENTINE** - I know what you're saying. Yes, okay. With respect to the work that this area does, having had a little bit of involvement in this, does it now include all GITC contracts for every department? Or do some departments do their own?



**Ms WEBSTER** - Through you, Attorney-General. My understanding is that all departments go through Crown Law, or Office of Crown Solicitor now, for that work, Mr Valentine.

**Mr VALENTINE** - Has that area expanded much over recent years?

**Ms WEBSTER** - As the Attorney-General said, this funding will allow us to address some - making sure that we're putting the resources back into that area if you like, and acknowledging that with the infrastructure program that we're enabling an increase in that area so that we can ensure that we've got the other areas covered, yes.

**Ms ARCHER** - The increase in funding, if I can say is for the Solicitor General; there's a significant impact as you'd appreciate because of the commission inquiry. The Solicitor General needs to have, for obvious reasons, a role in that in providing advice. The increase in demand for advice from the Solicitor General, both with respect to what was previously in response to your recommendations on the royal commission, now a commission of inquiry plus his ordinary matters has been significant.

**Mr VALENTINE** - Yes, my question was around government information technology conditions contracts, and they're very complex contracts, those sorts of contracts.

**Ms ARCHER** - Yes, and that's the Crown Solicitor.

**Mr VALENTINE** - I'm interested to know whether there's been a ballooning out of that sort of work, but that's the Crown Solicitor. Is that not under this line item?

**Ms ARCHER** - It is, it is correct, sorry.

**Mr VALENTINE** - Can you give me an idea as to whether that's expanding?

**Ms ARCHER** - We'd have to that as -

**Mr VALENTINE** - I'd be interested to know that. Thank you, I'll provide the necessary words to have that question asked. Thank you, Chair.

**CHAIR** - Thank you. Mr Willie?

**Mr WILLIE** - No, different line item in a different department.

**CHAIR** - In a different department, thank you. Any other questions on Crown Law? If not we'll move to 2.2, which is Legislation Development and Review.

## **2.2 Legislation Development and Review**

**Ms ARMITAGE** - We're not doing DPP? I thought you wanted the DPP.

**CHAIR** - No, no. That's not yet. No, I've still got two more output groups in this area.

**Ms ARMITAGE** - Sorry, I must have it wrong in my index.

## PUBLIC

**Ms WEBSTER** - I think we've just included DPP under Crown Law -

**Ms ARMITAGE** - Sorry.

**CHAIR** - Okay, but don't worry. We know he's here.

**Ms ARMITAGE** - Okay. Sorry, my bad.

**CHAIR** - No. 2.2, which is legislation, development and review. Mr Willie?

**Mr WILLIE** - Yes, just a second. You might have to come back to me, Chair, sorry.

**CHAIR** - All right, that's fine. Legislation development is important, Attorney-General, so can you give the committee an update on what is being proposed in this way? We heard this morning that you had one area, but I'm sure you've got many others.

**Ms ARCHER** - Members would be well aware of the number of bills and regulations that we've already put through in the last financial year. The Budget papers report on everything from Evidence, Children, Special Witnesses Amendment Bill through to Dangerous Criminals and High Risk Offenders Bill, I have a whole list.

What I do want to talk about is the range of the further legislative reforms we're currently progressing. My office is Attorney-General and Minister for Justice so members will be aware of our electoral donations reform that is out for consult. The two bills there, the Defamation Amendment Bill - I know it's gone through our House. Has it gone through the other place yet? I think it's in your House.

**CHAIR** - We have, and we've already heard about non-fatal strangulations, so we -

**Ms ARCHER** - Yes, what you'll hear about also is the Youth Justice Amendment Searches and Custody Bill that formalises the processes that we've put in place for change around personal searches of youth, that's a really important bill. Obligations under the optional protocol for the convention against torture, the OPCAT bill. Criminal Code Amendment for Judge Alone Trials Bill. Bail Reform, Family Violence Reforms Bill. That's includes the new initiative of a serial family violence perpetrated declaration. Again, that's an election commitment.

The TasCAT tranche 2, that's to formalise the operations of that on 1 November. Police Powers Reform, the stand-alone offence of non-fatal strangulation, the Validation Amendments Bill that I referred to previously. Another Justice and Related Legislation Miscellaneous Amendments.

We're progressing tranche 2 of Guardianship Administration Act in response to the TLRI reform. And also, Integrity Commission Act tranche 2 reforms as well we're working on, and National Domestic Violence Order Scheme further reforms. There's a raft of regulations we're working on too, so a pretty packed legislative agenda.

**CHAIR** - There's a huge amount of work to be done around the voluntary assisted dying legislation. Is that part of -

**Ms ARCHER** - Not mine.

**CHAIR** - Not your area.

**Ms ARCHER** - It's Health Department mainly.

**CHAIR** - Okay, thank you. There are no further questions.

**Mr WILLIE** - Yes. Sorry, I've found my -

**CHAIR** - Thank you. The member's found his question.

**Mr WILLIE** - Thank you, Chair. Minister, the Government asked the Sentencing Advisory Council to conduct a review of the implementation of phasing out suspended sentences, specifically the use of home detention orders, community corrections, drug treatment orders, and the use of suspended sentences for specified offences.

The council has released a lengthy paper designed to provide the basis for stakeholder feedback. In the paper the council identifies the cost that would be associated with removing the ability of the courts to apply suspended sentences. This includes replacing suspended sentences with equivalent terms of imprisonment would cost \$50.9 million per annum.

Replacing fully suspended sentences with community correction orders of 12 to 24 months would cost around \$34 million. Replacing fully suspended sentences with alternatives, including fines, imprisonments, CCO's, home detention and treatment orders according to the offence type would cost around \$30.6 million. Minister, if you continue with your policy commitment, how are you going to find the funding?

**Ms ARCHER** - I've mentioned earlier today - I think it was earlier today, not yesterday - but I said in relation to the Sentencing Advisory Council it's released its consultation report. It's pleasing to see that the use of suspended sentences has decreased. We'll respond to the report's recommendations when I receive those, and I'm not going to pre-empt those. Obviously that's a consultation paper that you're reading from; it's not the final paper or report to Government. The Sentencing Advisory Council is a body that's been set up for the purpose of the Attorney-General, and I value their advice and recommendations. I'll await their report.

**Mr WILLIE** - So you'll find the finding if necessary?

**Ms ARCHER** - What I'm saying is I'll wait the further recommendations of the Sentencing Advisory Council in relation to their consultation report and what our further policy framework might look like in that respect. That's always been our position, that we'd like to see suspended sentences phased out. However, I await the consultation report findings and recommendations.

**Mr WILLIE** - Minister, in November 2020 the independent report on Tasmania's legislation expunging historic criminal records was released recommending, among other things, compensation for those whose expungement applications were successful. Has the Government developed a response, and when will it be tabled?

**Ms ARCHER** - Yes, that was an independent review that was done by former magistrate Melanie Bartlett. It was provided to me on 5 October 2020 and tabled in both Houses in November of that year, containing 13 comprehensive recommendations. The department has implemented orders in the process of the implementing a number of the operational recommendations, including revisions to the application, form updated guidance for applicants, and the introduction of feedback mechanism for applicants. Work is underway by the department to consider and provide advice on the remaining recommendations including consideration of further legislative reform. I note that largely the recommendations focus on fine tuning and promotion of the scheme, but I'll consider any advice that I receive from my department as I said, because there's still some further advice coming.

**Mr WILLIE** - Right. I've got one other, Chair, if I may. The Government provided an election commitment to the Police Association in 2018 to build a Police Powers Act to centralise and simplify common police powers under the 15 to 20 acts that they currently operate under. This would avoid unintentional incorrect discharge of powers and reduce court times with hearings. Responsibility to build this rests with Justice. What is the status of the bill? What will be the time lines for public consultation? Has the police association been provided with any documentation?

**Ms ARCHER** - Yes, that's currently being worked on, Police Powers. When I just listed all of the projects that we're working on while you were finding your questions I did mention the Police Powers reform, so that is definitely on the agenda. It rests with the Department of Justice so that police are not undergoing a review of themselves. It rests with the Attorney-General to do that, and appropriately so. We will extensively consult obviously with the police association. As for time frame -

**Mr WILLIE** - Have they been provided with any documentation?

**Ms ARCHER** - There's been engagement for quite some time in relation to their issues and what they want. Who's the best person to address that? The secretary, good.

**Ms WEBSTER** - Through you Attorney-General, we have had some engagement very early with the police association. We're also part of a steering committee that we've got for that group which I chair, which also includes police. They've also been having conversations with the police association. When we're ready to provide a discussion paper the intention is that we will individually meet with the police association to take them through that prior to that public consult, because they are a key stakeholder.

**Ms ARCHER** - Yes, absolutely.

**Mr WILLIE** - Has the scope been narrowed to only a few common powers?

**Ms WEBSTER** - We're currently just preparing some - we've got some advice with the Attorney-General around that. Obviously we had the election that interrupted a bit of that work that we were doing, and we're now ready to progress the discussion paper. It's quite a fulsome discussion paper.

**Mr WILLIE** - Okay, well I'll await that.

**Ms ARCHER** - Thank you.

**CHAIR** - Thank you. I'll now move to 3.3, which is Enforcement of Monetary Penalties. The member for Launceston. Thank you.

**3.3 Enforcement of Monetary Penalties -**

**Ms ARMITAGE** - Thank you. Yes, come to the table.

**CHAIR** - At 12.00 last night, the official quantum was - no that's your question, member.

**Ms ARMITAGE** - That is the question, yes.

**CHAIR** - It's your question. Or the latest time that we had, what the amount was.

**Ms ARCHER** - Mr Wayne Johnson is director of the monetary - what do we call it?

**CHAIR** - Enforcement and monetary penalties.

**Ms ARCHER** - Thank you. That was the question? Yes.

**Ms ARMITAGE** - The amount, the latest amount.

**Mr JOHNSON** - Thank you, through you Attorney-General. I can tell you as at today it's \$64 731 181.16. If it's helpful, as at 30 June 2021 it was \$65.6 million. In comparison to last year, that's a \$1.7 million reduction, or less, then the same amount last year.

**Ms ARMITAGE** - I noticed we've collected more then - that we've actually received more to collect, I guess if we were to say that. But looking at the list obviously on the internet that we can, some of the big amounts - so are we ever going to collect them? Like the \$236 979, which is somewhere in Cronulla. The \$1.226 million with no address, but we do have a name obviously. Some of those really large amounts, \$314 570, can you tell us what they relate to? They're obviously one big item, are they - they wouldn't be an accumulation, I wouldn't think, because the \$1.226 million is only one penalty unit. Well, that has one penalty unit next to it so I'm assuming - and these are readily available with people's names, on the internet, yes?

**Ms ARCHER** - Publicly, yes.

**Mr JOHNSON** - Through you, Attorney-General. Some of those are individual amounts, some of the small ones. Some would be a conglomeration of a number or infringements or court fines.

**Ms ARMITAGE** - When it says 'penalty units' - so the one that's eight for example, that's eight different penalties? Eight different infringements?

**Ms ARCHER** - Penalty units, which are currently set at 172 or 75.

**Mr JOHNSON** - I think it's 173, I didn't -

**Ms ARCHER** - No, I was very close.

**Ms ARMITAGE** - That's \$236 000 but it has actually next to it, 'penalty units 8'. It'd be interesting too, to have another category that identified what they were, or even a code. In the count of the \$1 226 000, are you able to say something like that is for.

**CHAIR** - I guess it is fishing.

**Mr JOHNSON** - Through you, Attorney-General. I think what you might be referring to is the published names lists.

**CHAIR** - Yes.

**Mr JOHNSON** - Okay. We have a website that publishes names of -

**Ms ARMITAGE** - Offenders?

**Mr JOHNSON** - Yes. That's one of the enforcement tools we use. The idea is that people might see names in that list, they might see their own name, and oh my gosh, I better contact the publishers of penalties, because I didn't realise that was outstanding.

**Ms ARMITAGE** - These people don't seem to mind; they seem to be there every year.

**Mr JOHNSON** - Well, some are.

**Ms ARMITAGE** - Some of these really large ones, that's all.

**Mr JOHNSON** - Some also drop off the list because they contact us and pay, or other people contact us and let us know where they live and perhaps even what assets they might have.

**Ms ARMITAGE** - What ability do you have to reclaim the money, particularly from these mainland people, who owe such large sums? I understand that we can stop drivers' licences and a variety of things in the state, but what do you have against someone on the mainland who, for example, owes \$314 570 from Brighton, eastern Victoria.

**Mr JOHNSON** - You're quite right. Our enforcement tools, through you Attorney-General, are more limited with interstate and overseas people. Some might still be driving on a Tasmanian driver's licence, in which case we can suspend their drivers licence or their vehicle registration. Some choose to still have their vehicle registered here; that might persuade them to pay. If they've got property here, real property and they owe over \$1000, we can put a charge on that property. You'd be surprised by the number of people who do owe significant debt, and also own real property.

**CHAIR** - Thank you. Any other questions? It's always an interesting area and we always have to be sitting down when we learn how much is still owed to the state, but you know, we know that it is a very difficult area to claw back that funding.

**Ms ARCHER** - It is a shame that that debt is owed in the first place, I suppose.

**CHAIR** - I'm guessing those big amounts relate to fishing infringements.

**Mr JOHNSON** - Through you, Attorney-General, I'm not sure what the specific one was, but yes, generally fishing offences, the special penalties that might apply there. Fraud is another area where some big fines can occur. Arson, where compensation orders were made, and especially the big amounts, very hard for us to collect, because it's often very hard for people to pay the very big amounts of money.

**CHAIR** - Put them on a payment plan.

**Mr JOHNSON** - A lot of them are on payment plans, yes.

**CHAIR** - Thank you very much. I had a look at capital investment, and we've already talked about the Burnie Court, so that's one of the major things, and then there's video conferencing.

### **Output group 1**

#### **The Office of the Director of Public Prosecutions**

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

**CHAIR** - I'm going to take the opportunity to go straight to the office of the DPP, 1.1, so thank you Wayne. We don't want to hold up Mr Coates any longer than he needs to be away from his office. Do you have anything, Attorney-General?

**Ms ARCHER** - I'm very happy for you to start asking your questions.

**CHAIR** - Thank you. First of all, there is an increase, which I know will please Mr Coates and his team, of around - well, it's actually just a tad over \$2 million. The committee would be interested to know how that is going to assist in the operations of the DPP. What are the outcomes from the setting up of the drug and serious fraud unit within the office as well. They are the couple of areas, thank you, through you Attorney-General to Mr Coates.

**Mr COATES** - Some of the \$2 million increase is money that's come over for the serious fraud and drug unit; I don't have precise figures. It has meant that a number of the very serious matters that are complex we have been able to resolve by having people work permanently on those matters. For example, we just finished one earlier in the week, so we've got a number of big matters that will be coming up in the next few months. \$400 000 and something thousand will employ to level three crown counsel to work on the serious offender's legislation, which is going to create twofold increase in the office.

Firstly, the legislation imposes an obligation on the office to have all the people that are currently on a dangerous criminal declaration be reviewed within three years in the Supreme Court. We're going to have to monitor all serious offenders before their release to see whether they should have a high-risk declaration which means that upon their release from prison if the declaration is made it can be serious orders to supervise them. The other area which we made a submission for in the budget was to increase our sexual assault and family violence unit, which is chronically overworked. One of the particular services we provide is a pre-charging advice service to Tasmanian Police. We would like to benchmark ourselves on four to six weeks for the turnaround for those advice, but we haven't been able to achieve that.

**CHAIR** - So have you pushed out an extra two weeks, an extra three, maybe more?

**Mr COATES** - Maybe more, yes. The advantage of having pre-charging advice for especially historical sexual assault matters, which are quite complicated, is firstly if there are to be no charges, then it doesn't give a false hope to the complainants, and secondly if there are charges, to have the charges correct. The other issue with our sexual assault unit is that we haven't been able to maintain the same counsel throughout the history of a particular matter because of the number of staff we have. The final thing is we hope to convert two of our witness assistance officers, that we've currently been relying on the solicitor guarantee fund for funding, to be in the ongoing funding of the office, so.

**Ms ARCHER** - Which I announced yesterday.

**Mr COATES** - Yes.

**CHAIR** - So the Solicitors Guarantee Fund, Attorney-General, will no longer fund that area. It will be self -

**Ms ARCHER** - What I said earlier was the \$2.2 million that was going to the legal assistance sector also included an allocation to the DPP with respect to what Mr Coates was just referring to, to fund that, so.

**CHAIR** - So that should allow some extra funds available out of the Solicitors Guarantee Fund for other aspects.

**Ms ARCHER** - The reason we are covering what we have is because the Solicitors Guarantee Fund has insufficient funds at the moment due to a number of reasons, lower interest rates that and that sort of thing. What the Government has done is stepped in and provided the funding that would have otherwise been provided under the SGS, so nobody has a shortfall or is not funded. The office of the DPP will still get their funding for that out of that \$2.2 million bucket, and this \$6.4 million over the forward estimates, as Mr Coates has kindly itemised, addresses those things that he requested.

**CHAIR** - There were some extra lawyers, and you spoke about those in last year's contribution to this committee. How's the staffing in the area? I mean you can always do with more; we all appreciate that, but has that legal assistance that's come on board, have they stayed with the department, have they found a home, or have they moved on.

**Mr COATES** - We have lost some senior staff, and that's not necessarily a bad thing, for example -

**Ms ARCHER** - One was appointed a magistrate.

**Mr COATES** - That's what I was about to say, so that's -

**CHAIR** - His opportunity to step up for others.

**Mr COATES** - It gives an opportunity to step up. We've just had interviews Monday and Tuesday for level three positions. It will mean a number of our level two lawyers will get promoted, which is good for morale in the office. We have a lot of people who stay long term



because they have a strong commitment to the work, and not just the court work but assisting the many people that my office assists.

**CHAIR** - What about the new home, that was obviously a big move, is that adequate?

**Mr COATES** - The Crown Solicitor has moved to a building in Macquarie Street, and we took up some space, so that meant our child safety group, who were off site, were able to be part of our group, which means that they can also do a little bit of other work, which helps their development and also, I think helps their satisfaction levels.

**CHAIR** - Dealing with child safety matters day in day out I expect would be very, very challenging.

**Ms ARCHER** - Very challenging work.

**CHAIR** - Unfortunately drugs have been a growth area, and also family violence, is that still the case that you're aware of?

**Ms ARCHER** - I'll need Mr Coates to respond to that specific.

**CHAIR** - Sadly the growth.

**Mr COATES** - It's actually gone down as a percentage of persons convicted last year about 12 per cent. Personal violence is still the highest with 31 per cent. Sexual offences are 13 per cent. That doesn't necessarily sort of correlate with our workload, because often, particularly with sex crimes, there's a low plea rate. Well I'd say there's a low early plea rate, so it means matters are prepared for trial, they'll either go to trial or there's a plea at the last moment. They're basically the figures. With the drugs matters it's not necessarily the percentage of the total numbers, for example one drug trafficking matter just counts for one matter, where one dangerous driving is one matter, but there's a lot more work than a complex drug file than there would be in a dangerous driving file.

**CHAIR** - Yes, there's a lot of evidence to gather to be able to achieve a conviction and proceed and then hopefully you see the conviction.

**Mr COATES** - Yes. I suppose the work has changed from when I first started, which was a long time ago. Drug trials used to be our easiest cases, that you know, you have some cannabis plants that the police officers found, and you called two police officers and maybe a botanist.

**CHAIR** - it's a bit more sophisticated now?

**Mr COATES** - Yes. Now it's all powder based, it's all telephone intercepts, banking records, and so on.

**CHAIR** - Thank you. I'm going to open it up to the rest of the committee to see if there's any other questions in regard to this area, and also, we're happy to take matters as well, Attorney-General, and I know often this is the only opportunity that the DPP gets to present to the committee, so if there's something that we need to be informed about, please share.

## PUBLIC

I mean we could ask the same questions year in year out, and possibly get the same answers, but we are just information gatherers, so.

**Mr VALENTINE** - Just staffing levels, I suppose.

**CHAIR** - We don't have actual numbers, so we'd be happy to take the actual -

**Ms ARCHER** - They've increased, that's basically we're funding more staff as a result of the request. I've worked very closely with Mr Coates on that in recent years to bring their resourcing up to a much better level, and we continue with those discussions as matters increase in various areas, we try to address those with additional resources.

**Mr VALENTINE** - And we don't want people chronically overworked.

**Ms ARCHER** - No, absolutely not and I'm very conscious of that. I think also what we've just discussed about the move of the prosecutors dealing with those child matters of bringing them integrated into the office of the DPP has been a really good thing for morale and also for their development and professional development as well. All of those things make a huge difference.

**Mr VALENTINE** - Thank you, Attorney-General.

**CHAIR** - We've also in the past been able to gather the numbers for discharges. That's always a useful piece of information and if the former member for Windermere was here, he'd be all over this.

**Mr COATES** - There were 179 people discharged in 2020-21. I should say, unfortunately our statistics don't pick this up but not all matters that are discharged means nothing happened. So, for example, under the criminal code there's ability to remit more minor matters back to the Magistrate's Court and that will come up as a discharge but they've actually been dealt with, that matter. Particularly during COVID we discharged some matters in the Supreme Court and dealt with them with less charges in the Magistrate's Court.

**CHAIR** - So are you responsible for some of those numbers in the Magistrate's Court, if you like?

**Mr COATES** - Well, I suspect the numbers we have given, the large numbers in the Magistrate's Court, it would not have too much effect on the Magistrate's Court -

**CHAIR** - The few that you send back.

**Mr COATES** - Yes.

**CHAIR** - I'm certainly always interested in legislation that needs to come to the parliament and is there anything that, you know, that you consider is warranted that we need to be mindful of, or address our minds to?

**Mr COATES** - Sorry, I didn't -

**Ms ARCHER** - Well, I know when Mr Coates does have an issue or discovers something he always writes to me and we discuss that and we always consult likewise on legislative reform as well. There are standard legal stakeholders that we consult with of which the Director of Public Prosecutions is an essential legal stakeholder and he always gets an opportunity to comment on any proposed legislation and we always take those comments into consideration. As for anything specific at the moment, I'm not quite sure. I can't speak for Mr -

**Mr COATES** - I have to say generally when I've proposed legislation in the past it's been taken up.

**Ms ARCHER** - Thank you.

**CHAIR** - Another area that we like to cover off on is the summary prosecution, so some numbers around those would be useful to just see how things are tracking there. Can you split them up in regions?

**Mr COATES** - I can't split them up in regions.

**CHAIR** - That's okay.

**Mr COATES** - We dealt with - had 170 summary prosecutions and 47 lower court appeals.

**CHAIR** - Forty-seven?

**Mr COATES** - Yes. With the summary prosecutions that area's expanded in recent years because we've taken over - well, we do all the sexual assault matters now in the Magistrate's Court, all the serious driving in the Magistrate's Court where there's a fatality or serious injury, and we've taken over some Department of Prosecutions from DPIPWE, State Growth and some of Justice, basically we've taken over the more complicated regulatory prosecutions.

**CHAIR** - In the past you've also assisted with the Coroner for the Coronials? Have we got any numbers around that?

**Mr COATES** - I do. I did write them - I wrote them down this morning.

**CHAIR** - You were expecting that question.

**Mr COATES** - Yes.

**CHAIR** - We're creatures of habit, aren't we?

**Mr COATES** - Last year we dealt with - we had counsel of some 30 inquests. At the moment we're assisting in 29 inquest files relating to 39 deaths. I have also on occasions, in addition to counsel, had our witness assistance officers assist because as you can imagine some of these inquests are quite traumatic for families.

**CHAIR** - Yes. The good old unexplained wealth. I mean that's always an interesting one.

**Mr COATES** - Last year we had unexplained wealth declarations of \$733 489.

**CHAIR** - A bit short from the year before.

**Mr COATES** - Well, no, that was up from the year before.

**CHAIR** - It was up?

**Mr COATES** - Forfeiture orders of \$104 326 and pecuniary penalty orders of \$7835, which meant in total under the Crime Confiscation of Profits Act \$845 650. The unexplained wealth declarations will bounce quite considerably from one year to another, depending on whether a matter's been finalised because they do take some time to deal with.

**CHAIR** - Takes a while to hunt the money down.

**Mr COATES** - Yes.

**CHAIR** - I can imagine. You won't have to worry about hunting mine down, that's for sure. We've got the FTE numbers. I think that's pretty much covered the areas that we normally request information from, so Mr Coates, thank you. We know how precious your time is and the committee acknowledges the work that you put in to just gathering the information and we wish you all the best in the work that you do, thank you.

**Mr COATES** - Thanks very much.

**Ms ARCHER** - Thank you.

**CHAIR** - Attorney-General, we shall suspend for a short five-minute break. Thank you.

**The Committee suspended from 12.06 p.m.**

**The Committee recommenced at 12.11 p.m.**

**Output group 1  
Integrity commission**

**1.1 Integrity commission**

**CHAIR** - Welcome back and I'll recommence the broadcast. Attorney-General, we are up to the Integrity Commission, so if you need to bring anyone forward then please do so.

**Ms ARCHER** - I'm very happy for Mr Easton to come up if he needs to but let's see what the questions are. Obviously, if they're political in nature I'll address them.

**CHAIR** - Thank you. Ms Siejka, let's begin.

**Ms SIEJKA** - Minister, I would like to know the number of investigations that were completed and dismissed in the last year. We usually ask about it, so it's just good to have a comparison.

**Ms ARCHER** - I'll get Mr Easton up for that.

**Ms SIEJKA** - Thank you. See, it wasn't political.

**Ms ARCHER** - I'm just very conscious of the Integrity Commission's role.

**Ms SIEJKA** - Yes, I know.

**Ms ARCHER** - As you know, yes.

**CHAIR** - We have the Chair and members of Integrity Commission on our committee, so that's -

**Ms ARCHER** - Exactly. Michael Easton is the CEO.

**CHAIR** - Welcome, Michael.

**Mr EASTON** - Hello.

**Ms ARCHER** - I'll just get you to repeat the question.

**Ms SIEJKA** - Yes, thank you. The number of investigations that were completed and dismissed in the last - I guess the last financial year's probably easiest.

**Mr EASTON** - Through the Attorney-General. We concluded three investigations in the financial year to 30 June 2021, and of those one was referred and one was not finalised.

**Ms SIEJKA** - And?

**Mr EASTON** - The other one was - yes, one was referred, one was not - actually two were referred, sorry, and one was not finalised. That makes three.

**Ms SIEJKA** - How many are underway at the moment?

**Mr EASTON** - We would have four investigations underway at the moment.

**Ms SIEJKA** - How long do they normally - what's the period of time - how long's a piece of string?

**Mr EASTON** - Yes. We tend to take the median duration rather than the mean, so I wouldn't talk about the average. In the last financial year, the median was 246 days, so that's off a pretty small sample base. The previous financial year the median was 205 days and in that financial year we concluded five investigations, so it's a bit more of a sample. I would say on average it would be around 200 days, and that's working days.

**Ms SIEJKA** - Yes. The other thing I noted, Attorney-General, I've been saying minister. I think I noticed Attorney-General. Under 1.1 Integrity Commission in that particular budget line it drops away just in the forward Estimates, and I note the explanation there around the Misconduct Prevention Education and Oversight Initiative. Can you talk to what that initiative was about and why - what the completion has enabled?

**Ms ARCHER** - I'm very happy - I think Mr Easton should address that given it was something implemented by the Commission.

**Mr EASTON** - The first part of your question was it drops away?

**Ms SIEJKA** - Yes, it drops away and I see there's a note there about the funding for that program.

**Mr EASTON** - Yes. The submission we made was based on a three-year timeline, in fact we'd call it a surge. The funding that the government has provided has been very much based on that three year period, although it then projects out beyond that. In terms of the program itself, I'd like to say that all of our work is very much collaborative within the Commission. It's not like we have our investigations arm and our misconduct education arm. It's very much all part of the same parcel. Having said that, the program that we put to the Government, and which has since been funded, provides for an expansion of our educative arm, and education leads to prevention. It's \$600 000 per year or so, roughly \$600 000 per year for the next three years. That will enable us to have at least five new positions in our education area.

We're actually breaking our education into two strands. It's been very much, to date, just education, whereas now we'll have an education stream with a couple of positions and also a research and analysis stream, because we're going to be receiving a lot of research data over the next couple of years. There are reasons for that, which I can go into. There's an expansion there.

Equally, there's a new position within our operations team to build our capacity to deal with compliance and monitoring. An example of that would be the parliamentary disclosures of interest that all MPs make every year. We have slowly built our activity in that area. We've always monitored it, but over the last couple of years, as we've said publicly, we've wanted to do it more forensically. With that element, there's also the lobbying register and code of conduct, which is within our role. To date, it's been very much managed through the Department of Premier and Cabinet; however, that will change.

**Ms ARCHER** - Yes. Correct.

**Mr EASTON** - We want to establish a revised - or a new system for doing that. That's part of our role under the act.

**Ms SIEJKA** - Good to have arm's-length as well.

**Ms ARCHER** - Yes. I think it's a great initiative. Yes. Well, it's a policy decision of ours to refer it through to the Integrity Commission.

**Mr EASTON** - We want to monitor that as well. That's part of our role. We've got a new position there to do that. There's a final position within our corporate services area, which this funding provides for, which we have termed a business systems analyst. We are building these systems and, not least, the lobbyist register will be a system we need to manage. We need to ensure that we're working efficiently in that area, so we need this analyst to make sure our systems are on track. Particularly our website, which we are going to need for the lobbyist

register, again, but also for other activities that we're doing. There's a number of positions coming our way. I'm -

**Ms SIEJKA** - It sounds like there's a lot of work. Might need that funding continued.

**Ms ARCHER** - Or just put more funding in, which is what Mr Easton was saying.

**Ms SIEJKA** - Yes, but in that last forward Estimate it drops off again. But, no, it sounds like more may be needed.

**Mr EASTON** - I'm happy to answer that further, if you'd like, Attorney-General. I'm comfortable with it being a three-year -

**Ms SIEJKA** - Okay.

**Mr EASTON** - funding commitment. I guess I will be coming back at some point, saying, 'Okay, we've established this three-year program. Here's what we need' -

**Ms SIEJKA** - The next -

**Mr EASTON** - 'going forward'.

**Ms ARCHER** - Yes. Which is what we do.

**Ms SIEJKA** - Yes.

**Ms ARCHER** - Forward Estimates is that -

**Ms SIEJKA** - Yes.

**Ms ARCHER** - And we can make changes, if required.

**Mr EASTON** - The fourth year in the projection actually still provides for an increase.

**Ms SIEJKA** - All right.

**Mr EASTON** - So it's not like we're dropping back to what we were. There is a slight increase to keep two of those positions permanent, because they're all three-year positions, as it stands. As the Attorney-General says, we'll come forward with some new initiatives or how we plan to go for the next three years or so.

**Ms SIEJKA** - All right. The other question I just had was - you just mentioned research data, so I just wondered what the expected research data was going to be around?

**Mr EASTON** - As I say, we're creating a new stream which is predicated on research and analysis. We have launched a new online training course called Integrity in Public Service; we've been building that over the last 18 months or so. Built into that course - and, I should say, that course is then open to all of our constituents, who number 40 000, public sector employees, including yourselves.

Built into that course are a number of surveys. It's not surreptitious, it's just designed to flesh out what the people doing the courses themselves see as the risks within their agencies, rather than us coming to those agencies and saying, 'Here's what we think the risks are'. We actually want to hear from the agencies, because all the agencies have different risk areas themselves.

We're actually going to get a wealth of data coming back from that, and we need to have capacity to turn that around and deliver back to each individual agency a training program that will suit their needs. We're not going to deliver that whole training program; it's a collaborative thing. Again, we need agencies to have capacity to deliver training themselves, but we will help them build an education plan, which then we can both deliver and measure, in particular. In 10 years' time, when we review how we're going, in terms of public sector awareness and training and delivery, we'll have something to measure against.

**Ms SIEJKA** - Thank you.

**CHAIR** - All right. Thank you. Last year there was quite a big education program, and COVID-19 put a bit of a stop to that. I'm just interested in whether you've been able to pick that up. And you did also refer to some online training as well. I'm just interested in where that online training is within your organisation.

**Mr EASTON** - Yes. As I was just talking about, we have now prepared our online courses. It's not like we didn't have an online presence; we did. However, this particular course seeks to provide a - suitable training approach for the range of public sector employees that we have. So, for example, as parliamentarians, if you were to do that course, you would go into a particular area of that course. It wouldn't be the same as, to use an extreme example, a person who is in the outdoor workforce in a council.

**CHAIR** - Right.

**Mr EASTON** - It would be pointless having you doing the same course. We've developed an overarching approach, which enables the different public sector type to do a particular section of that course. And, then, even within that it provides for senior managers, middle managers and staff. We feel like this new course that we've developed has superseded pretty much all of the online material that we've done - at least the training courses we've done. It's got a wealth of online material built into it. We've developed over 250 training and fact sheets over the last 12 months or so, which now sit within that course and can be used either online or in face-to-face training. You mentioned about the number of people.

**CHAIR** - Yes.

**Mr EASTON** - So I'm just looking at the figures - compared to last year, where we had a total of 959 face-to-face delivery experiences, we're down to 633. I will blame that on COVID-19; at least for the last part of the last financial year, our face-to-face training dropped off. Even for the first part of this year, it's just all run away. Hence our ability to develop our online presence and all the material that goes with that. We'll still deliver face-to-face training; there's always a need for that. And depending on your market, in a sense - again, if I use the example of outdoors staff who aren't always using the computer or have access to a computer, having a set training day, face to face with people like that, actually is a far more beneficial outcome than relying on online courses.



**CHAIR** - Right. Have you got a number for the amount of people that have accessed the online?

**Mr EASTON** - No. I don't, I'm afraid.

**CHAIR** - No?

**Mr EASTON** - We've only launched it in the last month or so. It's -

**CHAIR** - But you're really happy with how it's tracking?

**Mr EASTON** - Absolutely. We've now written to all state sector agencies - I'm not sure about local government - with a promotional letter and a fact sheet saying, 'Here's the online course'. What we want them to do is not to come at it ad hoc. We want the key person within the agency to come with us, and then we can work with them to figure out how best, for their agency, to work through the course with their staff.

**CHAIR** - All right. Thank you. Questions, members?

**Mr VALENTINE** - Yes. I'm interested in -

**CHAIR** - Thank you, Mr Valentine.

**Mr VALENTINE** - I know you've got your annual report coming in October. I'm interested in understanding - or for the committee here, I suppose - the spread of cases that you've had presented to you through this year. Do you have a categorisation of those, maybe, that you can share?

**CHAIR** - Do you mean through department and local government break-up?

**Mr VALENTINE** - Yes. However you've categorised them.

**Mr EASTON** - By sector is how I'd answer it.

**Mr VALENTINE** - Yes. By sector.

**Mr EASTON** - Yes. In the last financial year - so, yes, this will be reported in our annual report - we received a total of 171 complaints, and then there's one carried forward. Within those complaints, there were 175 sectors, because some complaints can relate to more than one sector. Would you like me to go through the numbers? There's probably - I'll make it simple. Out of those 175, roughly a third related to the state service. And we separate police out of that - we'd consider police as a separate agency. So 67 were the state service, 55 were with Tasmania Police, and they make up - I guess that's nearly two-thirds of them, if not more. Then the next one was local government, at 26. There's a range of smaller ones, state-owned companies - Parliament, for example, for which we received 10 complaints.

**CHAIR** - Ten?

**Mr EASTON** - Yes. And three which weren't in -

**Ms ARCHER** - By other members, usually.

**Mr EASTON** - And three which weren't in jurisdiction. So that's 175, all up.

**Mr VALENTINE** - Yes. All right. So Tas Police - you know, those sorts of things are related to processes and procedures that police carry out? You know, people having a complaint that their matter wasn't handled correctly or - is it that sort of thing?

**Mr EASTON** - Yes. Through the Attorney-General. I would say - and I don't have the figures here, so this is an observation - most of the complaints we receive about police are about - or relate to the performance of online activities. Arrests and use of force and so on.

**Mr VALENTINE** - All of those sorts of - yes.

**Mr EASTON** - Yes. Bearing in mind that probably - I don't have the figures, Darren Hine would have those - there are a lot of complaints made directly to police. These are the ones made -

**Mr VALENTINE** - These are the ones that they don't get -

**Mr EASTON** - - to us about police.

**Mr VALENTINE** - - satisfaction with the police, they'll come to you?

**Mr EASTON** - Not necessarily.

**Mr VALENTINE** - No?

**Mr EASTON** - No, they may come to us first. Under our memorandum of understanding with Tasmania Police, where it relates to a non-commissioned police officer and isn't serious misconduct, we would automatically refer that on to police. Of those 55 - and, again, this is just an observation - I would say 95 per cent, if not more, of those we have referred directly to Tasmania Police, because they're about frontline officers. Some do relate to the processes of investigations that police have undertaken, and then we'll engage with police on those, but the great majority come in through our door and end up with police, and then they let us know how they've deal with them later.

**CHAIR** - Thank you.

**Ms ARCHER** - Which I think is quite expected, because it's public order.

**Mr VALENTINE** - No, that's cool.

**Ms ARCHER** - Yes.

**Mr VALENTINE** - Yes. No, I just thought it would be - it's good to run through exactly what you deal with.

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**CHAIR** - Attorney-General, there's to be some amendments to the act. Can you just give me an update of where that is?

**Ms ARCHER** - So members will -

**CHAIR** - Just so I know how much work the Integrity Committee might have.

**Ms ARCHER** - Yes. Work's underway currently between my department - consulting with the Integrity Commission, taking into consideration the independent statutory review that was done by the Honourable William Cox. Working with the Integrity Commission, my department will be looking at things that the Integrity Commission would like to see, by way of reform and any other matters that were raised in the Cox report - whether or not they are still needed or updated, because that report was done a little time ago.

In that report - I must say that it was a very comprehensive report, containing 55 substantive recommendations, including 45 proposed technical amendments. The other more recent review was the previous Joint Standing Committee on Integrity review as well. There's been a bit of work done on this. The department's now working with the Integrity Commission on any future likely reform.

**CHAIR** - Thank you very much. We're happy now to move on to the ombudsman, who has -

**Ms ARCHER** - He's got rosy cheeks because -

**CHAIR** - Yes. Thank you, Michael.

**Ms ARCHER** - - he's rushed to get here.

**CHAIR** - Yes.

**Ms ARCHER** - I thank him for doing so.

**CHAIR** - On behalf of the committee, we thank him for doing so too.

**Mr VALENTINE** - Thanks, Michael.

**Ms ARCHER** - No. Look, if it means we all get out and finish earlier today, I think we're all very happy with -

**CHAIR** - Yes. Some members have a long way to go.

**Ms ARCHER** - - The Ombudsman being able to come earlier.

**CHAIR** - So thank you very much -

**Mr CONNOCK** - That's quite all right.

**CHAIR** - So thank you very much on behalf of the committee, thanks, Mr Connock.

**Ms ARCHER** - We'll let you catch your breath.

**Mr CONNOCK** - Thank you, that'd be nice.

**CHAIR** - We'll try and get the longest preamble question that we possibly can while you grab yourself a drink.

**Mr CONNOCK** - No, that's all right. I'll be fine, thank you.

**Output group 1**

**The office of the ombudsman**

**1.1 Decisions on complaints referred to the ombudsman and health complaints commissioner and right to information**

**CHAIR** - We welcome to the table the Ombudsman, Mr Connock.

**Mr CONNOCK** - Thank you.

**CHAIR** - Minister, is there anything that you -

**Ms ARCHER** - No. I'm very happy for you to commence with questions.

**CHAIR** - Thank you. I shall head down the table to Mr Willie, thank you.

**Mr WILLIE** - Thank you, Chair. I do have a bit of a preamble.

**CHAIR** - Thank you.

**Mr WILLIE** - Attorney-General, I've been made aware of a constituent who has a complaint regarding his interactions with the Health Complaints Commissioner's office. His only option is to make a complaint to the Ombudsman's office but there are no protocols in place to deal with conflicts of interest of the officers being the same statutory officer. His complaint about people in the Health Complaints Commissioner's office have been in preliminary inquiries for several months, since they confirmed they had officially accepted the complaint twice due to an administrative error.

Attorney-General, do you acknowledge there is a conflict of interest issue here when the only way a member of the public can make a complaint about the activities of their Health Complaints Commissioner is to the Office of the Ombudsman?

**Ms ARCHER** - I'm sure that there are processes in place in that office to deal with conflicts of interest so I might get Mr Connock to address that question. Because that particular function has been in his office and I'm sure there's a conflict arrangement in place.

**Mr CONNOCK** - There has been. I might say I think I know the complainant you're talking about. He is almost the first to have made a complaint against the Commissioner to the Ombudsman. It hasn't arisen in the past. We have been, as it were, waiting for it because we are aware of the -

**Ms ARCHER** - I'm just conscious of your mic.

**Mr CONNOCK** - I was forgetting about that, sorry. We have been aware of the potential for a problem with this for a while and having received that complaint we're actually in the process of beefing up our processes. We do have all our various jurisdictions that are essentially siloed, so while I'm a parliamentary ombudsman, I'm the Health Complaints Commissioner Custodial Inspectorate, each of those has separate staffing, separate databases and a separate principal officer for the day to day operations. They do effectively act independently. We can't get away from the fact that I am the Ombudsman and the Commissioner for the sake of the complaint but we are aware of it and we are, in fact, toughening up our systems as a result of this complaint, to ensure that if you're working in Ombudsman you can't access a health complaint file and so forth.

Answering your question further, if this complainant is not happy with the situation with me as Ombudsman dealing with the complaint against the Health Complaints Commissioner, and is not satisfied with the outcome, they can always take that to the Joint Standing Committee on Integrity. The Joint Standing Committee won't readdress the complaint and its issues but it will deal with our processes and how we've conducted ourselves. There is a final line of -

**Ms ARCHER** - Yes, and if I could add to that, I mean it's no different really to the situation where we've had to look at with forming TasCAT as well, where you've got nine different tribunals and boards coming together, and their original concern was the privacy of each of the files. Where there might be sensitive matters we silo those off within that whole type of body. It's not unusual in these types of matters.

**Mr WILLIE** - So your advice, minister, if a constituent's unhappy to go to the Joint Standing Committee on Integrity to raise that concern. If the processes are then changed subsequent to that, would that constituent then be able to resubmit a complaint?

**Ms ARCHER** - Well, there's a statutory process to go through and I think Mr Connock just made it very clear exactly what that process might be, yes.

**Mr WILLIE** - I don't know whether that is going to be -

**Ms ARCHER** - If this process reveals that, you know, they might need some reform in that respect then I'm very happy to look at it but, you know, at this point in time I feel that Mr Connock's response is adequate.

**Mr WILLIE** - I want to make it clear my question is not a direct criticism of the Ombudsman or Mr Connock or the Health Complaints Commissioner, I don't know the relevant facts in the matter.

**Ms ARCHER** - I know. I'm just finding you're asking the same question a number of different ways.

**Mr WILLIE** - But the question is around conflict.

**Ms ARCHER** - I give an answer and you're not accepting the answer.

**Mr WILLIE** - No, that's not correct either.

**Ms ARCHER** - I've thrown the question to Mr Connock to answer and the answer's there, so I can't add to that.

**CHAIR** - Thank you. Any more questions?

**Mr WILLIE** - I'll just have to inform them that's what they'll have to do.

**CHAIR** - Thank you.

**Ms ARCHER** - Well, hang on, I'm not - if Mr Willie's going to play politics with something where I think Mr Connock did answer that question, and I asked him to address that question deliberately because within his office he's got a particular way of dealing with this, so please let's not play politics and paint me out to be something that this is a process matter. As the Ombudsman has just explained -

**Mr WILLIE** - Which I have acknowledged.

**Ms ARCHER** - There is a process for dealing with a conflict and -

**CHAIR** - And that's been identified.

**Ms ARCHER** - And that's been identified.

**CHAIR** - Thank you. We are always interested in staffing numbers in your department because we know - in this department, Attorney-General, because we know how resource hungry the work of the Ombudsman is.

**Ms ARCHER** - This budget fixes that.

**CHAIR** - So we are delighted that there is an increase in the budget and so can we have some FTEs and last year there was a vacancy. Has that vacancy been filled? Which was only in November obviously, when we've -

**Ms ARCHER** - I'll let Mr Connock address that because there have been a few issues with filling some vacancies, which point directly to backlogs, and it's not a resourcing issue and I'm sure he can clarify that because we've worked very, very closely with Mr Connock and I thank him for his assistance in providing us with information on what resources he requires to not only address backlogs, but to carry out all of his different functions. You'll see the significant amount of funding that we've put in across the forward Estimates in relation to his request.

**CHAIR** - Thank you. Mr Connock.

**Mr CONNOCK** - Yes, thank you.

**CHAIR** - Through the Attorney-General.

**Mr CONNOCK** - Through the Attorney-General. Yes, we did have a vacancy last year, that was the Band 6 Senior Review and Administration Officer in the Right to Information

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jurisdiction. We have since filled that position. We have, however, had some more staff movement over the past 12 months and we're currently recruiting for three positions in the custodial inspectorate and a new principal officer in the Right to Information jurisdiction.

This new funding allows us to - we only ever had, as you know, 1.8 officers in the custodial inspectorate. This current funding, we asked for all sorts of things but we were asked for priorities and all of those priorities have now been funded, and the first of those was the custodial inspectorate. We now have funds to fill a salary shortfall which we've been dealing with in the past so that the two previous positions can now go back up to full-time. We also have a new Band 5 full-time officer there, so we will have a complement of three, which will make a very big difference to the inspectorate.

Still having difficulties - still playing catchup from COVID-19 and from historical under-resourcing but this new funding will allow us to go ahead in a much more efficient manner.

**CHAIR** - That might save some contact to my office.

**Mr CONNOCK** - It might.

**CHAIR** - I think we all may be -

**Ms ARCHER** - If I could clarify, the \$245 000 for that initial position, that was in the last budget and due to internal reasons for not being able to fill that vacancy, that's the reason for there still being some backlogs there. Mr Connock is very confident with that position now coming online will make a huge difference in addressing that. Because the Premier and I have taken a very close interest in this, because we'd like to see the RTI backlog remedied as soon as practicable.

**CHAIR** - That certainly helps - and I mean all of us at this table I expect have read the Public Accounts Standing Committee report. It was clear from that that the office was under-resourced and

**Ms ARCHER** - I'm very happy to deliver this funding, finally. I think it's going to make a huge difference to all of Mr Connock's functions and particularly custodial inspectorate. It's no secret that there's been some things that have needed to be said by the custodial inspector that I've taken onboard in respect to my other role, but we're certainly continuing to resource that role that we created in government.

**CHAIR** - Are we able to get the full complement of your -

**Mr CONNOCK** - What we're going to be putting on?

**CHAIR** - No, the full complement now where you've told us what you're going to be adding. Last year we had 18.9 FTEs which was 26 people.

**Mr CONNOCK** - Yes, and I've now got - sorry.

**CHAIR** - No, that's fine.

**Mr CONNOCK** - I have, yes, it's 19.4, I think, now. 20.3 FTE - 20.3 people with - I can't even read my own writing, I apologise.

**Ms ARCHER** - Which will increase.

**Mr CONNOCK** - 19 FTE and 23 people - 28 people.

**Ms ARCHER** - Which will increase with this -

**CHAIR** - With the new -

**Mr CONNOCK** - Which will increase by -

**CHAIR** - Once those positions are filled.

**Mr CONNOCK** - One fixed term position for 12 months, two permanent investigation officer positions and a deputy ombudsman and a conciliator.

**Ms ARCHER** - The deputy ombudsman position, I don't know if members are interested in that but it's something that Mr Connock put to us and it makes sense to have someone that he can delegate his roles and functions to, who can decide on a day to day basis rather than by reason of going on leave and formally delegating. Just on a day to day basis will give that backup and operations -

**Mr CONNOCK** - Conflicts -

**Ms ARCHER** - Yes. I think that that is going to make a huge difference to dealing with all of the everyday functions as well.

**CHAIR** - I'm not sure if you'll have the numbers of complaints available.

**Mr CONNOCK** - I do.

**CHAIR** - I know the annual report's going to be out in October but just to get them now, if we might.

**Mr CONNOCK** - Thank you, Attorney-General.

**Ms ARCHER** - Yes, yes, absolutely.

**Mr CONNOCK** - With the caveat that the annual report has not been finalised yet, so this - we haven't had the figures audited so it may be subject to change.

**CHAIR** - That's fine.

**Mr CONNOCK** - But it's not substantial. We've had an increase in complaints in health complaints to 440 ahead of 323 and we've also managed to close 488 compared to 371 last year. So that's a pretty good stat for that jurisdiction which hasn't been able to function well for a long time because of its resourcing issue. Hopefully we're turning a corner there.



Ombudsman, there's also been an increase of complaints, an 11 per cent increase in fact to 715 from 642 and inquiries have also increased from 495 to 538, so that's a 9.5 per cent increase there. Additional officers will be handy.

**CHAIR** - And the RTI requests?

**Mr CONNOCK** - RTI we have had - we received 70 new applications for external review compared to 65 last year and 57 the year before that. Our closure rates have also increased to 50 from 46. We conducted 18 external reviews this year compared to 21 last year but we have been working in other ways to resolve applications, rather than pushing them all through to formal decision. A full complement of staff allows us to do that. We can now case conference and -

**CHAIR** - Mediate?

**Mr CONNOCK** - Well, we have the power -

**CHAIR** - Is there mediation?

**Mr CONNOCK** - We have the power to direct how a review proceeds to promote settlement and to conciliate and what we've started doing with some of the larger agencies who are responsible for a number of requests -

**CHAIR** - Like housing?

**Mr CONNOCK** - Yes, communities, health, police and DPIPWE. We have been meeting with them, their officers and our officers together and going through each of those applications and saying now, is there any way - bearing in mind always that this can't be like an ordinary conciliation because an applicant is entitled to that information unless it's exempt information. If there is an exemption that applies the agency is entitled to stand on that and not release. We can't push anybody into a position but what we're trying to do is say -

**CHAIR** - You can encourage them into it.

**Mr CONNOCK** - We can encourage, you know, do you still object to the release of this information? Is there some other way it can be given to the applicant? Those sorts of things. The other thing we're starting to develop is something that's done in other jurisdictions referred to variously as preliminary views, where rather than write up a full report, the information is reviewed against the application and the Act. A preliminary conclusion is come to that either (a) the exemption will be supported or it won't, and then notify the parties that if we proceed to a formal review, again bearing in mind if that's what they want they're entitled to it. But if we proceed to a formal review, this is the likely outcome, do you still wish to proceed? Of course, if they do, they can. We're not trying to discourage them, we're just trying to find some more practical and timely ways of resolving these applications.

**CHAIR** - On this committee we have a number of former local government representatives and we're always interested in how local government is tracking.

**Ms ARCHER** - Including myself.

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**CHAIR** - Absolutely including yourself. Last year local government, 81 slightly up. How is local government faring these days?

**Mr CONNOCK** - I have the stats. I think the local government in relation to Ombudsman but not in relation to other things, so I can let you know what sort of complaints we're getting there.

**CHAIR** - That's fine. Ombudsman is fine.

**Mr CONNOCK** - Here we are. We are slightly down, had 81 last year and 77 this year.

**CHAIR** - Slightly down.

**Mr CONNOCK** - Still up and down. It's a reasonably constant. The major source of complaints remains the Department of Justice, but that's because it has the corrections - a Tasmania prison service in it, and our largest cohort of complainants in all jurisdictions are prisoners. As you know, we have a direct line to their phone system, so -

**CHAIR** - You do. 24 hours, I believe.

**Mr CONNOCK** - No, we've had to limit it down to business hours. We were coming into the office with a tape full of all sorts of things, if I can put it like that.

**CHAIR** - Okay.

**Mr CONNOCK** - So we limit access. But that's working well.

**CHAIR** - Yes, okay. That's interesting.

**Mr CONNOCK** - So, prisoners know - and we're allowing - that's an ombudsman health complaints thing, but we're allowing contact through to custodial as well on that because it just seems the sensible thing to do. So, yes, they avail themselves of that, and we're able to give them reasonably quick answers on simple things.

**CHAIR** - And UTAS, the University of Tasmania. I note that they were down last year, but I made the comment that there wasn't anyone there; they were all away. Nobody was doing anything, so it was pretty hard to complain.

**Ms ARCHER** - You know, COVID-19, I think, across the board, it might be fair to say, has impacted, I think, on the number of complaints across the board because services were offline or dealt with in a different way.

**Mr CONNOCK** - I'm sorry, I can't seem to find that.

**CHAIR** - No, that's all right.

**Mr CONNOCK** - It will be here somewhere. Happy to take that on notice and let you know.

**CHAIR** - Yes, that would be fine, thank you. I made a couple of complaints directly to the Vice-Chancellor myself, but not through the ombudsman's office. I wrote very nice letters and got next to nothing back, I can assure you. So, open up for other questions, members, in this important area.

**Mr VALENTINE** - I think just for those that might be listening in, if Mr Connock could describe the role of the Ombudsman versus the role of the Integrity Commission. I think a lot of people get them mixed up and -

**CHAIR** - That's a good point.

**Mr VALENTINE** - It would be really useful if you could just describe that distinction as to what you deal with as opposed to what the Integrity Commission deals with.

**CHAIR** - Thank you, Mr Connock. The Attorney-General is very happy for you to clarify that.

**Mr CONNOCK** - All right. Well, the Integrity Commission - and I'll be corrected if they're still here.

**CHAIR** - No, they've left us.

**Mr CONNOCK** - They deal with complaints about misconduct on the part of public offices or public authority - public office primarily. We don't look at misconduct; as Ombudsman we look at administration.

Our jurisdiction is the administrative actions of public authorities which is a very broad brush, and we don't look at individual officer conduct; it's systems and the administration of government. So, that's the big sort of difference. We're not confined to misconduct or corrupt conduct or whatever. It's general administrative action. It can range from essentially misconduct all the way through to, you know, failure to notify of a renewal of licence or something like that.

People can come to us about any interaction they're having with the administration of government, and the object of the exercise is to improve the delivery of government to the citizenry. So, that in a nutshell is the difference. The only time we look at individual officer conduct is when we receive a public interest disclosure. We are the principal entity for receipt of public interest disclosures under that act, and a public officer can make a disclosure about another public officer, and we are bound to investigate that. But we do it under the Public Interest Disclosures Act rather than the Ombudsman Act. The Integrity Commission plays a role in whistleblowing as well, but if they accept a disclosure they have to investigate it under their Act, so it has to come within the definition of misconduct as their Act has it. So, they are still kept quite separate.

**CHAIR** - Quite separate.

**Mr CONNOCK** - Yes.

**Mr VALENTINE** - I think that's useful.

**CHAIR** - I think it's very useful because as the member for Hobart has indicated, it can be quite confusing about where to direct people, and so that's - so we'll be cut and pasting that and putting that by our phone, I suggest, for information. Obviously, Attorney-General, you also continue to have quarterly meetings; is that correct?

**Ms ARCHER** - At least quarterly. Sometimes even more frequently at the moment because obviously Mr Connock holds a couple of different roles, and so we do quite frequently meet, and as and when required as well. I'm very happy to meet with Mr Connock whenever he requires, and vice versa. If I need to or want to discuss anything with him, he always makes himself available. So, we have, I think, a good collegial working relationship and I'm very open to suggestions he makes and, yes, we keep in close contact particularly in relation to this backlog issue.

We've as a government wanted to address this, and I can't speak for Mr Connock, but I know from conversations, you know, he knows that we're very serious about this and hence the reason for putting the additional funding in there. We really want to turn this around so that the ombudsman's office can get on top of it. Start dealing with things in a timely manner and being adequately resourced for that purpose.

**CHAIR** - All right. Well, thank you very much and the information that we gather through this process is very important. It certainly helps members to, you know, understand where we direct people to when they have matters of importance that are covered under this area, and we especially like to thank Mr Connock for making himself available ahead of his former scheduled times. So, thank you. In light of that I'm happy to suspend our deliberations and we shall resume at 2 pm with prison services. Thank you.

**The Committee suspended from 12.51 p.m.**

**The Committee recommenced at 2.00 p.m.**

**CHAIR** - We've recommenced the broadcast and welcome back Minister for Corrections this time.

**Ms ARCHER** - Thank you. Chair, I'll introduce who's at the table with me because it's slightly changed. I have my Secretary of Justice, Jenna Webster to my left, to my immediate right I have Mr Ian Thomas who's our Director of Prisons, and then again Deputy Secretary in corrections and justice Ms Christie Bourne to Ian's right.

**CHAIR** - Okay. Welcome Ian.

**Mr THOMAS** - Thank you.

**Ms ARCHER** - By way of brief summary, Chair, the budget affirms my absolute commitment to effectively rehabilitating offenders and funds a number of initiatives to achieve this. Across the forward Estimates we've allocated almost \$29 million in additional funding for the Tasmanian Prison Service. This includes funding for five new therapeutic services, as well as three years for programs designed to reduce reoffending. \$16 million over four years towards meeting the costs of increasing demand pressures, and \$10.3 million of capital services funding.

Members are fully aware of our massive infrastructure spend by way of the southern remand centre and the northern regional prison project, and we can go into further detail on any of those things, but I'm pretty excited about the prospect of southern remand centre coming online. That will leave a lot of pressures in Risdon Prison in the immediate term, and obviously over the years this committee would be well aware of the growing population of remandees and also the need, in my view, and best practice also to separate remandees from the rest of the prison population and the southern remand centre will enable that to occur.

It's a pretty impressive design in terms of fit for purpose and modern design, in the way of how we now build prison facilities, and we can again go into more detail, and I'd encourage members to ask questions about that. It's very much a sign of the future and how you have far more of a focus on rehabilitation and prisoner wellbeing as well as staff wellbeing, it's important. Whilst maintaining security features you can do it in a way that's far more conducive to rehabilitation to ensure that we have better reintegration back into our community and for our inmates. With that, just a very brief overview, but I would like to highlight community corrections is a very important component of this portfolio, it's not just the Tasmanian Prison Service, in fact community corrections is involved with far more offenders than in our prison service.

Members will be well aware of the benefits of community-based orders and the work that our community corrections orders obviously do for recipients that are assigned to that type of sentence. It is a very valuable community service as well as rehabilitating offenders. We've had new partnerships there as well. I would like to highlight the success of the electronic monitoring in our monitoring and compliance unit that's run by our community corrections. They also monitor parolees now as I said in the previous output. Community corrections is very busy, and there is a cohort of dedicated staff within our Department of Justice I'd like to take this opportunity to thank all staff working across not only the department, but also our people in the TPS and community corrections. They all do wonderful work, often it goes without saying the last 13 months have been some of the most challenging times for everyone, but the fact that in our prison we've had no positive cases of COVID-19 by way of either a prisoner or a staff member. It is testament to the way which our prison system is being run, and I thank Ian Thomas in that regard personally as well for his good management of that. I'm happy to take questions.

**CHAIR** - Thank you very much, minister, and we certainly hope to delve into some of those areas which you touched on. I am interested particularly in the community corrections orders. I think it's a fantastic initiative but I feel like there has been, perhaps over the past few years, a few challenges to supervise those people that need to pay back to society.

**Ms ARCHER** - Yes, we can certainly go into that.

**CHAIR** - While we are there, we might as well get started on it, let's get into it now.

**Ms ARCHER** - It depends if you want to go in order or not.

**CHAIR** - No, I better not get out of order, because I ask everyone else to stay in order. I'll take the minister to the performance information output. I believe that it's in the interest of Tasmanians to know how many inmates we have in the Risdon complex, and that's an area which we want to have a look at, can we have those numbers?

**Ms ARCHER** - We can give you figures on Risdon, and we can give you whole of prison system figures as well.

**CHAIR** - Will that include the remand centres as well?

**Ms ARCHER** - The reception prisoners, yes, they're not solely remand.

**CHAIR** - Yes, thank you.

**Ms ARCHER** - Mr Thomas, whom I introduced earlier.

**Mr THOMAS** - Thank you, minister, through you. As of today we have 641 prisoners in custody in total. In the Risdon prison complex we have 304, so that's the RPC as we call it. At Ron Barwick today are 219, the women's prison have 50, Mary Hutchinson, and the reception prisons are 40 in Hobart and 28 in Launceston.

**CHAIR** - Right, okay. And that's slightly down on this time last year.

**Ms ARCHER** - It is. Our overall capacity is at the moment 80 something per cent I think, isn't it?

**Mr THOMAS** - 87 per cent.

**CHAIR** - 87 per cent, still quite high. So is there any -

**Ms ARCHER** - That's much lower than it has been.

**CHAIR** - Is there any reason for that, I mean obviously we've attributed COVID-19 to a number of areas of fluctuation over the past four days, is COVID-19 and the justice system anything to do with those low numbers.

**Ms ARCHER** - I'd like to think it's because, you know I said earlier that the judiciary is taking advantage of alternative sentencing options, and we are seeing that. I don't think there's any one cause, Mr Thomas might have something anecdotally, but we certainly haven't analysed why that is, but our figures are certainly down. I have said in parliament and I'm quite open about it, our pressures are in maximum security. They're the ones serving longer sentences, they're the most difficult to manage, and so those prisoners who are more difficult to manage, or have to have higher security classification, the numbers are higher, but across the board we're seeing much lower figures. I don't know if Mr Thomas has anything to add to that as to the reason why the figures are lower, but it's very pleasing that they're lower.

**CHAIR** - Absolutely. We have a measure in our output group in relation to the percentage of prisoners returning to corrective services within two years of release. Are those figures available, or that percentage?

**Ms ARCHER** - Yes, so that's why my strong focus has always been on rehabilitation. It's even stronger now as our recidivism rate over the last few years is high. We want to see that come down. A difficult component of that is a certain cohort which may not be able to be fully rehabilitated, but it is certainly our aim with everyone entering the system should have

every opportunity to rehabilitate and that's certainly our focus. We've begun more programs online, and put better investment in our physical facilities to allow for that.

We have brought TAFE on campus so that inmates who are enrolled in a TasTAFE course physically go to that on campus and they are students. Therefore, taking part in that is very much like an environment of going to college that day. We're doing everything possible to educate, train, to ensure that there's employment, and obviously to treat any drug and alcohol and other intervention or any other addictions by way of interventions. As for figures, I think Mr Thomas has that figure.

**Mr THOMAS** - Yes, through you Attorney-General. For the year ending 30 June 2021, the rate of return to prisons was 50.4 per cent.

**CHAIR** - Okay. Still quite high.

**Ms ARCHER** - Yes, it is, and that's what we want to work on intensively.

**CHAIR** - You had a target of 48 per cent, we're above the target. Is there any indication of whether the cost per prisoner per day is on track? There was a target of \$346 per day, do we know whether that will be met?

**Ms ARCHER** - I think the actual for the 2020-21 year is actually \$384 per day.

**CHAIR** - Quite a bit higher than the target is.

**Ms ARCHER** - It is, there are things which we respond to, obviously custodian inspector reports et cetera. I know that much has been done in relation to prisoners' diet, it's far more expensive to provide a prisoner with a better diet, but we're now doing that. That might account for some of the increase as well. When we look at raw statistics sometimes, we don't look behind the reason and so that's why I highlight that as a factor which can explain some of the increase in costs as well.

**CHAIR** - It wouldn't be just the food component for the additional costs.

**Ms ARCHER** - No, but what's taken into account are staffing costs, that sort of thing, so any increase in wages gets attributed towards the cost per day element, if there's anything else.

**Mr THOMAS** - Thank you Attorney-General, through you. The only thing that I was going to add is that statistically as a smaller jurisdiction we tend to be more expensive, cost per prisoner is higher in the smaller jurisdictions. That is just to do with economies of scale as you still have all the complexities of the larger jurisdictions.

**Ms ARCHER** - Thank you, yes, I forgot to mention that that is a real component of that cost, and you will see that in the smaller jurisdictions like the ACT and in South Australia as well.

**CHAIR** - Minister, the Legislative Council has had a couple of briefings now from various representatives of the community around a few different ways for justice reform initiatives. You talked about that in your overview, so I'm interested in exploring that some more. So the people, Greg Barnes, Michael Hill, the like.

**Ms ARMITAGE** - Just Desserts, I think it's called.

**CHAIR** - Just Desserts?

**Ms ARCHER** - Justice reform initiatives is what you recently had a briefing on by those people, but Just Desserts is a component of it, yes. Former chief magistrate Michael Hill is involved, yes, and they're also involved in a court mandated program where we have someone who's on a deferred sentence for up to two years whilst they rehabilitate. It has a really good success rate at that. Just Desserts is heavily involved in that program as well and is certainly providing some gifts at the end and rewards and things like that.

In relation to the justice reform initiative, yes, I have met with people that form part of that, including a former chief magistrate and also Rob White, and Christine Milne and others. I really thank them for their time because they obviously engaged in genuine discussions, didn't want to be political in any way, just are interested in putting forward suggestions. I said I'm very happy to work with them on looking at new reform initiatives and rehabilitation programs. So that's why I've said look, we've got new partnerships for rehabilitation programs in this budget. I'm always willing and open to look at further ones, as is Mr Thomas, of course, who implements everything. But as a government, it's our - from our policy perspective, and obviously we provide the funding. I'm going to continue to engage with the Justice Reform Initiative and I've given them that undertaking. We already have another meeting scheduled with them. They are coming back to me with some things which I said that I was interested in exploring further.

With all of these things, there may be costs surrounding them, but I certainly want to see what things we might be able to consider in the short, medium and long term. We want to rehabilitate, so that we get our recidivism rate down. - It's not as simple as saying, shut down a prison and have a different model. I think everybody can see that to ensure that we do rehabilitate properly, we must have the programs in place, and we need to have those programs in place in our prison system.

We can't just let people out. There have to be the services and the wraparound services both in and outside of prison to ensure that we're having success all around. The beauty about having a big capital investment program which we have in the new southern remand centre and the northern prison facility, is that we can design it with that in mind. The northern facility in particular is going to be a facility that is very much focused on rehabilitation, and very much focused on - you always need to have a secure facility, and I think this is where people get confused.

It needs to be a secure facility for the protection of the community, but what happens inside of that prison needs to be rehabilitation-focused. You can't just throw away the security aspects. You need to have those security aspects, and you need to have the programs in place within the prison. That's the education and training, and the drug and alcohol intervention, and the other types of programs that we have; EQUIPS family violence, sexual offenders. All of those things need to be offered within the prison environment itself.

It's not just a simple case of closing prisons; and people calling for that. It's what we do in the interim to ensure we have better statistics to ensure that we don't have so many high or



maximum-security prisoners in our system. It can't be something that happens overnight. We have to implement it through this process of rehabilitation.

**CHAIR** - But with the proposed new northern correctional facility, as I prefer to call it -

**Ms ARCHER** - I do too.

**CHAIR** - I am interested in - and I think what you're saying is absolutely right, and I believe that there is a strong community acceptance of changing of focus. Isn't it, with a new build like that, that it is an opportunity to make a difference, and have a different model of buildings?

**Ms ARCHER** - That's what I'm saying. That is exactly what I'm saying, and as I said -

**CHAIR** - But you still talked about that secure fence.

**Ms ARCHER** - Yes, because you still have to house all of the different classifications. The thing is, at the moment the pressures are in maximum security. There is no point having a facility in the northern region that only caters for minimum security. We're under capacity in minimum security at Risdon. Where we are over capacity is maximum. The northern facility, and so that our northern prisons as well - although that's a matter for Mr Thomas, as to - it's an operational decision, who goes where and whatnot. There is a strong northern component of prisoners who are likely to be housed in the north, so they're closer to friends a family. We know that's good for rehabilitation.

We have to allow for all classifications, and on that site also, for remandees, and also on that site, female prisoners.

We want it to be a facility that caters for all aspects, but within that facility, having that strong rehabilitation program. What I did yesterday before the committee was run through the programs, particularly in relation to drug and alcohol intervention. What we are able to assess and provide to minimum, medium and maximum, and female prisoners in the types of programs which we have, to cater for their needs. So, totally I agree with you. With new builds, we can specifically design it for that purpose. But we can't just limit it to, as the community up there keep suggesting, it can't be just a minimum facility, because that's not where our pressures are.

**Mr WILLIE** - Just on this, Chair, the Premier has just announced that Ashley will close. Are you still committed to the Westbury site, or will you move it to Deloraine?

**Ms ARCHER** - Well, obviously what we're committed to doing is continuing with our due diligence, and going through the planning process for our prison in the northern region. Ashley is a matter for the Minister for Children, and that announcement in relation to Ashley.

**CHAIR** - Interesting timing. But anyway, that's not for you, minister, to -

**Mr WILLIE** - Well, the prison site is matter for the minister.

**Ms ARCHER** - He has just made an announcement in relation to Ashley, over which I don't have responsibility.

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**CHAIR** - But if Ashley closes, then there's a site.

**Ms ARCHER** - Well, I've just answered the question. We are going through our process of due diligence.

**CHAIR** - So you can't tell us whether the government has decided to walk away from the Birrallee site?

**Ms ARCHER** - Well, Chair, I was just asked a random question about Ashley. I'm not going -

**CHAIR** - Well, we've just received random information.

**Ms ARCHER** - Exactly, and I'm not going to engage over hypotheticals about Ashley. There's just been an announcement in relation to Ashley.

**Mr WILLIE** - It's not a question about Ashley. It's a question about the prison site.

**Ms ARCHER** - I've answered it. You can ask me this same question in about five different ways, and I've just answered that we are conducting our due diligence, with a view to our planning and statutory approvals process.

**CHAIR** - All right. The money that's been committed to the upgrade of the northern correctional facility, will that stay committed in the budget as well?

**Ms ARCHER** - What's happened in this budget is a little bit of cash flow difference. Sorry, we seem to be jumping all over the place, and I will grab what you need.

**CHAIR** - Aa couple of us have probably been taken by surprise. Probably six of us. We've all been taken by surprise.

**Ms ARCHER** - I'm going to answer the question if you can just be a little bit patient. Thank you. The updated cash flows for the northern regional facility will not affect the planned rollout of the project, commencement of construction or the time frames to submit the associated planning application. When you look at the budget papers, we've changed the cash flow slightly. It doesn't alter the total figure. It's just based on the expected time frames required for statutory approvals, and that changed because work was stopped, because of the state election and other things.

Whenever there's - when we're in caretaker mode, and there's a difference in policy positions between the parties, work has to stop in the Department, you see. So that's what happened there, with the delay, and it's important to ensure, obviously, that the pipeline of public infrastructure investments flexes to accommodate the private investments as well. So, just so everybody understands, the updated cash flows are just as a result of that.

**CHAIR** - We may well come back to some of that. We always ask about the overtime around this area. I'm interested in the cost of the overtime. It pains us to ask the question -

**Ms ARCHER** - Well, I can address what we're doing in relation to that as well. Before we give that figure, it's important to note that our wellness program which about to get up and

running will hopefully have a significant impact on workers compensation type claims. As well as health and wellbeing across the board in of our staff within Tasmania Prison Service.

It'll also be brought online very shortly thereafter for Community Corrections staff. Then the whole of the Department of Justice as well by the end of the year. The timing is January for the rest of the Department. With that, we're hoping there'll be a significant improvement in overtime. As members will be well aware of the intensive staff recruitment drive which we've have at the moment as well. In relation to the figure, I think you have it there.

**Ms WEBSTER** - Yes, I do, Attorney-General.

**Ms ARCHER** - I'll pass that to my Secretary.

**Ms WEBSTER** - Thank you. Through you, Attorney-General; we had a requirement for shifts to cover the isolation regimes during COVID-19. They're also covered in that figure. So that was additionally a driver of overtime, and the current estimate of that is \$1.4m.

**Ms ARCHER** - Isolation as a result of -

**Ms WEBSTER** - Yes, let's make that very clear. Given the wording around - people have been talking about isolation as being something else. Isolation to ensure we don't have COVID-19 in the prison.

**Ms ARCHER** - Thank you.

**Ms WEBSTER** - Thank you, Attorney-General. I'm trying to find the entire figure, which the Deputy Secretary might have. Through you, Attorney-General, the Deputy Secretary has it.

**Ms BOURNE** - Thank you, Secretary, and through you, Attorney-General, the total, 2020-21 overtime cost was \$8 436 246, inclusive of that \$1.4m to cover the additional isolation regimes due to COVID-19.

**CHAIR** - In the budget there's a line item for Tasmania Prison Service's demand pressures, and that's \$20m - \$4m this budget, and then \$4m going forward in the forward estimates. At what point will the action be taken to increase prison staff numbers?

**Ms ARCHER** - At the moment, we're recruiting as fast as we can. We are not only having recruitment courses on a regular basis - there's one currently underway, and there will be one also commencing later this year. We were able to still conduct recruitment last year. We had 79 additional correctional officers come on board. With the intensive recruitment campaign that I talk about, we've engaged, or the Department has engaged Red Jelly, and are also in close discussions with the unions as to various ideas they've had. We're using everything from social media through to contacting South Australia.

They've recently had correctional officers - as a result of redundancies. They're been written to, and we've already had some of them express interest in filling some vacancies which we have in the north of the state, for six months. If they wanted to stay longer, they're very welcome to, because we are wanting to and needing to recruit to as many positions as possible.

We will fund the recruitment that's required for our prison system. I've given that undertaking to the unions as well. That \$4m is for a range of measures to meet demand pressures.

With the staffing levels I've committed to recruiting as fast as possible, and also attracting correctional officers who already are correctional officers. They only have to undergo three or four-week training in our system, to be able to commence work in our Tasmania Prison Service. We're even looking as far afield as New Zealand as well. We're not being restrictive. It's a national campaign. We are drawing on possible links with police, emergency services, the Australian defence forces. Often we get some interest expressed from people that have worked in those areas, or are looking to go to those areas, and we try to pinch them. Well, not necessarily, but we would like to.

Generally, people who are interested in that type of work might be interested in looking at a career in correctional services. I met with our current recruit course on Monday this week, and one of them was looking at a career in the police, and he decided to come our way, so that was very pleasing, to hear that. Anecdotally - our campaign had worked on that aspect. Very pleasing to hear. I hadn't had an opportunity to tell the Secretary that yet. That, to me, shows people are definitely responding to a different style of ad which we've put in the print as well. I don't know if anybody saw the ads, but the ads are very much focused at people, 'Do you want to be involved in changing people's lives,' basically.

**CHAIR** - Supplementary. Ms Siejka.

**Ms SIEJKA** - Yes. Attorney-General, I presume you're targeting particular groups. There's obviously a type of person that's best suited to this work.

**Ms ARCHER** - Absolutely, yes. They have to be suitable as well.

**Ms SIEJKA** - Are there many people who are applying who are not deemed suitable, in terms of the level of interest?

**Ms ARCHER** - I'll get Mr Thomas to address this as well, because obviously it's the Tasmania Prison Service, and it's he who runs this process. I know from discussions that we get hundreds of applications, and only a limited number get through. At the moment we have a course of 15, and I think there were about 307.

**Ms SIEJKA** - Did you say how many in the past year? Did I miss that?

**Ms ARCHER** - Last year was 79.

**Ms SIEJKA** - And the year before?

**Ms ARCHER** - The year before - we would have to look at that figure. The current course, which is course of - a number this year - there's 15 and there were 307 applicants.

**Ms SIEJKA** - Wow.

**Ms ARCHER** - You will get people who keep reapplying. You will get people who are deemed not suitable for whatever reason. There are various screenings that go on.

**Ms SIEJKA** - I imagine she wants it in position too. Training is one environment and sometimes the workplace is another again.

**Ms ARCHER** - We also need to balance that with - I think it's fair to say that it was a very, very rigid process before, and I know from speaking to Mr Thomas, it was certainly a wish that I expressed that we look at the process and see if there was a way of being a little bit more flexible to give people the opportunity of an interview, rather than discounting at the outset. I think we've managed to achieve that balance. I might get Mr Thomas to address that.

**Ms SIEJKA** - If there's 15 this year, what's the target? I know you said there's quite a demand and you're trying to do it as quickly as possible.

**Ms ARCHER** - What have we already had this year? We've also got one more course that we will commence this year as well. So there's constant - we will hold courses as frequently as possible.

**Mr THOMAS** - Thank you, Attorney-General, through you. I might clarify the recruitment for this year. We graduated a school in February of 18 and we've got 15 currently under training who will graduate in October. Then another course starting in November which will graduate early in the New Year.

**Ms ARCHER** - Plus we've had some come on that had previous experience.

**Mr THOMAS** - We had four from interstate that joined us. It's only on a bridging course.

**Ms ARCHER** - I always forget what it's called.

**Mr THOMAS** - We've got more coming through in that space as well, in addition to that. Regarding the selection process, so it is, as the Attorney-General said, quite a rigid process and it's multilayered. At the initial application, they go through a psychometric testing process online, and then subject to that they then go through relevant police and medical checks to make sure they're suitable for the role. We then take them through an assessment day which involves group scenarios, individual scenarios, and an interview. So it's quite lengthy and protracted, deliberately, to make sure that we're getting the right people, and it tests for resilience, flexibility, that they had the right role models for the people that -

**CHAIR** - Short fuse.

**Ms ARCHER** - Absolutely. You need to have someone that's going to be rehabilitation focused as well.

**Mr THOMAS** - Patient, considerate, resilient, all of those types of things.

**Ms SIEJKA** - Who understands rules.

**Mr THOMAS** - Yes.

**Ms ARCHER** - They do have the ability to change someone's life, and are the first link to someone, so it's a really important role.

**Ms SIEJKA** - It would be a hard job.

**Ms ARCHER** - Very.

**Ms SIEJKA** - Now I've forgotten what I was going to ask. That's all right.

**CHAIR** - Can I come back to you?

**Ms SIEJKA** - I may come back to it. No, that's all right. I was just thinking out loud.

**CHAIR** - Thank you. Ms Armitage.

**Ms ARMITAGE** - Thank you, Chair. Just remember which area I was looking at now. It's been a little while, but that's all right. The body scanning, the prison body scan technology that I noticed. Is it \$1.3 million for the new technology?

**Ms ARCHER** - Yes.

**Ms ARMITAGE** - Is it in place yet? Or when is it likely to be in place?

**Ms ARCHER** - No. We have to go through a process with that because there's been certain permits and things which need to be provided. Also, through public health because you're dealing with radiology and X-ray imaging. It's quite a process before you even get to purchasing it, so there are permits and licences. Ms Bourne is the one who has been managing that project. She can address that process for you, and when we hope to have it online. In the meantime, certainly in relation to personal searches, we try to minimise those as much as possible.

**Ms ARMITAGE** - This is to do with visitors as well, I imagine?

**Ms ARCHER** - It is, because obviously to scan for contraband and it's the best technology that we could find available to search for not only metal and other objects, but drugs as well, and so -

**Ms ARMITAGE** - But how do you go about that with visitors? I do recall it, I'm sure, the Chair here will remember the previous Attorney-General, the Honourable Vanessa Goodwin, unfortunately, mentioning to us some of the ways that people -

**Ms ARCHER** - The weird and wonderful ways.

**Ms ARMITAGE** - hid items.

**Ms ARCHER** - Yes.

**Ms ARMITAGE** - How they did, and I'm just wondering, particularly with visitors.

**CHAIR** - Somewhat overwhelming, I recall.

**Ms ARMITAGE** - It was somewhat overwhelming. I can recall her comment, but I can't - I certainly can't say it here. But how would you - how do you estimate the length of a search, particularly with a visitor coming in?

**Ms ARCHER** - I think it's also based on suspicion and previous history. I might let Mr Thomas describe that aspect, and then in relation to the body scanner question, we'll go to Ms Bourne.

**Ms ARMITAGE** - When it's likely to start, and how much easier that will make it, obviously.

**Ms ARCHER** - Absolutely.

**Ms ARMITAGE** - Than if visitors have to go through scanner.

**Ms ARCHER** - We also need to remember that because it should have good results in relation to reducing contraband, but we also need to balance that with the frustration for some that that contraband doesn't come in.

**Ms ARMITAGE** - What it will pick up as well. Obviously not like the scanner at the airport that only picks up metal. There are certainly other things you'd want to -

**Ms ARCHER** - I think if we allow Mr Thomas to -

**Ms ARMITAGE** - That would be lovely.

**Ms ARCHER** - address something and then Ms Bourne.

**Ms ARMITAGE** - Thank you. Yes.

**Mr THOMAS** - Thank you, Attorney-General, through you. Yes, regarding I guess current practice when visitors are entering, there's a number of levels of searching that we use from canine searching, which can detect drugs. We do use what I'd call a metal detection portal. We're very strict about what they can and can't take in with them. Any items that they're allowed to take in go through an X-ray machine. They're wanded with a handheld metal detection device, and then on suspicion -

**Ms ARMITAGE** - Mobile phones, they can't take those in?

**Mr THOMAS** - They can't take mobile phones in, no.

**Ms ARMITAGE** - No.

**Mr THOMAS** - On suspicion, and if necessary, in conjunction with Tas Police we can target search people if we believe that we have evidence or strong intelligence that they're trying to bring contraband into the prison. That's the current process. Obviously, the body scanners, Ms Bourne will give more detail on, but it will mean that the searches are less invasive in the future.

**Ms ARCHER** - Yes, Ms Bourne in relation to the process of obtaining the scanners. It's quite a process.

**Ms BOURNE** - Yes, thank you. Through you, Attorney-General. That's right, so we were lucky to receive the funding. As Mr Thomas has indicated, it will make processes easier, and particularly for staff to conduct those searches. At this stage, through discussions with the Tasmania Prison Service, we're looking at having those in the two reception prisons, as well as Mary Hutchinson Women's Prison.

**Ms ARMITAGE** - How many scanners will \$1.3 million cover?

**Ms BOURNE** - We've got four. That's three within TPS facilities and one - well, I was going to say at Ashley Youth Detention Centre, but we may need to -

**Ms ARMITAGE** - You may need two now that it's going to be a southern and northern.

**Ms BOURNE** - Possibly.

**Mr WILLIE** - It's three years before it closes, I think.

**Ms BOURNE** - Yes, true, as I've read. But that's what the funding is for, and just through economies of scale, the department is taking on the work to procure each of those on behalf of Communities Tasmania as well. It is quite a process due to the application for a radiation licence which we need to progress through the Department of Health. We are bringing in some expertise, a consultancy to assist us to do that to make sure that we prepare the application in a way which ensures that there's little delay getting that to the Director of Public Health's consideration.

We anticipate that the scanners will be on the ground ideally in the first quarter of next year, depending on how that application process goes. We need to seek the licence to use the devices before we can actually procure them.

**Ms ARMITAGE** - Right.

**Ms BOURNE** - But we're trying to process - progress both pieces of work at the same time, so we're ready to go, and still scoping whether at what stage, in consultation with the TPS, visitors will be part of that scanning process as well, which is certainly on our radar. Primarily, the focus will be on prisoners and the like, as I understand it, but certainly the ability to be able to expand their use is there and some of the equipment these days is quite versatile in terms of how it can be moved around and the like. That's where the project is at.

**Ms ARMITAGE** - Thank you. I notice there's nothing in the forward Estimates. I'm assuming there would have to be maintenance. Is that covered under critical infrastructure maintenance, any - once you actually get the scanners, I'm assuming there would be ongoing maintenance for them.

**Ms WEBSTER** - Part of that will be through the contract arrangements that we have in place. When we purchased them, we put the request for tender out for the body scanning units. It would be ongoing.



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**Ms ARMITAGE** - Thank you. Can I ask another question or not?

**CHAIR** - Yes.

**Ms ARMITAGE** - Thank you.

**CHAIR** - Then I'm going down to Mr Valentine.

**Ms ARMITAGE** - I'm just thinking which one I'll go for first. I think Mr Dean would probably like me to ask how the no smoking is going in the prison. It's obviously -

**Ms ARCHER** - How's the what, sorry?

**Ms ARMITAGE** - No smoking. It's obviously been going on for a while now, but then new prisoners come in all the time that would have an addiction. How is that progressing?

**Ms ARCHER** - I think we always offer patches, don't we?

**Ms ARMITAGE** - Is it being successful? That they're willing to take and it's - they're not rolling up grass, as they were in the past? Tea leaves and grass.

**Ms ARCHER** - We don't offer tea for that reason, unfortunately.

**Ms ARMITAGE** - Easy to smoke teabags. Yes.

**Mr THOMAS** - It's going really well. We still offer patches at both the reception prisons, but they're restricted to use in the reception prisons. We found that, over time, as the smoking requisites were taken away, the patches became as trafficable as cigarettes used to be. We've now worked out, in consultation with prisoners and the peer groups, the best model is that, to assist them in coming off that addiction when they first come in, they can use them whilst they're in the reception prisons, but once they're located to wherever they'll be held longer term, there's no access to patches, unless -

**Ms ARMITAGE** - Unless they purchase them? Is that how it goes?

**Mr THOMAS** - No, no, no, we provide them through an arrangement with Correctional Primary Health, so the prisons don't have to purchase them. But they can only access them on initial reception in the reception prisons.

**Ms ARCHER** - Would there be medical reasons they could stay on them if they needed them for longer?

**Mr THOMAS** - Yes.

**Ms ARCHER** - I think that's what Mr Dean's going to say.

**Ms ARMITAGE** - It's medical.

**Mr THOMAS** - If there's a requirement for an additional support, whether it be patches or something else that Health prescribe, then will ensure they get the appropriate support needed. But the vast majority, it's a short period of -

**Ms ARMITAGE** - How long would they be in the reception prison, because I wouldn't have thought it was very long.

**Mr THOMAS** - No, it can vary, but it doesn't normally exceed 14 days.

**Ms ARMITAGE** - That's the thing, 14 days to go off smoking. It doesn't seem very long.

**Ms ARCHER** - It's a fairly decent period.

**Ms ARMITAGE** - Two weeks?

**Ms ARCHER** - Yes.

**Ms ARMITAGE** - It doesn't sound very long.

**Ms ARCHER** - Medically, I think that long-term use is not recommended.

**Ms ARMITAGE** - Because you hear about people trying to quit and they tend to take more than two weeks to quit. Is it causing you much problem though, when they actually get into wherever they're actually going after reception prison, if they are coming off smoking? I'm assuming that their humour wouldn't be the best for many people.

**Mr WILLIE** - They're in prison. I don't reckon it's going to be good anyway.

**Ms ARMITAGE** - It's probably a bit worse. I was thinking of the actual officers having to work with them, how difficult it is. You don't have too many problems with people coming off smoking?

**Mr THOMAS** - No, I think because it's so well-established now, you know, 2014-2015 that the ban was put in place. Most people are fully aware that if they do end up in one of our prisons then they won't have access to cigarettes and they have their own coping mechanisms. We tend to find they spend a lot more of the money that they can get on chocolate and other such things that give them different addictions.

**Ms ARMITAGE** - So they put on weight? Thank you. I'll have more questions after, but I'm happy to go to someone else.

**CHAIR** - Thank you. Mr Valentine.

**Mr VALENTINE** - Thank you, Chair. I just wanted to go to the restorative justice principle and see if I can get some information. Not so much with regard to the programs that are actually offered inside prison, but those that are currently offered - that transition. Those that are currently offered outside that the department are specifically - whether you would fund them, but you would have connections with organisations that actually provide services. Can

you paint a picture for us as to exactly what level of services are available for when people walk out the door with a plastic bag full of their life's belongings and nowhere to go?

**Ms ARCHER** - What happens is, there's a preparation for a prisoner's release and they - within the prison system there's a team, I think it's fair to say, that works on that pre-release with a prisoner. Certainly, on their release, they are provided with what the TPS has now put into a booklet form of every single service that they might need to access so that they know where to find that assistance and help should they need it. But to try and reduce -

**Mr VALENTINE** - Recidivism.

**Ms ARCHER** - Yes, recidivism, and the prospects of failing at every turn, it's important to ensure that before they're released there's housing and the other supports around it. That's challenging for some. I know that the Parole Board, for example, which is independent, but I know what they take into consideration are factors like that as well. In relation to services, as I said to the other committee yesterday, I had a group approach me recently about connecting prisoners with a GP, if they don't already currently have one, and quite often that is the case. Some of them, or a lot of them, do have health challenges, whether it's physical or psychological, and so it's good if they've got access straight away to a GP.

I'm very interested in meeting with that group and facilitating that within our service as well. So always looking at ways of enhancing what we already do as a pre-release type of program. But it's fair to say that -

**Ms ARMITAGE** - How many is it, in the lead up, is it three months, or 60 days? What's the time period that is -

**Mr THOMAS** - It will depend on the length of sentence they serve in a term.

**Ms ARCHER** - That's right. Could you address that because it's your area?

**Mr THOMAS** - Thank you. Depending on the length of sentence the prisoner is serving, in principle it starts from day one, particularly with the number of prisoners that are serving shorter sentences. What are the immediate needs that they're likely to face on release? Be it accommodation, employment, as the Attorney-General's alluded to, bank accounts, those sorts of things. We have a group of staff which work with them on that, and they align them with those appropriate services upon release. It could be housing through the Beyond the Wire relationship that we have with the Salvation Army. In addition to that, a number of the programs and services we provide can continue on release, or a version of that, so we'll align them with those services as well.

**Mr VALENTINE** - I think what I'm hearing is that there are avenues for them to actually progress into for, you know, living outside. But there may not be somebody to actually meet them at the gate and then take them from there.

**Ms ARCHER** - It depends on a prisoner's circumstance. If there's family then that automatically happens, but if someone's literally alone, I'm not sure whether the service is able to put them in contact with anyone, but there's certainly - it's very much a case by case basis. I'm not sure if you can shed any light on what you'd do in that circumstance, where there's absolutely no supports in terms of family.

**Mr THOMAS** - Some of it is driven by the prisoner to a degree, because if they're an automatic release and there's no license - conditions around them then legally there's nothing we can formally impose. We will do everything we can to try and assist them being on the right track from their day one of release.

As the Attorney-General says, family will often be those that are collecting them. We do have some relationships with other organisations if they don't have any family, even things as simple as basic as making sure they get to their home address. On occasion prisoners that are released that need to get to the north of the island, we've arranged transportation either directly or through some of our partners in the community to get them to their home address, or the address that has been suitable as part of their release.

**Mr VALENTINE** - I mean I guess that's some of the things that Justice Reform Initiative are pointing up, and it's good to know that you're going to be meeting with them. But, you know, things like not having a driver's license. If they went in because of some driving offence they're coming out without a driver's license.

**Ms ARCHER** - Absolutely. That's why Mr Thomas just said, if there is no transport then the service is happy to work with them, because we don't want to set them up to fail. At the same time if someone served their sentence and they don't want any assistance then we can't force -

**Mr VALENTINE** - No, you can't force people to do that, I can appreciate that. In relation to recidivism - if they had someone to look after them then they're less likely to get themselves into strife straight away.

**Ms ARCHER** - Absolutely. I know the Salvation Army are really good with post release, as is the Sanctuary Café that has a lot to do with -

**Mr VALENTINE** - You're having some of those conversations with Justice Reform, that's great. Thank you.

**CHAIR** - Supplementary?

**Ms ARMITAGE** - It does follow on from release, yes, because I was looking at the Dress for Success and -

**Ms ARCHER** - Yes, that's part of the funding that I alluded to. To be brief in my initial summary I didn't run through the three initiatives.

**Ms ARMITAGE** - So that funding, so how much are we providing? Do we do it for men as well? I mean obviously this is for -

**Ms ARCHER** - I can explain that. It came out of a program from the Tas Leaders, and so that was an idea of theirs that was a pilot program, and now we've taken it on and funded it further. The reason it's for women only was, one, because it was a pilot program, and two, our cohort of female prisoners is smaller, but we also found that it was highly successful because some of our female prisoners haven't worked before or haven't worked for a long time because they've raised a family or for some other reason. They may not already have a CV, or they just

don't know where to start. Dress for Success is one of the recipients of the funding, and I'm hoping someone's going to hand me up something very shortly. No, I'm just waiting for my list of - my whole list of things.

The Welcome Backpack provides them with some basic but essential items that some women just don't have on release. We know ourselves when we have something new it makes you feel a lot better about yourself, so some people when they've been incarcerated might not have clothing that's appropriate to wear on release, or certainly not for a job interview. The backpack itself will provide the immediate short-term items that are needed like clothing, slippers, underwear, and some toiletry items. Then Dress for Success is also there to help them with obtaining employment in terms of writing CV, and if you visited their premises they have a range of clothing that some of us have all donated to which gives them the opportunity to gain greater self-confidence because they'll have the right clothing for a job interview. That's why we found that that program is successful. That's not to say that we wouldn't look at further, down the track, expanding that program. It's certainly in the early stages of development, and it started off as a pilot program which I said we pick up the funding.

The funding that we've put in this budget is almost \$2.5 million towards rehabilitation programs and staff. The staff component of that is the five new therapeutic staff that I spoke about, a \$500 000 per annum for two years that's for the drug and alcohol intervention and other programs. Then there's the three programs. I've just run through Dress for Success, and as the Secretary said it's a cost of \$100 000 over three years. The other partnerships, Australia Red Cross partnership. Partnering with that organisation to deliver their community-based health first aid program at a cost of \$780 000 over three years. That's been a big success in other states and has seen a positive effect on prisoner behaviour in reducing rates of reoffending. That's why we specifically looked at that. Prisoners will essentially train to become special status Red Cross volunteers, which will empower them to improve the health, wellbeing, and safety within the prison population, and it's something - it's a skill that they gain that they can keep - they can continue on with outside. The benefit of course to the Australian Red Cross is almost two-fold there.

The other partnership which we've created is with Connect42. Most members will be aware of that because they deliver the Just Time prison parenting program. That's at a cost of \$610 000 over three years. You'll all know Rosie Martin, our former Tasmanian of the year, and this program teaches parent/child attachment skills to prisoners and helps to break the cycle of offending. It supports rehabilitation that builds community safety by reducing rates of offending whilst giving prisoners important skills to bond with their children. So that we don't set people up to fail, it's a bit of a multi-pronged approach. It's looking at employment, it's looking at housing, it's looking at reconnection with family, and it's looking at education and training. There's a whole range of things - and health of course. We're looking at a number of different areas and a number of different programs to ensure that we're rehabilitating to the greatest extent possible.

**CHAIR** - Thank you. Mr Willie.

**Mr WILLIE** - Thank you, Chair. Minister, multiple custodial inspector reports have identified significant issues with data keeping in the general prison, what steps are being taken to ensure that things are recording correctly? For example, uses of force, details of lockdowns, inmate on inmate assaults or injuries, and staff injuries and assaults.

**Ms ARCHER** - That's in relation to some specific recommendations, I feel. Is that one for you Ms Bourne? I can respond and address generally to the issues that have been raised by the custodial inspector and what we're doing to ensure that those things are being addressed by way of a liaison officer within the department specifically assigned for that purpose. We've had some really good discussions with the custodial inspector on that. Specifically, in relation to that question on how we're addressing those specific items, I'm looking around the table as to who can answer that.

**Ms BOURNE** - Certainly. I can certainly make a start and Mr Thomas can probably talk about some further specifics, but certainly as the Attorney-General mentioned, in response to the custodial inspectorate review itself. We have a senior policy officer now who is assisting the work that was already happening to provide a coordinated response to each of the recommendations that are made. Some 300 plus of those. Within the prison there's also a TPS performance and compliance unit that have done a lot of work to improve reporting across a number of measures, including those that you have mentioned. An example of that is a - a more relevant example rather is probably the time out of cell hours for example. That was noted in the custodial inspector's report lockdown review.

A lot of work has been done in making sure that those system are intuitive enough to capture the various data cohorts that are recorded across the prison across a number of areas. The Justice Connect Project will in many ways ensure that those services, or rather systems, are more intuitive and talk across the whole system. Particularly, for example around sentence management, the sentence management unit within the TPS that has undergone a number of reforms over the past few years following the KPMG review very much has a system in place. The Justice Connect will enable the sharing of information from when a magistrate or judge hands down their sentence or warrant for commitment to ensure that's translated to the TPS.

**Ms ARCHER** - In that earlier output I said at the moment sometimes things go through about eight people. Justice Connect will reduce that vastly and ensure that we're less likely to have any human error, and that information is accessible by everyone working within the system. Members can see the benefit of that approach and it will be highly beneficial to addressing these recommendations as well.

**Mr WILLIE** - You just provided some information on time out of cells to address the details around lockdowns, what about use of force, inmate on inmate assaults or injuries, staff injuries and assaults?

**Ms ARCHER** - Sorry what's the question? Do you want statistics or what work has been done?

**Mr WILLIE** - What work has been done to capture that information correctly.

**Ms ARCHER** - To capture that information correctly, I think our information is already correct in relation to the reporting assaults, prisoner on prisoner and prisoner on correctional officer. I don't think that our figures are incorrect.

**Mr WILLIE** - Okay.

**Ms ARCHER** - Yes. We capture those as and when they happen, and there's a process in place where medical attention is immediately provided. As soon as prison officials become aware of an assault it's dealt with according to protocol.

**Mr WILLIE** - Just while we're on data collection, minister, obviously the Justice Connect you've talked about quite a bit today. I think that's been talked about in my five years in this place.

**Ms ARCHER** - It's like with body scanners though, you can't bring it in overnight unfortunately.

**Mr WILLIE** - But I'm interested in last year and the one previous, how many inmates were released incorrectly due to data errors? So, released early, released late, and were unable to be released on time because paperwork had not arrived.

**Ms ARCHER** - Yes, as Ms Bourne alluded to, we have a sentence management division which officially commenced on 4 March 2019 and that's been fully implemented, and we'll be completing that new structure by late this year. That new structure has boosted efficiency in relation to sentence calculations since March 2019. I've got the figure. The TPS has detected eleven erroneous releases from custody. Of those eleven, only three are attributable solely to administrative error on the part of TPS. Excuse me while I turn the page. Regarding the other eight, TPS continues to work with both the Supreme and Magistrates Courts to ensure that information sharing and processes are formalised timely and consistently in order to eliminate ambiguity and misunderstandings regarding remand status and sentence construction.

Sometimes what happens is, and I'm not laying blame at any one particular person because I understand how human errors can occur, but sometimes there's either a misunderstanding or a lag between what happens in court and what then happens towards the court registry, and the transition to the TPS if someone goes into custody. There may be some incorrect procedural things there. The Justice Connect project is critical to that because the information can immediately be put in the system and we'll reduce if not eradicate incorrect releases. I've got that figure, since March 2019, so over two years it's been 11.

**Mr WILLIE** - Eleven. So, of the 11 minister, how many were released early, and how many were released late?

**Ms ARCHER** - That I may need to get here or on notice because I don't know if I've got that figure myself. With respect to the three would have, because it's TPS, but we may have to get information on the others. Ms Bourne.

**Ms BOURNE** - We certainly have individual summaries of each of the 11, but if we could take it on notice to break down what was early, what was late, and -

**Ms ARCHER** - I think Mr Willie's question was about how many were early, wasn't it?

**Mr WILLIE** - Out of the 11, how many were early and how many were let out late? Yes, so you could break it down into two, couldn't you?

**Ms ARCHER** - It was both. Right. Sorry. Sorry, I missed that. I think on notice is probably easier.

**CHAIR** - Take that on notice. Thank you. Ms Armitage.

**Ms ARMITAGE** - Thank you. Going back just to the area I was interested in, on page 201 the prison service says the percentage of prisoners returning to Corrective Services within the two years, recidivism. Do you break that down into male and female, the recidivism, or is that just a general target? I am interested to know whether there more male prisoners or more female - no. Well, if you have the stats broken down that way.

**Ms ARCHER** - I'm just having a look if we have broken it down.

**Ms ARMITAGE** - I just wondered whether more male reoffend than female, so whether it's fairly average across the board.

**Ms ARCHER** - Yes. No, the figure appears to be only broken down in relation to any Corrective Services of prisoners back to prison not by gender.

**Ms ARMITAGE** - The only other one question relates to the Dress for Success which we discussed before with the women. I noticed that it was mentioned before that when male prisoners leave they get a booklet full of, you know, services. I think probably both prisoners do, male and female, and there's a lot of groups they can go to. But do they also have assistance provided to support them if they need to write job applications, prepare for jobs, because it's all very well - it's great to do it for the women, but I think, you know, this is -

**Ms ARCHER** - Well, as I said, it's a pilot program.

**Ms ARMITAGE** - I realise it was a pilot, but it's been fairly successful, and I would've thought even if this is a pilot program, that perhaps we might've already been doing something like this for men because it's all trying to prevent the recidivism, isn't it? Trying to prevent them coming back, and obviously if they can look better when they go to job interviews; if they can feel more comfortable filling out - well, it doesn't matter who they are; I guess they're going to have to write and apply for job applications and they haven't done it for quite a while.

**Ms ARCHER** - I think it's really important here that a pilot program is just that, and I said that I'm very willing to look at a further extension of that, and as with all programs, it's not compulsory; it's voluntary. We find that the females take up this, you know, quite a high proportion, I'd imagine. I'm anecdotally saying that.

**Ms ARMITAGE** - I guess I'm not really mentioning the pilot program, though. What I'm asking is over all the years -

**Ms ARCHER** - I was about to flick to Mr Thomas to answer the rest of that question.

**Ms ARMITAGE** - Yes. Do we provide assistance for people that might need help to write job applications that might - and I'm assuming all prisoners wouldn't be willing, but some, I'm sure, would be very grateful for the help? So apart from having to go to Red Cross or The Salvation Army, does the prison itself have someone that they can go to that will assist them in those areas and, you know, irrespective of the new pilot program, but in the past to try to prevent recidivism?



**Ms ARCHER** - Well, through me Mr Thomas can answer that.

**Ms ARMITAGE** - Yes. Thank you. Thanks, minister.

**Mr THOMAS** - Thank you, Attorney-General. Through you. Yes. So, we do. There's a number of ways it's done through our relationship with TasTAFE. There're courses that the prisoners can engage on that will assist them in that, so developing their IT skills and then they can learn to do those types of applications online. Equally, they can do it more on an ad-hoc basis just through that request. As the minister said, some of this is on a volunteer basis.

**Ms ARCHER** - And it's part of their pre-release.

**Mr THOMAS** - Yes. But those services are always there for prisoners, be it assistance in opening a bank account, a job application, a resume, et cetera. The advantage of the Dress for Success is it's a really great opportunity for us to put that intensive resource around every one of those female prisoners to really drive home the opportunities for them to really engage with this process and the benefits.

**Ms ARCHER** - We've also found that it's specifically designed for women at this stage in terms of dress for success because that is an organisation purely for women.

**Ms ARMITAGE** - No, I accept that.

**Ms ARCHER** - Exactly. And I know you know that, but for the purpose of Hansard. The other thing is that as I said at the outset, we do find that some female prisoners haven't worked before or haven't worked for a very long time, for a number of different reasons, and so they might need that more intense help and also the help with the dress - it's called Dress for Success for a reason, and that is specifically designed for them. It seems to work very well for women.

**Ms ARMITAGE** - That will be interesting in a few years' time to see how many of those prisoners had gone on to have jobs and not come back to prison, so I think that would be very interesting. Will you be keeping and recording data on that?

**Ms ARCHER** - It would be really good to be able to track that.

**Ms ARMITAGE** - No. Thank you very much.

**CHAIR** - Couple of questions before we leave this particular area and go on to Community Corrections is can we have the full staff numbers, please, both correctional staff and non-correctional and also the amount of workers' comp claims.

**Ms WEBSTER** - Through you, Attorney-General, so Correctional staff, the FTE 2020-21 is 387.49. I'll ask if someone else has the non-correctional, but I can go on to the workers' comp.

**CHAIR** - Yes, please do.

**Ms WEBSTER** - Ttotal claims for 2020-21 were 80, and that is a decrease from 91 last year.

**Ms ARCHER** - We've got that male/female statistic for you as well.

**Ms WEBSTER** - These are provisional for the report on government services information, the one coming up. Returning to prison: 51.5 per cent male and 42.6 per cent female which - and Corrections return 59.9 per cent male and 54.8 per cent female.

**Ms ARMITAGE** - Thank you.

**CHAIR** - Not as much difference as I thought. I'm happy if we don't have the non-correctional. We do? Thank you.

**Ms BOURNE** - Thank you. Through you, Attorney-General. For the same period referred to by the secretary, there are 125.3 FTE non-correctional equivalent to 133 head count.

**CHAIR** - Slightly down on last year's figures according to my notes. Thank you. So we'll now -

**Ms ARCHER** - The secretary said that could be to do with TasTAFE.

**Ms WEBSTER** - Yes. So, TasTAFE - through you, Attorney-General, TasTAFE staff are now employed by TasTAFE. They were previously employed by the TPS, so that could be to do with that.

**Ms ARCHER** - But they transferred. We had some correctional staff transfer over to that to participate in the education and training aspect which was pleasing, but -

**Ms WEBSTER** - They moved from non-correctional, admin and clerical within our organisation to the same role, but actually employed by TasTAFE because we now have an agreement with TasTAFE on campus.

**CHAIR** - They'll probably be wanting to come back in the future perhaps. Thank you.

### **3.2 Community Corrective Services**

**CHAIR** - I now move to 3.2 - Community Corrective Services. Ms Armitage. Thank you.

**Ms ARMITAGE** - Thank you, Chair. I'm assuming this is an area which we could inquire about - the non-custodial sentencing.

**CHAIR** - Where I tried to wander earlier.

**Ms ARMITAGE** - Yes. The trial of monitoring.

**Ms ARCHER** - Community-based orders.

**Ms ARMITAGE** - Monitoring devices?

**Ms ARCHER** - Yes, correct.

**Ms ARMITAGE** - Could you give us an update on how they're working and how many offenders would be likely to have the monitoring devices as opposed to having to have suspended sentences or actual prison terms?

**Ms ARCHER** - Well, what happens is the court makes the assessment, whether or not it's appropriate. They seek various reports that they require to make that assessment, and part of the assessment also that's carried out by Community Corrections is suitability in terms of - because it's a GPS device, that there's adequate coverage, that sort of thing. There's very few that it can't apply to. Also, that there's suitable housing and issues like that. So, the court has to be satisfied that certain criteria are met.

**Ms ARMITAGE** - That they meet the criteria, yes.

**Ms ARCHER** - Yes, before it's ordered. The advantage of it also in keeping someone out of prison is it's one last attempt to obviously keep someone out of prison, but it also is very conducive to someone keeping their employment. If they are employed, and they're suitable for home detention, it allows them to continue with employment because we know once someone's incarcerated, they lose their job and it may then once they're released prove very difficult to gain employment again. The court can take all of that into consideration. Plus, if they've got a family and they are the financial support or the major breadwinner for the family, then, of course, that's a really positive factor for keeping someone out of prison. Again, if it's an appropriate offence.

Obviously, if it's a very serious offence, then it may not even be something that the court would look at, but for the most appropriate type of offence and all of these factors being considered, there's certainly been a really good take up. There's home detention that's been made available, and from 14 December 2018 until 30 June this year Community Corrections have received a cumulative total of 902 assessment requests for suitability to sentence to a home detention order; 460 of these assessments were requested in the 2020-21 financial year. A home detention order is one that involves detention of an offender in a residence. Leaving the residence is only allowed with the approval of a probation officer and for a specific purpose. So, only for essential purposes.

**Ms ARMITAGE** - Do they have electronic monitoring? They don't?

**Ms ARCHER** - The whole idea of it is electronic monitoring, so -

**Ms ARMITAGE** - They do have electronic monitoring for the home detention as well.

**Ms ARCHER** - Yes. Home detention is purely by electronic monitoring which is a device worn, obviously, and it's monitored 24/7.

**Ms ARMITAGE** - And they can go to work?

**Ms ARCHER** - If that is ordered by the court.

**Ms ARMITAGE** - If it's part of their mandated court -

**Ms ARCHER** - Yes, yes. Only in cases where it's mandated by the court, yes. I was using that as a positive factor.

**Ms ARMITAGE** - Yes.

**Ms ARCHER** - I was highlighting as to when a court might look at home detention. Obviously it's done through a tracking device, and it's conducted by Community Corrections monitoring and compliance unit. That unit also monitors those on family violence orders where the court has ordered electronic monitoring, and the money that we've put in the budget is because family violence orders were originally a pilot program of the Department of Police, Fire and Emergency Management, but our unit monitored, that money has now transferred over to the Department of Justice to continue the monitoring and compliance of those types of offenders as well.

Members will also recall the legislation that came before us extending the power of the parole board to also utilise electronic monitoring as a condition of parole. It's specifically with community safety in mind, and I'm pleased to report that there's been a good take-up of that as well. The first order of this condition was made in January of this year. A total of 18 parole orders with electronic monitoring commenced during the 2020-21 financial year. That's quite a high number for such a small period of time, so the parole board has definitely availed itself of that. That gives them that further confidence in that release process of a prisoner.

**Ms ARMITAGE** - It's another tool, isn't it?

**Ms ARCHER** - It is, and it's, I think, reassuring for the community as well that the electronic monitoring - you know, that - we know where that person is 24 hours a day seven days a week. With the family violence order, victims can elect to have -

**Ms ARMITAGE** - Also know where they are.

**Ms ARCHER** - Yes. Victims can elect to have a device themselves in a family violence situation so that the close proximity can be monitored.

**Ms ARMITAGE** - It can be seen they're not close by, yes.

**Ms ARCHER** - It really has worked very well and is very reassuring to victims as well.

**Ms ARMITAGE** - They're all ankle bracelets, are they, or -

**Ms ARCHER** - The electronic monitoring is ankle bracelet, yes.

**Ms ARMITAGE** - How many would we have because obviously there's a cost to them, and I'm just wondering actually do you know how many electronic monitoring devices we actually have available?

**CHAIR** - I hope somebody knows.

**Ms ARCHER** - Yes, we do. We do, and I think -

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**Ms ARMITAGE** - Would there be a fair cost each year because you'd have to have the other equipment obviously to monitor them as well.

**Ms ARCHER** - It's all right. We've got that figure, yes.

**Ms ARMITAGE** - No, I just think it's an interesting one, to think of the actual facilities and the monitoring equipment.

**Ms ARCHER** - I'm just calling out for the purpose of the *Hansard* our director of Community Corrections Pauline van - and I'll let her pronounce her surname.

**Ms ARMITAGE** - Because we might need more money in the budget the more we start to use them.

**Ms ARCHER** - If the question is that, we're very willing to look at that because of the success of the program.

**Ms ARMITAGE** - Some of them get damaged, and I'm not sure what sort of life they have.

**Ms ARCHER** - Can I also clarify too, a home detention order can be ordered without electronic monitoring, but it would be very, very rare and I don't think we've seen that occur yet.

**Ms ARMITAGE** - We've had one.

**Ms ARCHER** - We've had one, have we?

**Ms ARMITAGE** - That'd be more minor. What was the specific question? How many devices have you got?

**Ms ARCHER** - How many devices do we have?

**Ms van ADRICHEM** - So justice has 191 devices at the moment, but we do order more when we need more, and if there were a reduction we'd reduce. We did have additional devices during COVID-19 as well, in the event that were needed. We returned them last year, because we didn't need them anymore, so it is a balancing act depending on demand.

**Ms ARMITAGE** - So what is the cost of a device?

**Ms van ADRICHEM** - So the first 100 it's \$400 a month, and for any over 100 it's \$285 a month.

**Ms ARCHER** - Could you just explain for the purpose how we -

**CHAIR** - We don't own them, we only hire.

**Ms ARMITAGE** - We obviously don't monitor them ourselves then?

**Ms ARCHER** - No, we have a monitoring and compliancy in it, yes, we employ people in community corrections, we have staff, this is about the device.

**Ms van ADRICHEM** - If I could explain the model that we have for obtaining the devices. We lease the devices, so we order them from Buddy. Buddy was the successful tenderer, and we undertook the tender process with police a number of years ago, and they also provide us with the software. The actual monitoring is done in house in community corrections, but the devices and the technology is provided by Buddy.

**Ms ARCHER** - Which we pay for by way of an agreement, a lease agreement, or contract.

**Ms WEBSTER** - Yes through contract arrangement, yes.

**Ms ARMITAGE** - How many people would we have employed in that area; do they specifically just work in the monitoring area?

**Ms van ADRICHEM** - We've got 29 staff in the monitoring and compliance unit.

**Ms ARMITAGE** - Is it FTEs, or?

**Ms van ADRICHEM** - Yes. We've got 18 monitoring officers and six supervisors, and we've got four support staff and we do have two casuals as well that we count as kind of 0.5 each, that should take us to 29 staff.

**Ms ARMITAGE** - I'm just wondering how many breaches we might have had in the last financial year.

**Ms van ADRICHEM** - Twenty breaches, from memory.

**Ms ARMITAGE** - Would they be people just going out of area, or do we have people trying to get them off?

**Ms van ADRICHEM** - Through you, Attorney-General. Unauthorised removals.

**Ms ARMITAGE** - I am assuming they are not easy to get off.

**Ms van ADRICHEM** - Sorry, what was the question?

**Ms ARMITAGE** - I was just wondering how many breaches, people either doing the wrong thing, or trying to remove them?

**Ms van ADRICHEM** - Unfortunately you will always get people trying to breach any type of order, and electronic monitoring is no different, but the device is - nothing is tamper proof, but they still try, and with some success on occasions. Just for the safety and security, I'm not really that comfortable with going into too much detail.

**Ms ARMITAGE** - I'm not asking how they've done it, no, I don't want them to know how to do it.

**Ms van ADRICHEM** - Yes, I think we just do number.

**Ms ARMITAGE** - Numbers is fine, yes.

**Ms van ADRICHEM** - So the number of unauthorised removals was five in the last financial year, and we had 189 offenders on home detention.

**CHAIR** - Most are compliant.

**Ms ARMITAGE** - That included breaches of people actually going outside their area.

**Ms van ADRICHEM** - Breaches we had a total of 20 orders that were revoked, so they would have breached their home detention order, but it may have been because they were taking illicit substances, for example, there's other conditions attached to a home detention order.

**Ms ARCHER** - Home detentions we have different classifications, so there's home detention, there's family violence orders, and then there's parolees. Now there's a breach for someone who's on parole then they have to go back to the parole board for that breach, so they may have -

**Ms ARMITAGE** - Then they serve the rest of their sentence.

**Ms ARCHER** - They may have to, it's up to the parole board, and it's their decision, but they would have to appear before the parole board.

**Ms ARMITAGE** - On a home detention, if they were to breach, they go back to court, is that how that would go? They go back to court for the magistrate or judge to decide what's going to happen to them.

**Ms van ADRICHEM** - Yes, they go back to court to determine the outcome.

**Ms ARMITAGE** - Thank you, that's great.

**Ms van ADRICHEM** - Any other questions in this area of corrective services?

**CHAIR** - In regard to the orders where people provide a community service, can you just give us an indication of how many of those orders were put in place, and how many people have done their service if you like and had them revoked.

**Ms van ADRICHEM** - In 2020-21 community corrections supported offenders to complete 583 orders with a community service component and that equated to 40 496 hours of community service having been completed in the community. New orders that have been granted by the court - so new orders that commenced was 539 orders in the last financial year.

**CHAIR** - Have there been any challenges with supervision for those orders? I know that we use various organisations, Buddy, and perhaps some of the more rural and isolated areas you'd need a person to actually provide some of that supervision, so is there any challenges around that?

**Ms ARCHER** - Yes, I'll get you also to address that, because I think you've identified an issue that we might have in regional areas.

**Ms van ADRICHEM** - We are currently fully staffed with supervisors, but it is a challenging role. We've got self-supervised sites as well as supervised sites. The supervised sites are where supervisors will take community service workers to pensioner sites to undertake say gardening duties. Self-supervised sites are usually organisational sites where the organisation will provide a level of not necessarily supervision, but they've agreed to have a worker to undertake duties at the organisation. We do try to identify sites in regional areas as well, so we do have a supervisor on the west coast for example, that we can use if we have workers in that area to undertake tasks.

**CHAIR** - What about around other parts of the state, like the east coast?

**Ms van ADRICHEM** - We have quite a list of locations. We have Fingal, having a quick look, Scamander Sports Complex, Dorset, St Helens.

**CHAIR** - What about on the islands?

**Ms van ADRICHEM** - We have a location at Cape Barren. I'd have to double check, but we use to have a site on Flinders Island as well, but I'd have to get back to you about some of the islands, through you Attorney-General. Do you want that on notice, Chair?

**CHAIR** - No, that's fine. I can check up when I'm over there next, which will be in a couple of weeks, so I can check that one. Any questions, members, in regard to this area?

**Ms SIEJKA** - I've just got one on capital investment when we get to it.

**CHAIR** - Yes. Okay, so if there are no others, we'll move to capital investment. Thank you, the member for Rosevears.

**Ms PALMER** - Thank you very much, Chair. Attorney-General can you please update the committee about the progress that has been made on the Southern Remand Centre and shared facilities at Risdon site.

**Ms ARCHER** - I alluded to this in my opening statement that I was hoping for a question on this, in relation to not only what our key focus in this, but also generally for the prison system. The key focus of the planning efforts for our entire system has been the development of more effective prison design philosophy for the Tasmanian Prison Service. Our strategic infrastructure projects team has developed a wholistic integrated and contemporary strategic infrastructure framework for custodial corrections in Tasmania in order to strategically address any shortfalls in current prison infrastructure.

That framework recommended a dedicated southern remand system, which as we know will house 156 male remandees across two accommodation units, which have been named Acacia and Blue gum. In recent years the fastest growing prison population group in Tasmania has been remandees. As members know a remandee is a person held in custody pending the outcome of a court hearing, including a person who's been convicted but not yet sentenced.



At the moment we don't have a separate remand facilitate, all we've got in Hobart and Launceston are reception prisons to which our director has referred and remandees currently are accommodated within our general prison population and dispersed throughout our prison service facilities across the state. Building a new remand centre will mean that remandees can be housed separately from sentenced prisoners in line with best practice operational guidelines, and the design of the new centre will provide a positive environmental experience for staff and remandees and support effective and efficient prison operations. I've visited the site and I must say I'm very impressed by their features and I'll run through them very shortly.

We've also committed additional funding of \$15 million for the new remand centre, which increases the total commitment from \$70 million to \$85 million. Work on the new remand centre, as I said, is progressing, it's on schedule, and will reach practical completion in earlier 2022. Acacia, Blue Gum, and the clinic, a health clinic, building structures are all now significantly advanced, with internal painting including feature colours in cells, and they are colours as opposed to anything dark and grim, are well underway. External civil works have commenced for the landscaping external fencing and basketball court formation, so it's a very different approach to this facility. When you walk in it has all the features, obviously there are cells, but the way it's being designed with very big open spaces, and large windows, and in the cells the windows actually come out so you can actually sit on the ledges and be outside that structure within the actual cell. It's quite an interesting design and very conducive to that rehabilitation focus rather than just being locked up and in a confined space. The landscaping and the external ability to get exercise and everything that's needed there is very good. It will also cater for visits and the like, and video linking, and that sort of thing.

**CHAIR** - That's been one of the biggest issues around the Risdon Complex, hasn't it? You know, the lack of something to do, exercise, and the ability to get out.

**Ms ARCHER** - Yes, it was in the original design, but it was cut by a former government. I know you don't like to get political, so I won't go there, but it was cut from the design feature all those years ago when RPC was built, there was supposed to be a gym facility and it's just not there. In addition to the accommodation units the new centre will include multi-purpose space available for therapeutic programs, education and support and recreation as I've mentioned, a new satellite health clinic, a basketball court, barbeque area, spiritual reflection space and fixed gym equipment, private video skype rooms for remandee use, that is, for legal consultations, family visits, and telehealth as well.

I'm particularly pleased with how light and bright the space will be. With the very large windows whilst still maintaining a high level of security. It's a standalone prison within the Risdon prison site, and so remandees are completely separate. There are shared facilities as well just in closing. In order to support the new Southern Remand Centre and our Risdon Prison we've got the additional \$9.3 million in the 2021-22 budget for the shared facilities upgrade with this work already underway, and that includes the upgrades to the gatehouse of the prisoner processing area, and the health and visits centre, to support the additional accommodation and increased movement throughout the facility. These upgrades will support more efficient operations and create a better environment for both staff, prisoners, and indeed visitors to the prison as well.

**CHAIR** - Given that it is such an exciting model, is that what's planned for the northern correctional facility in your mind, something like that, only on a bigger scale?

**Ms ARCHER** - Yes, and when I did some media from there and did a visit and the media were able to see the design as well, I did say publicly that I hope they understood that this was the type of design when I say fit for purpose modern facility, that's what the northern facility will emulate as well. It's not building what we've got. You know if you look at the old Ron Barwick, which was previously called the pink palace, because it was pink at the time, it's based on a California desert model.

**CHAIR** - Desert style, which is interesting given we have a cold climate.

**Ms ARCHER** - Yes. We wouldn't, for example, want that type of design ever again. This does show what best practice can deliver. That is exactly what type of design feature we want for the northern facility. It's the way of the future. It's the way we should be building facilities.

**CHAIR** - At the last lot of hearings, you talked about -

**Mr VALENTINE** - Yes, just on the -

**CHAIR** - Is that what -

**Mr VALENTINE** - No, you're all right. You go for it.

**CHAIR** - you were going to talk about?

**Mr VALENTINE** - No, no, no, no. Just something separate.

**CHAIR** - You talked about supporting staff to travel to Austria. Well, obviously nobody's travelled anywhere much.

**Ms ARCHER** - Did I?

**CHAIR** - Well, that's what it says here, 'To have a look at a modern facility'. Mr Dean did, actually. Sorry, it's not you, minister. Mr Dean said he would support.

**Ms ARCHER** - Yes.

**CHAIR** - He would support. I'm sure he would.

**Mr VALENTINE** - Yes.

**Ms ARCHER** - Definitely not attributable to me -

**CHAIR** - No.

**Ms ARCHER** - for any media that's listening.

**CHAIR** - I shall rephrase that question. It is day four, later in the afternoon. Have your staff looked at other facilities?

**Ms ARCHER** - Yes, what I can say is -

**CHAIR** - Perhaps not in Austria.

**Ms ARCHER** - I've been to Victoria and looked at their facilities. I had some department people with me at the time. Ms Bourne was with me, Mr Thomas was with me, and another previous deputy - or former Deputy Secretary. What we saw there was prison designs as to all different types of classifications. We went to a minimum-security prison, where there was a strong rehabilitation focus. Then, separately, because of there being multiple prisons in a bigger state like that other models-

**CHAIR** - They can do that.

**Ms ARCHER** - They can do that. We went to a maximum site, and they had - I always forget what the model is called - with the centre -

**CHAIR** - Hub-and-spoke?

**Ms ARCHER** - Hub-and-spoke. Thank you.

**CHAIR** - We should know about that.

**Ms ARCHER** - So the hub-and-spoke model -

**CHAIR** - We heard all about hub-and-spoke yesterday.

**Ms ARCHER** - We had a look for that. I know that Mr Thomas has also been to the Northern Territory?

**Mr THOMAS** - And New South Wales.

**Ms ARCHER** - And New South Wales. Yes, they have done their research on best practice and best design features for what we would like to see in our system.

**CHAIR** - All right. Now -

**Ms ARCHER** - Within Australia.

**CHAIR** - Yes. My next question is can the Ashley Detention Centre, current site, be repurposed for a new northern correctional facility?

**Ms ARCHER** - I would expect that if that no longer housed any children and what it's - I'm not sure what it's currently zoned, but if there was no zoning issue, then anything would be a possibility. That's a hypothetical scenario, and you've put that question to me. I'd have to refresh my memory as to what it's currently classified - as to what it could be used for.

**CHAIR** - That'll be the first question that I'll be asked when I leave this place.

**Ms ARCHER** - Well, as I've just answered, I would need to refresh my mind as to what it's currently zoned. Once it's no longer in use, whatever happens to that site, whether you zone

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it for a different purpose or if it's currently zoned purely for a correctional facility, then there would be nothing stopping you from putting a correctional facility on it.

**CHAIR** - Sits smack bang in the middle of rural agriculture resource, I expect. I'm sure that your mind will be starting to head that way, given that it wouldn't have been the first time you heard the news that we heard today.

**Ms ARCHER** - It's not the first time the Ashley site's been proposed, but, obviously, it's been a situation where the Ashley Youth Detention Centre has been there for youths. It wouldn't have been appropriate to even look at that site for adults, and nor would there be the space to combine the two - nor would it be appropriate. That's been my consistent response all along. With children no longer being there, that might be a different matter, but -

**CHAIR** - So the money that is in the Budget for this current financial year for the northern correctional facility, does that continue to be spent or does that go on hold while the Government re-assesses its options, if you like? Does this just keep ticking over to the site that's been identified at Biralee Road? Does this change anything?

**Ms ARCHER** - Well, we're not - we haven't started building anything. The work, as I've said, that we're doing at the moment is the due diligence and preparing the planning application. A lot of what we've done, is scoping the type of design that we'd want. That is, irrespective of where it was - because we had the previous preferred site - a lot of that has been transferrable work when we changed sites to the Crown land site. We've tried to minimise any cost wastage there. We're not at the construction phase.

**CHAIR** - No. But is that what is planned - with this Budget allocation, is that transferrable to another site?

**Ms ARCHER** - We're committed to building a northern prison correctional facility.

**CHAIR** - So it is transferrable.

**Ms ARCHER** - The money is there in the Budget for a northern regional correctional facility.

**CHAIR** - The work that has been undertaken and the money allocated on this line item is transferrable to another site as well?

**Ms ARCHER** - It's for a northern regional correctional facility.

**CHAIR** - But that's not the question I'm asking.

**Ms ARCHER** - Yes, it is.

**CHAIR** - No, it's not. I'm asking whether it's -

**Ms ARCHER** - The Government is committed to building a prison in the north of the state. When we had the previous preferred site - and we've now got the Crown land site. The same figure has been adopted. Yes. So we are committed to building a facility.

**CHAIR** - But the work that's being undertaken -

**Ms ARCHER** - You're asking me to commit to a hypothetical. I know what you're up to. What I can say is when the site changed, the money did transfer. Yes.

**CHAIR** - Right. So that can happen again. Thank you. Mr Valentine.

**Mr VALENTINE** - Mine's a very small question after that. Note four under the Capital Investment program talks about funding of \$750 000 from the existing \$1.5 million allocation has been reallocated from 2021-22 to 20-23, due to the rollover of unexpected appropriation of 850 for the videoconferencing and recording project. What was the reason that that had to be pushed out? Why couldn't it have been expended? Was there a physical reason why that couldn't happen or was it because you didn't have the right people to do the job?

**Ms WEBSTER** - No. I can answer that.

**Ms ARCHER** - Did you want to answer that, secretary?

**Ms WEBSTER** - Yes. Thank you.

**Mr VALENTINE** - Attorney-General, I should say, through you.

**Ms ARCHER** - That's all right.

**Ms WEBSTER** - So my understanding, Mr Valentine, is that that was a little bit to do with COVID-19 and the work that we needed to do to get in and say, 'We need to scope this project'. Of course, when the courts were closed it was impossible to do that. It's rolled over, and we're actually working with the courts now to undertake the scoping exercise for that work.

**Mr VALENTINE** - Okay, so -

**Ms ARCHER** - I'm very keen for it to happen as quickly as possible, because it's been such a good feature to have throughout COVID-19, and for it to continue as well. In this output in - connecting with prisoners that really only have to appear on something that's going to be adjourned, you can imagine the savings and efficiencies we can make -

**Mr VALENTINE** - I can imagine. Absolutely.

**Ms ARCHER** - in not transferring them to court.

**Mr VALENTINE** - Absolutely.

**Ms ARCHER** - Because every time you do, you've got to have a couple of correctional officers, as well as transport.

**Mr VALENTINE** - You're talking about constructing individual rooms for this or -

**Ms ARCHER** - We already have that available. I think it's just transforming what we've currently got, but we'll certainly have it as a feature in the remand centre. That's what's there.

**Mr VALENTINE** - In the remand centre?

**Ms ARCHER** - Yes.

**Mr VALENTINE** - Yes. All right.

**Ms WEBSTER** - Just through you, Attorney-General, just one other point.

**Ms ARCHER** - Yes.

**Ms WEBSTER** - Through you, Attorney-General. The budget was late last year, Mr Valentine. It was re cash flow because of that, you know -

**Mr VALENTINE** - Yes, I think I remember when we looked at it for public works. There was some component. I just couldn't quite recall whether they were actually new rooms or refurbished.

**Ms WEBSTER** - Yes. They're refurbished.

**Mr VALENTINE** - Thank you.

**Ms WEBSTER** - Thank you.

**Ms ARMITAGE** - That's a street, Chair. Just for information, I've just looked up - and the zoning appears to be community purpose of the current Ashley site.

**CHAIR** - All right.

**Ms ARMITAGE** - So that fits.

**CHAIR** - Thank you.

**Ms ARMITAGE** - I've no -

**Ms ARCHER** - I'm here to answer questions. You made a statement.

**Ms ARMITAGE** - No, I know.

**Ms ARCHER** - Also, I don't know what you're looking at.

**Ms ARMITAGE** - I was just providing a little bit of information. You didn't have the zoning, I've just looked it up.

**Ms ARCHER** - I had known it, but I had forgotten it.

**CHAIR** - Yes.

**Ms ARCHER** - I said that I would have to refresh my memory, just to be correct.

**CHAIR** - That's all right.

**Ms ARMITAGE** - That's okay.

**CHAIR** - If there are no further questions in this particular area, minister, I'm just in your hands somewhat, as to whether you would like to do workplace or have a break.

**Ms ARCHER** - I think we're ready. Yes, we have our next people present, because I've asked them to all be ready early, if needed early.

**CHAIR** - All right, then. Okay. Well, we'll do the workplace safety and consumer affairs.

**Ms ARCHER** - That would be good.

**CHAIR** - And then we will have a break before we go to arts.

**Ms ARCHER** - And could I thank my Corrections people for attending the last two days.

**CHAIR** - Yes. Thank you very much, Ian. Yes. It's always appreciated. We know it takes you away from the work that you need to be doing. So thank you.

**Ms ARCHER** - Thank you, Chair. Thanks, Ian.

**DIVISION 6**  
**(Department of Justice)**

**Output group 4**  
**Regulatory and Other Services**

**4.1 WorkSafe Tasmania -**

**CHAIR** - Welcome back, Kerrie.

**Ms CROWDER** - Thank you. Nice to be back.

**CHAIR** - Hello, Peter. How are you?

**Mr GRAHAM** - Hi. Good, Ms Rattray.

**CHAIR** - Call me Tania. So thank you, minister. I'll let you just get yourselves sorted.

**Ms ARCHER** - Right. Thank you.

**CHAIR** - For anyone who's leaving us, thank you very much for your efforts today, and all the best. Minister, now, as the Minister for Workplace Safety and Consumer Affairs. You have some new people who have joined you at the table. So, please, if you would introduce those. If you need you make an opening statement.

**Ms ARCHER** - Thank you, Chair. I have, again, with me - I might just start - secretary, Ginna Webster; to her left, Kerrie Crowder, who you know, as well as an Acting Deputy

Secretary. To my right is Robyn Pearce, who is the executive director of WorkSafe Tasmania; and, to her right, Mr Peter Graham, who heads up our CBOS - our Consumer, Building and Occupational Services, as executive director. He wears a number of other hats under that, not least of all the Residential Tenancy Commissioner and the Director of Building Control.

**CHAIR** - Thank you. We'll get started.

**Ms ARCHER** - Thank you.

**CHAIR** - All right. And I will invite -

**Ms SIEJKA** - Me.

**CHAIR** - Jo Siejka. Thank you very much, honourable member. 4.1.

**Ms SIEJKA** - Yes. How many inspectors are currently employed, full-time equivalent and people, and whether or not this is changed -

**Ms ARCHER** - I forgot to do my summary.

**Ms SIEJKA** - Please.

**Ms ARCHER** - Can I do a brief summary, Chair?

**Ms SIEJKA** - Yes. Give -

**Ms ARCHER** - I will keep it brief. I need to dedicate what we have in the Budget. WorkSafe Tasmania obviously played a very important role throughout COVID-19 and still is in relation to our COVID-19 response. The Budget provides \$750 000 to enable WorkSafe to continue to undertake COVID-19 workplace inspections. During the 2020-21 financial year, WorkSafe undertook 355 COVID-19 related workplace inspections across industries, including gyms, aviation and retirement villages, as well as in relation to seasonal workers, quarantine facilities and essential workers.

The Budget also provides \$2 million over the next four years for the new primary producer rebate scheme, which WorkSafe Tasmania will administer, and this delivers another of our election commitments. That scheme commences on 1 October and will provide rebates for the purchase of eligible workplace safety solutions to small, medium and owner-operator businesses within the agriculture sector. The scheme will target the most common hazards which cause death and injury in the sector, such as vehicle incidents involving quad bikes and tractors, in order to deliver a demonstrated improvement in safety performance.

In relation to the Consumer Affairs part of the portfolio, the Budget also makes provision for \$552 000, to enable the Property Agents Board to maintain its core regulatory functions in relation to property agents and land transactions. Members will know about our COVID-19 supports. Both the rent relief fund for tenants and the landlord support fund - a combined total of \$4.356 million has been paid out of that to tenants and rental property owners who experienced financial hardship as a result of COVID-19, thus significantly reducing their rental arrears. Incredibly successful program.



I'm very proud of both WorkSafe Tasmania and their work throughout COVID-19 and also, particularly, CBOS. They've seen an enormous demand increase on all of their services throughout COVID-19, and now also in relation to building services because of the building boom as well. So that's an area that has seen an increase in staffing to deal with those demands.

**CHAIR** - Thank you.

**Ms ARCHER** - Sorry. Now we can -

**CHAIR** - Ms Siejka.

**Ms ARCHER** - - have the question.

**Ms SIEJKA** - No, no. That's perfectly fine. Yes. I was interested in how many inspectors there are currently employed full-time equivalent, and in terms of actual people, and whether or not this is something that's changed in the last three years, given the - as you were just talking about, the little bit of extra work that's been occurring.

**Ms ARCHER** - Yes. I'll just turn that up for you and Ms Pearce can probably give some more detail as well. In the 2019-20 state Budget we invested in permanent recruitment of an additional five inspectors to be deployed state-wide, therefore increasing the number of permanent field active authorised inspectors to 45. We have funded a further six fixed term inspectors to focus on COVID-19 safe workplaces for the next 12 months. Therefore, increasing the number of field active authorised inspectors to 51, and we've done that so that WorkSafe, now that we're not in that intense COVID-19 period, can carry out both its regular functions - regular inspection and other functions as well as having a dedicated, if you like, COVID-19 unit of which there will be six positions.

The inspectorate's currently undergoing workforce renewal as a result of some retirements and resignations of a number of staff, and so priority has been placed on filling some vacant inspectorate positions but the total that we've funded is 51.

**CHAIR** - Thank you.

**Ms SIEJKA** - Are there any vacancies currently in that area?

**Ms ARCHER** - There are. As I alluded to, there were 12 - as at 2 August there were 12 vacant positions across the state. Three in south, three in the northwest and four in the north.

**Ms SIEJKA** - There's active recruitment occurring?

**Ms ARCHER** - There is. I'm getting the nod, yes.

**Ms SIEJKA** - Given COVID-19 and Delta as we've spoken about in other realms today, is there capacity for that COVID-19 unit to have more people join it if need be, because it's a pretty important part of keeping everyone safe I would think.

**Ms ARCHER** - Yes. What happened, and I'll get Ms Pearce to describe what happened in the height of COVID-19, but basically it was - I wouldn't say all hands on deck but fairly much every agency adapted to COVID-19 and we had a lot of people transfer, even across

agencies, to deal with COVID-19 and our response to COVID-19. Every agency now has a very clear plan in place as to what happens should we get a positive case, whether that's in - certainly in terms of Justice, whether it's in our prison system, whether it's somewhere in the department or other area. Certainly, with respect to WorkSafe Tasmania, that's no different.

I might throw to you, Robyn, to fill in that a little bit further as to what you would do in the event that that might happen and touch wood it doesn't again.

**Ms PEARCE** - Thank you, minister. Certainly, through the height of the pandemic we've pretty well had - all of our proactive work was focused on COVID-19 and whilst we would still be attending incidents and dealing with complaints and investigations, COVID-19 was our only proactive campaign. The creation of the COVID-19 unit has actually allowed us to go back to start looking at doing some other proactive campaigns that we need to be working on for other risks that there are in industry, and the COVID-19 unit having a dedicated focus is actually allowing us to get some greater reach and deal with some more specific campaigns in the COVID-19 space.

In the event that there was an outbreak then we would then look at again the focus coming back into COVID-19. What we'd see would be other industries that would be starting to slow down and that would allow us to put some greater focus into those COVID-19 risk areas, particularly those businesses that were being permitted to continue to operate.

**Ms SIEJKA** - Can I also ask whether there were many complaints relating to COVID-19?

**Ms ARCHER** - That is a question for -

**Ms SIEJKA** - No, if that's quite the way - well, yes, complaints about COVID-19 related I guess, yes.

**Ms PEARCE** - Yes, we get a lot of COVID-19 related -

**Ms SIEJKA** - A lot of people complain about COVID-19 but -

**Ms PEARCE** - We do get a lot of COVID-19 related complaints. I'll just pull up the statistics.

**Ms ARCHER** - Also referrals from Tas Police.

**Ms PEARCE** - That's exactly right. Just in 2020-21 alone we received 114 email inquiries in relation to COVID-19, 346 telephone inquiries. There were 383 matters that were referred to the inspectorate, so that would mean there were complaints and in 2021 we conducted 2500 workplace visits as well, and issued 53 improvement notices which are essentially an educative notice that gives direction for what improvements need to be made in the workplace for compliance.

**Ms SIEJKA** - Yes.

**Ms ARCHER** - I think it's really important to highlight that WorkSafe Tasmania and certainly it's been our intention in government as a policy, so the direction if you like is that we

take an educative approach because most businesses have been extremely willing and entered arrangements in good faith and so -

**Ms SIEJKA** - Most want to do the right thing.

**Ms ARCHER** - Exactly. WorkSafe Tasmania has very much taken the educative approach, and it's only if there's wilful disregard once they've had contact and been advised of needing to do a certain thing and they don't, that WorkSafe Tasmania would pursue that by way of a notice.

**Ms SIEJKA** - Given that was quite a large number, to my mind, what percentage did those COVID-19 related issues make up of the overall complaints?

**Ms PEARCE** - I shall get to that. I haven't got it as a percentage figure.

**Ms SIEJKA** - Happy to take whatever you've got per se.

**CHAIR** - We're impressed you've got a figure.

**Ms SIEJKA** - It's very interesting.

**Ms PEARCE** - Last financial year we received 1119 complaints in all to our help line. That was by - yes, so it was the number of complaints and we get complaints in either by phone or emails will come in.

**Ms SIEJKA** - That would be that 114 plus 346 would be a chunk of that.

**Ms PEARCE** - Yes, that's right.

**Ms SIEJKA** - Given that and given the concerns that everybody has about Delta and I know you're actively recruiting, are you convinced that there's a sufficient amount of inspectors onboard to cope with that - I mean it's a hard one and we don't know whether it will happen and how severe it might be and all of those sorts of things, but that must be a concern, that preparedness.

**Ms ARCHER** - It's a question Ms Pearce can answer but throughout the height of the previous COVID-19 circumstances the inspectors certainly got around the state and did their inspections, and certainly they concentrated inspections in various industries that I briefly outlined as well. Weekends and specialised weekends were certainly able to be carried out.

**Ms PEARCE** - I think it's one of those ones where there's always plenty of work to do but the resources are there to do the work. What we do find is the challenge is actually finding people, so the pool of people to recruit from is a bit of a challenge for us. We're certainly working on different strategies to attract people that have got the right background to be an inspector because it doesn't suit everybody.

**Ms SIEJKA** - What sort of background's required?

**Ms PEARCE** - Ideally, we're looking for somebody that's got a work health and safety background. That may be that they've worked in industry in that space, they may have an investigations background as well. That's the sort of thing we're looking for.

**Ms SIEJKA** - Do they need the specialised industry knowledge or is more about your need for work safety?

**Ms ARCHER** - It's more about the knowledge of safety, isn't it, and the legislation as well.

**Ms SIEJKA** - Thank you. That was interesting.

**CHAIR** - Thank you. If there are no further questions in this area I'll move to 3.2 - sorry, I'll move to 4.4 Consumer, Building and Occupational Services. Thank you.

#### **4.4 Consumer, Building and Occupational Services**

**Ms ARCHER** - Which is Mr Graham's area.

**CHAIR** - I have Ms Palmer.

**Ms PALMER** - Thank you very much, Chair. Attorney-General, can you please update the committee on what steps the Tasmanian government is taking to ensure Tasmanians are aware of rooftop solar safety and that it's made a priority?

**Ms ARCHER** - Thank you. This is an area of, I think, growing interest because of people being interested in solar panels, and so our government is at the moment calling on property owners with solar energy systems to ensure they are regularly inspecting and maintaining them for efficiency and safety. Consistent exposure to weather, including UV from sunlight, rain and wind causes solar energy system components to deteriorate or become damaged over time and this creates an electrical or fire safety risk. Dust and debris also gradually build up on solar panels and this may affect how the system performs as well.

Regular inspections and maintenance of solar energy systems will ensure that any issues are identified and fixed early before they pose a risk or cause other problems, which can be expensive to fix. Our government has ensured that Tasmania has a robust compliance framework for identifying and addressing noncompliance with solar energy systems, with the notification of all solar installations mandatory in Tasmania and enforced by Consumer Building and Occupation Services.

Approximately 85 per cent of all solar installations are inspected within three weeks of notification, which equates to 270 solar inspections occurring on average each month. This inspection rate is the highest in Australia, I can report. The maintenance of electrical installations in Tasmania, including solar energy systems must be done by a licensed electrician. So CBOS through the electrical safety inspection service proactively engages with the Tasmanian Fire Service to investigate the Tasmanian incidents in order to support national changes to requirements that would address these incidents in the future.

A statewide campaign to inform property owners is currently underway with more than 40 000 households to receive direct communication over the coming months, and I know that

because I've received a few inquiries about it myself already. This includes direct correspondence with the owners in Tasmania, reminding them of the importance of having their solar energy system regularly inspected and maintained. This also included providing them with a checklist for what should be checked and why.

Media campaigns are running concurrently with the correspondence to assist with raising awareness and this initiative is widely supported by the Clean Energy Regulator, the Clean Energy Council and electrical industry representation bodies. I encourage anyone that's interested, there is further information online on the CBOS website, and I did have a look at that myself and it's very easy to follow.

**CHAIR** - Thank you. Mr Valentine.

**Mr VALENTINE** - Thank you. When we look at this Budget and compare it to last year, we notice that in 2021-22 there's been an allocation increase in 2021-22 by 22 per cent. In 2022-23, 5.4 per cent and 2023-24, 4.4 per cent. It's a declining increase if I can put it that way. Obviously, note 15 indicates that the increase in the allocations is to cover increased costs associated with the response to the Commission of Inquiry into the Tasmanian government's responses to child sexual abuse in institutional settings, and the contribution to Tasmanian Residential Rental Property Owners Association. Given the increase in the allocation in the out years of the forward Estimates, that that declines considerable, it would appear the funding for one of these initiatives will cease in 2022-23. Are you able to clarify what the circumstance is there?

**Ms ARCHER** - Yes. I might get Mr Graham to address that because you've identified two areas where I think it will explain the decline. I'll let Mr Graham -

**Mr VALENTINE** - Thank you, Attorney-General - sorry, minister. I think it's minister.

**Ms ARCHER** - That's all right.

**Mr GRAHAM** - Through you, minister.

**Mr VALENTINE** - It's a ministerial path.

**Mr GRAHAM** - So firstly, you'll have been looking at the output group, so 4.4 Consumer building and occupational services.

**Mr VALENTINE** - That's it. That's the one.

**Mr GRAHAM** - I suppose the first thing to say is that overwhelmingly that budget comes from levies, fees and other kind of things charged on industry. The primary driver of change is actually what our forecast revenue is from renewals of licenses and other kind of things. CBOS gets about \$1.7 million from the public account but then that changes over time when initiatives are in place. This year, as the minister mentioned in her introduction, there was money provided to the output for the Property Agents Board to continue its functions and that is a one-off funding in this financial year, but the primary driver of those changes over time, it's just the expected revenue from -

**Mr VALENTINE** - So you think it's going to drop?

**Mr GRAHAM** - We just have a conservative approach and we update it each year. Always the most current years will be the most accurate, and then we assume that it goes back towards a long-term average.

**Mr VALENTINE** - Minister, can you outline how much funding has been provided to the Tas Residential Rental Property Owners in 2021-22 and what outputs and outcomes are being delivered by that group with this funding?

**Ms ARCHER** - Yes. They wrote to the Premier on 13 May this year, Ms Elliott. The Premier then wrote back in June 2021 advising that the association would receive funding in the budget in line with its request. It's \$100 000 over two years.

**Mr VALENTINE** - Over two years or \$100 000 per year for two years?

**Ms ARCHER** - I've got over two years here. Yes, it's \$50 000 per year.

**Mr VALENTINE** - Okay.

**Ms ARCHER** - This is specifically to assist with the setup costs connected with establishing the association and also enable the association to provide additional assistance to Tasmanian's rental owners regarding educational and compliance with relevant legislation. What that means is compliance with the Residential Tenancy Act, and also other various legislation that exists. It is specifically only two-year funding, for setup and for compliance. It was a concern with that association that many landlords that weren't represented by a property agent, for example, and just private landowners managing the property themselves, that their education on compliance may be lacking. The government certainly felt that an educative role and function is desirable, to ensure that we have fewer disputes between landlords and tenants.

**Mr VALENTINE** - With any funding that you give to the tenant's organisations, do you -

**Ms ARCHER** - That's legal assistance funding, because the Tenants' Union is classified as a community legal service, and it provides legal assistance, as well as other advocacy. So that's actually funded out of my justice portfolio.

**Mr VALENTINE** - I understand that. You expect certain metrics to come back to you with those organisations. Is the same sort of setup expected of this organisation, to come back and report to you?

**Ms ARCHER** - Yes. The Department has prepared a grant deed in accordance with this allocation, which has been provided to the association, and I understand the association is currently considering the grant deed. As I said earlier today in my justice output, that, in relation to grant deeds, there's always a component of what do we call the term again, Ginna? I've just had a blank.

**Ms WEBSTER** - The grant deed -

**Ms ARCHER** - The grant deed - acquittals. There's always an acquittals process in relation to a grant deed, yes.

**Mr VALENTINE** - Yes, all right.

**Ms ARCHER** - Sorry, the word just flew out of my head for a moment.

**Mr VALENTINE** - I have those moments. It's increasing.

**CHAIR** - It's called old age.

**Mr VALENTINE** - It increases as one goes on, unfortunately. What is the total amount of funds held by the Rental Deposit Authority as at June 30, 2021, and what is the annual income it generates?

**Ms ARCHER** - I will let Mr Graham answer that, because he has got that figure handy, I'm sure.

**Mr GRAHAM** - As at 30 June 2021, the Rental Deposit Authority held 45 032 active bonds, with a current value of just over \$56m. The amount of interest accrued on the bonds held for the 2020-21 financial year was \$148 743. That funding is used to fund the functions of the Office of Residential Tenancy Commissioner and the Rental Deposit Authority. Due to the historically low interest rates, that has had to be supplemented by funding from the Department.

**Mr VALENTINE** - How much?

**Mr GRAHAM** - \$854 000 in 2021. The budget of those two units is about \$1.1m per annum.

**Mr VALENTINE** - You've given us a number of active bonds. I was interested in getting how many bonds in total were held by the RDA per annum, from 30 June 2016 for every year right up to 2021. So, 2016, 2017, 2018, 2019, 2020, 2021.

**Mr GRAHAM** - I can give you precise numbers for 2019, 2020 and 2021. Prior to that time, we didn't have the MyBond system. I do have records, but they're likely to be a little bit approximate or rounded figures, but I'll give them to you. So, 30 June 2016, it was 10 073. 30 June 2017, it was 10 370. 30 June 2018, it was 16 017. 30 June 2019, it was 25 422. 30 June 2020, it was 32 124. And 30 June 2021, it was 45 032. There has been a significant increase in recent years.

**Mr VALENTINE** - Yes.

**Mr GRAHAM** - The key driver has been MyBond. It's an easy-to-use, accessible user interface that - real estate agents now typically don't hold money themselves in their own trusts and other things. It also suggests that there was a level of non-compliance out there before MyBond was introduced, with regard to lodgement with the Rental Deposit Authority.

**Mr VALENTINE** - So it's not reflective of many, many more people going into rentals?

**Mr GRAHAM** - Some of it may be that, but I think the key driver really is the adoption of MyBond, the user-friendly nature, and the strong support it's had from rental managers

within real estate agent businesses. Historically, bonds would often be held by the agent in their trust fund first, and then transferred. Whether all that came across or not, that's part of the issue. But because it is easy to use both for the agent and for the tenant, it is now the front door to the bond system. That's a really positive outcome, in the sense that the money is being held in trust and secured by the state.

**Mr VALENTINE** - Yes, thank you for that. Minister, how many complaints have been received, and what number of cases have been investigated in the financial year 2020-21?

**Mr GRAHAM** - Is that all complaints?

**Mr VALENTINE** - How many complaints have been received?

**Mr GRAHAM** - Through you, minister, during the reporting period the Office of the Residential Tenancy Commissioner investigated 110 complaints.

**Mr VALENTINE** - Sorry, it's to do with minimum standards.

**Mr GRAHAM** - Just to do with the minimum standards.

**Mr VALENTINE** - Sorry.

**Mr GRAHAM** - No, that's fine. During the reporting period, the Office of the Residential Tenancy Commissioner received 33 complaints regarding the minimum standards.

**Mr VALENTINE** - That's 2020-21?

**Mr GRAHAM** - Yes.

**Mr VALENTINE** - All right. How many complaints were received, and what number of cases have been investigated? So, 33 received.

**Mr GRAHAM** - Yes. Through you, minister; 16 were addressed satisfactorily, without the need for orders for repairs or infringements being issued. Thirteen resulted in an order for repairs being issued or was undertaken. Three were withdrawn, and one resulted in an exemption from the minimum standards being accepted.

**Mr VALENTINE** - What outcomes have there been from investigations - for example, fines, convictions, or other enforcement actions - in the financial year 2021-22?

**Mr GRAHAM** - In 2021, 10 resulted in enforcement action resulting in infringement notices.

**Mr VALENTINE** - Types of - let me - what outcomes have there been from investigations, whether they were fines, convictions, or other enforcement actions? Can you give me the types of outcomes?

**Mr GRAHAM** - They were just relating to minimum standards.



**Mr VALENTINE** - Yes. They're all related to minimum standards. All of these questions are related to minimum standards.

**Mr GRAHAM** - All right. In essence, when we get a complaint for the minimum standards, the first thing we try and do is seek to just have the landlord address it. The only time we rely on infringements is where that hasn't been effective. The first option is to try and get them to fix it voluntarily. That's usually successful. Where that's not effective, we issue an order for repairs, where we can, where it's appropriate. Where that's not followed up, we can issue infringements. There were 10 infringements issued.

**Mr VALENTINE** - All right. You don't have a breakdown as to -

**Mr GRAHAM** - No.

**Mr VALENTINE** - What oversight and enforcement measures have been undertaken in 2020-21 and projected for 2021-22?

**Mr GRAHAM** - For the minimum standards, or across the -

**Mr VALENTINE** - No, for minimum standards.

**Mr GRAHAM** - Our priority for minimum standards has been an educative one, putting information out through our website and other channels, for tenants and landlords. For landlords to understand their obligations, but for tenants to understand their rights. Then also, the mechanisms that they can use to try and get those addressed. As I outlined to you earlier, those mechanisms - contacting our office, seeking assistance - are overwhelmingly effective. But we will continue to push that educative message.

**Mr VALENTINE** - All right. Now, this is not to do with just minimum standards. This is on the whole. What resources and funds have been spent on enforcement and oversight of RTA - sorry, I just said it wasn't to do with minimum standards, and it is. What resources and funds have been spent on enforcement and oversight of RTA minimum standards in 2020-21?

**Mr GRAHAM** - We don't break out the spending that we have based on the individual attributes of the act. The budget of the Rental Services Unit, which comprises the Office of the Residential Tenancy Commissioner and the Rental Deposit Authority, has seven staff, and a budget of between \$1 and \$1.1 million a year. They do everything from general inquiries from the public, engagement with property owners and landlords, as well as investigations into complaints they prepare. They consider the unreasonable rent increase applications; basically the full gamut of services envisaged by the Residential Tenancies Act. They also administer the rental bond system.

**Mr VALENTINE** - Are you able to list the number and type of penalties that have been issued for infringements of the RTA minimum standards since the Act came into force?

**Mr GRAHAM** - I will say that in the early years that the minimum standards came into force, the focus of the office was solely educative. There was not a strong push on compliance. It was really to - as I said earlier, making sure that property owners understood their obligations, and tenants -

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**Ms ARCHER** - I think you meant there was a strong focus on compliance, but not on enforcement and penalties.

**Mr GRAHAM** - Yes, sorry.

**Mr VALENTINE** - So, education.

**Mr GRAHAM** - So it was only - the last financial year was the first financial year where we issued penalties. I've mentioned in my earlier answer, there were 10.

**Mr VALENTINE** - That's all right, thank you.

**Ms ARCHER** - Sorry, I just thought I'd clarify that, because obviously we want compliance; it was just the penalty aspect that -

**Mr GRAHAM** - Yes.

**Mr VALENTINE** - Good observation. How much has been spent on residential tenancy support programs in Tasmania during COVID-19, including -

**CHAIR** - That's rent relief. That's the member for Elwick's question.

**Mr VALENTINE** - Sorry. I've gone one too far. All right, that's fine. I'll ask it on the next item.

**CHAIR** - Thank you. The member for Launceston, and then we're going to break for a cup of tea. Thank you.

**Ms ARMITAGE** - I just have a couple of questions. But before I do, I must thank Mr Graham, because last year I was trying to organise a meeting, and this year, the last financial year, he has been fabulous. I've been up a few times and met with practitioners in the building industry.

**Ms ARCHER** - He has made himself available to -

**Ms ARMITAGE** - And they've all been extremely grateful for the time that you've given up, coming up to Launceston and meeting with them.

**CHAIR** - Thank you for that.

**Ms ARMITAGE** - So, thank you.

**CHAIR** - That's a big tick.

**Mr VALENTINE** - His chest is puffing out as we look.

**Ms ARMITAGE** - They have appreciated the fact that he hasn't just come once, but has come back with answers, and listened to their questions. It has been important. A couple of quick questions; one with regard to something we discussed last year, and I'm just wondering whether we've got any more information to do with the Victorian - Tasmanian building

surveyors working in Victoria. I know that you were talking to counterparts in Victoria, and I'm wondering whether that's changed, or whether our surveyors still don't have a full gamut of work over in Victoria as building surveyors.

**Mr GRAHAM** - Victoria has maintained their position with regard to the application of mutual recognition to Tasmanian surveyors.

**Ms ARMITAGE** - They still don't consider our qualification sufficient?

**Mr GRAHAM** - No. However, the Tasmanian government and the Victorian government have both agreed to the automatic mutual recognition into a governmental agreement. That, in essence, doesn't require - it provides full portability of licenses.

**Ms ARCHER** - Which is a decision of National Cabinet.

**Mr GRAHAM** - Yes. We are working towards the implementation of that in Tasmania at the moment, and Victoria is similarly working through the implementation of that. That scheme technically started on 1 July this year, although its application within any jurisdiction depends on the passage of local legislation. In Tasmania, we require amendments to our Mutual Recognition Act, which the Treasury are preparing, and, I understand, will take place later this year.

We are preparing also for not just the opportunities that our licensed tradespeople and building services providers will have in other states, but for people who may wish to work in Tasmania. That will include things like notifying the regulator what they're doing, and other kinds of things. We are busily working on that at the moment. When that is in place and operational, in both states, that situation should have changed substantially for building surveyors from Tasmania wanting to operate in Victoria.

**Ms ARMITAGE** - Not that we want too many to go over there because we -

**Ms ARCHER** - No, we want more to come down here.

**Ms ARMITAGE** - We do.

**Mr GRAHAM** - But I would say, Ms Armitage, I think that will be the solution to the problem that you've identified, and we will continue to monitor for those outcomes.

**Ms ARCHER** - Which as of last year wasn't the case, so at least there's been some advancements there.

**CHAIR** - So the member's made some significant headway. Well done.

**Ms ARMITAGE** - Well, just of a couple of surveyors, and hopefully they'll stay now, they won't go back over there. Another question if I may, given some of the issues that have been recently brought to light about defective and illegal building works in Hobart, will the government give any serious consideration to mandating home warranty insurance? Or secondly, legislating mandatory vendor disclosure for dwellings that have had illegal works done on it.

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**Ms ARCHER** - Yes, so, there's a bit of history here in relation to this issue, and I just want to make sure - I might get Mr Graham to start off with that while I - it just appeared. Thank you. No, I might get him because it's not what I was looking for.

**CHAIR** - You got that there?

**Mr GRAHAM** - Yes. Through you, minister. There has been some recent media attention regarding the defective work and consumer protection issues in the context of building works undertaken in Tasmania, including a recent ABC news report. Firstly, I would say that the cases that were raised in that report related to building work that was undertaken prior to the current building framework being in place, which a key part of that is enhanced consumer protections for property owners. While those property owners do have defective work that the system hasn't been able to address without them taken recourse to a court, there are a greater suite of options to people who've commenced building works since one - or signed contracts for building works since 1 January 2017. That is a different state to the one in question with regard to insurance.

**Ms ARCHER** - Sorry, I'm just throwing papers around. Yes, just in relation to the that, the home warranty insurance, a lot of members will recall that that was abolished in 2008 supported by all parties in the parliament due to the high cost and limited coverage of that type of insurance. It was a limited insurance product because the insurance was only applicable in cases where a builder died, became insolvent, or became otherwise uncontactable and unable to be located. I think people are getting a little bit confused with the product, because that product doesn't -

**Ms ARMITAGE** - Wasn't wide range in that respect.

**Ms ARCHER** - No, it was limited to certain circumstances, but every builder was required to have it with limited access. The provisions now within the Residential Building Work Contracts and Dispute Resolution Act 2016 are available to resolve building disputes. This has been outlined under those new changes that we made to be more consumer focused which has also been identified by Mr Graham. With those few media issues, I've certainly met with the constituents involved, and although they have a remedy by way of a court remedy, I do appreciate that sometimes people don't want to have to go to the trouble and expense, and the time it takes to go to court.

**CHAIR** - Or use lawyers.

**Ms ARCHER** - Yes. No, no, no, and that's why I said yesterday in the committee that with tranche three, if you like, of TasCAT, one of the things that I'll be looking at is extending the powers and functions of TasCAT is building types, building disputes, and residential tenancy disputes, and some other mediation in some other areas. These types of things hopefully can be dealt with in a cheaper and faster manner by going to a tribunal where you don't need legal representation either. Hopefully we'll be able to improve that situation. I don't necessarily think the answer is a product like home warranty insurance to settle these disputes.

**Ms ARMITAGE** - Thank you. One last question.

**CHAIR** - The rest of us, it's between a cup of tea and an Afghan.

**Ms ARMITAGE** - Well, you decided to go later. So, my last question, has LGAT or any local governments indicated that they struggle with the amount of resources they possess to administer the current building act?

**Ms ARCHER** - That would be - if Mr Graham has any anecdotal evidence or otherwise of that.

**Mr GRAHAM** - Through you, minister. Not formally, although we have regular conversations with LGAT, including recently. I think it's fair to say that four smaller councils that don't have significant revenue streams from building applications and other things, having appropriately qualified staff to perform Building Act functions can be difficult, similar to their Planning Act functions. We've talked to them about ways in which that can be done, and actually some councils have done very innovative things like sharing resources. I'm not sure if all the ones that are in place now, but historically West Tamar Council for example has provided Building Act services on behalf of a range of councils, including from memory Flinders Island I think.

**CHAIR** - And Dorset.

**Mr GRAHAM** - Yes. So that is great.

**Ms ARMITAGE** - So we're not looking to provide more resources to councils to assist them?

**Mr GRAHAM** - So the primary way that councils fund their Building Act functions is through the fees they collect on building applications, and so they're able to set those fees at a level that they think appropriate to perform their functions.

**Ms ARMITAGE** - Thank you. Thank you, Chair.

**CHAIR** - That's all right, I'd like to suspend now.

**Ms ARCHER** - Can I just ask a question, Chair? Are we coming back to this?

**CHAIR** - Yes, we've got one more. We've got rent relief funds, but because there's a number of questions.

**Ms ARCHER** - Are there? Because I was fairly - I think to allow my people for leave it would be great if we could finish the output before breaking and then deal with the last one? I'm just thinking of being able to relieve my people rather than have them hang around for another -

**CHAIR** - Fifteen minutes.

**Ms ARCHER** - Yes.

**CHAIR** - All right.

**Ms ARCHER** - Some of them have been here all day, Chair.

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**CHAIR** - So have we, minister, as well. In light of your very reasonable request, then we'll finish this output group.

**Ms ARCHER** - Thank you.

**CHAIR** - And we'll be having a cup of tea at 4.30. So, let's move it along.

**Mr WILLIE** - Thanks Chair, I'll go really quickly. How many renters utilise the scheme, minister?

**Ms ARCHER** - So I gave you the total figure as to the - I know we have that figure because I have seen it.

**Mr WILLIE** - I might ask the second one so that can start to be found.

**Ms ARCHER** - While Mr Graham finds that figure.

**Mr WILLIE** - Minister, how many owners and renters were in mediation sessions provided by the government?

**Ms ARCHER** - So mediation sessions that we actually put in place were in a commercial sector.

**Mr WILLIE** - In the commercial sector. Okay.

**Ms ARCHER** - Yes. The mediations that we shared the cost of was specifically in relation to commercial arrangements.

**Mr WILLIE** - So that doesn't apply.

**Ms ARCHER** - We can certainly look for that figure as well.

**Mr WILLIE** - Yes, yes, we'll take -

**Ms ARCHER** - Sorry, I had that for you. Are you able to sign that to help Mr Graham out?

**Mr WILLIE** - Sorry.

**Ms ARCHER** - That's okay. Sometimes it's hard to find these figures. Yes, if anybody finds, speak up.

**CHAIR** - The number of applications, Mr -

**Ms ARCHER** - It was how many renters I think.

**Mr WILLIE** - Have utilised the scheme, yes, that was the first one.

**Mr GRAHAM** - Through you, minister. Sorry about that, my folder is out of order. The Rent Relief Scheme paid out \$2.709 million, and that related to -

**Ms ARCHER** - That's tenants?

**Mr GRAHAM** - Yes, to tenants. Two thousand, four hundred, and seventy-five applications. Significant.

**Ms ARCHER** - Significant.

**Mr GRAHAM** - And the mediation for commercial.

**Ms ARCHER** - I'm right with that aren't I, Mr Graham, the mediation was specifically in relation to commercial tenancies? That's not to say mediation didn't occur in terms - or informal type of - I know that CBOS is there to help residential tenants and landlords resolve issues.

**Mr GRAHAM** - At all times Madam.

**Ms ARCHER** - In Mr Graham's role in that regard he can certainly speak on that as well as to how he assisted residential tenants and landlords.

**Mr GRAHAM** - Yes, I do have that number, just one second.

**Mr WILLIE** - Just while that's being found I'll ask the next one. Has the scheme been audited at all to ensure governance?

**Mr GRAHAM** - We did a full review of the Rent Relief Scheme in the last quarter of the last financial year. We found a small number of irregularities which we followed up, but in the context of the scheme they were very low.

**Ms ARCHER** - By irregularities you mean if people applied twice for the one period or that sort of thing, or?

**Mr GRAHAM** - Yes or where the evidence that they had provided didn't meet the standard that we needed. In my part we went back to them and were able to get that, so, yes. The answer to the number of people who were parties that went to mediation was 13 under the Commercial Act.

**Mr WILLIE** - This is a lot of good will. A lot of good will in that time, wasn't there?

**Ms ARCHER** - The commercial arrangements, the landlords and tenants worked really well together in the commercial sector, and residential as well.

**Mr WILLIE** - There's one in our patch that didn't go so well though, which our acts are about.

**Ms ARCHER** - Yes, and I'm aware of that. But yes, overall, I think it's safe to say that - yes, it was fairly much - and in your role, in relation to residential tenancies, you fairly much sort of liaised before tenants and landlords didn't you in terms of trying to mediate informally?

**Mr GRAHAM** - Yes, the amendments that the government put through to the Residential Tenancy Act expressly provided provisions for the renegotiation of rent. We did a fair bit of work to make them public and known, and work with tenants and landlords who were in a difficult situation. I will say that the financial support that was provided through the Rent Relief Fund, because if you agreed to a rent reduction in essence the government would pay the balance, had an overnight game changing effect in the renegotiation of rent between residential tenants and landlords and took an amazing amount of stress out of the system as far as protection.

**Mr WILLIE** - There were pressures on both sides, weren't they? Because it's some people's income.

**Ms ARCHER** - Absolutely. Self-retirees.

**Mr GRAHAM** - I would just say that financial support was overwhelmingly successful in achieving its objectives of people being able to stay in their properties, but also rent being continuing to be paid.

**Ms ARCHER** - Probably one of the most successful programs we ran during COVID-19, but then I'm biased.

**Mr WILLIE** - Lastly, this is a good lead into my last question, if there is another extended lockdown will the government reopen their -

**Ms ARCHER** - Yes, the government. We've always said, and I think members can see that we're genuine about this because we have extended other programs and created other grants as required, you know, in other outputs and portfolios. Definitely, we're always got a watching brief on this, and if there was any further need we'd certainly look at extending that or looking at what needs to be done to adapt any situation that might be at hand. Delta strain is a little bit unpredictable, and again dealing with probably even more serious circumstances, touch wood.

**Mr WILLIE** - That's it Chair, we can probably have a break.

**CHAIR** - No we can't, we've got the Honourable Member for -

**Ms ARCHER** - For Valentine.

**CHAIR** - For Hobart. Well, it could be Valentine.

**Mr VALENTINE** - I don't think there's a Valentine electorate.

**CHAIR** - You've done very well.

**Ms ARCHER** - Thank you.

**CHAIR** - Thank you, Mr Valentine.

**Mr VALENTINE** - Thank you. Now, you may have given this in the figure you've given to the member for Elwick, but how much has been spent on residential tenancy support



programs in Tasmania during COVID-19 including rent relief and landlord support funds up to 1 December 2020, and from 1 December 2020 to 30 June 2020.

**Ms ARCHER** - So that's the entire period, is it?

**Mr VALENTINE** - Well, two separate figures though. One up to 1 December 2020, and then the next for the 1 December to 30 January.

**Ms ARCHER** - Yes, and the reason I query it is because it doesn't table the full point for every figure, so, I'm just - I have that figure because I had a feeling that question might be asked and I'd query the figure that I've got here because it doesn't total the figure, so, if you can shed light on that, Peter.

**Mr VALENTINE** - Take it on notice if you like.

**Ms ARCHER** - You're just wanting it split after 1 December and then 1 December to 30 June. I think on notice is probably best so that we're not giving inaccurate figures.

**Mr VALENTINE** - How about we give it on notice? The last part is reducing rent by mutual agreement up to 1 December 2020, and then from 1 December to 30 June 21. I'll put both of those on notice?

**Mr GRAHAM** - Yes.

**Ms ARCHER** - Yes.

**Mr VALENTINE** - Does that make it easier?

**Ms ARCHER** - That second one I think I have the answer. It was a condition of the Rent Relief Fund that rent be reduced by a commensurate amount, as such, at least 2475 reductions agreements were put in place. It's not possible to say how many private agreements were reached outside the Rent Relief Fund.

**Mr VALENTINE** - It's not the number, it's the amount. How much was spent on residential tenancy support programs during - I'll put it on notice.

**Mr GRAHAM** - It's at least \$2.709 million, because the Rent Relief Fund matched the amount rent reduction agreed. We know that at least rent was reduced by at least \$2.709 million, but we don't know what happened outside those schemes. It would be more than that, but we don't know how much more.

**Mr VALENTINE** - Okay.

**Ms ARCHER** - That's what I was able to determine, yes.

**Mr VALENTINE** - Is there any sense in putting this on notice?

**Mr GRAHAM** - Not that last question, but the first one.

**CHAIR** - But the first one about breaking it up.

**Mr VALENTINE** - Yes.

**CHAIR** - From those two periods. Thank you.

**Ms ARCHER** - Thank you.

**CHAIR** - Thank you very much. I want to thank members and you, minister and staff, for that flexibility around that. Thank everyone who has been here today and will be leaving us now, and when we come back at 4.45pm sharp -

**Ms ARMITAGE** - 4.47pm, I think.

**CHAIR** - 4.45pm sharp, then we will commence with the Arts portfolios. Thank you. Suspend, thank you, Shae.

**The Committee suspended from 04.32 p.m.**

**The Committee recommenced at 4.47 p.m.**

**CHAIR** - Minister, this is our last area of scrutiny, not only for today, but for the estimates process so I'll invite you to make an overview and introduce Jackie at the table in your area of responsibilities of minister for the Arts, thank you.

**Ms ARCHER** - Well thank you, this is what I call my fun portfolio. I love the arts, and always have. On my left we have Jackie Ellen who is Deputy Secretary of Cultural and Tourism Development within our Department of State Growth, I would also normally have the secretary of Department of State Growth Mr Kim Evans, but he is currently in another committee, so he sends his apologies. Ms Ellen is well equipped to deal with this area as I regularly deal with her. I also have available to me various delegations from TMAG, Arts Tasmania, Screen Tasmania, and Business Services if necessary.

**CHAIR** - Thank you, minister.

**Ms ARCHER** - I will call up each individually if they are required obviously and introduce them.

**CHAIR** - Do you have an overview?

**Ms ARCHER** - A very brief one, because I know that it's the end of the day and members are probably sick of me talking. I'm really proud of what we've been able to achieve in the cultural and creative sector in assisting them through what has been an enormously challenging period the last 18 months due to COVID-19. We've committed over \$12 million in stimulus support and recovery measures across the arts and screen sectors, as well as other areas such as providing financial support to the Tasmanian Museum and Art Gallery for capital works by way of public maintenance funds.

This budget includes an additional commitment of \$6.3 million to further support and to build confidence in our cultural and creative industries for the future. I must say that prior to COVID-19 the sector was one of our fastest growing in the state, contributing around

\$170 million a year to our economy and employing over 5000 Tasmanians. It's incredibly heartening to see the resilience and the adaptability of the sector, and indeed the Tasmanian's community's willingness now to engage and back this important sector and get back to our theatres and live venues. It hasn't been without challenges due to restrictions but now that we've gone to 100 per cent capacity in our theatres again it really is wonderful to get back into live theatre and I've certainly been to a number of performances myself.

I would encourage Tasmanians to get behind any production that they possibly can. Thank you, Mr Valentine. Obviously, all of these things are done in accordance with our framework for COVID-19 safe events and activities. I must say that with our regular support in the arts and particularly in the screen sector as well, we're certainly become a destination of choice for filming as well, and filming and production which I will single one out, Rosehaven season 5 came down and was able to film during COVID-19, with their various precautions and within our framework. Over the five seasons of Rosehaven our government has invested \$2.45 million, generating more than \$10 million for our local economy, creating almost 500 job opportunities, but importantly 33 training attachments for emerging filmmakers.

It's been a really good success story, it's airing at the moment as well. The other thing I'm really excited about, and I'd really encourage members to go along, and I know Mr Valentine has because he was at the official opening with me, when I injured myself going down the slide at and the children's exhibition of maypiya lumi which is around here.

**Mr VALENTINE** - Did you, I didn't realise that. I didn't go down the slide.

**Ms ARCHER** - I just finished telling a colleague that day not to injure themselves on the final day of an election campaign, which I then readily did.

**Mr VALENTINE** - I went down.

**Ms ARCHER** - Apparently smaller people like myself can do an injury, but anyway. That is specifically designed for zero to seven-year-olds, made possible by a million-dollar commitment of our government at the previous state election. In closing I wish to thank former outgoing TMAG director Janet Carding again for the incredible work that she did throughout her time as director of TMAG.

She's gone to a new career opportunity in New South Wales, but she did a lot of work in creating the maypiya lumi and obviously bringing other exhibitions along to TMAG and working with a wonderful team there. David Sudmalis is acting director while we are obviously recruiting for that position, and therefore we have an acting director at Arts Tasmania, Kate Mackie as well, and still Alex Sangston is the executive director at Screen Tasmania, and I mention those three because those three areas are what make up the areas in this output. Thank you chair.

## **DIVISION 11**

### **(Department of State Growth)**

#### **Output group 5**

#### **Cultural and tourism development**

**5.1 Tasmanian Museum and Art Gallery -**

**CHAIR** - Thank you very much, minister, and I'll hand straight over to Ms Armitage to commence the questioning around TMAG.

**Ms ARMITAGE** - Thank you Chair. Minister can you give an indication on the number of total TMAG visitors during the 2020-21 year and I appreciate with Covid-19 it was probably somewhat restricted.

**Ms ARCHER** - Yes, as for that, and I think Ms Allen's probably going to race me to it, which I'm very happy for her to do so, thank you. So even throughout COVID-19 TMAG was continuing to engage broadly with the community and did a lot of things online. 2019-20 onsite visitation saw 264 870 local interstate and international visitors. With closure to the city site for 80 days between 19 March and 23 June 2020 programming for family audiences remains a strong focus, with the recent opening of the new permanent children's exhibition following our government's recruitment, as I said, of \$1 million for that gallery's development.

The TMAGs community engagement is comprised of onsite visitation to its museum sites, visits to museum websites, people engaging with its social media channels, enquiries, volunteering, and offsite community and educational program participation. That was on site visitation, so TMAG, because of the closure that I mentioned, that 80-day period, TMAG pivoted, if you liked, to online programming during COVID-19, quickly engaging visitors online, including through the use of social media, virtual tours, and video content.

While there was a significant drop in visitation from the previous financial year, TMAG online engagement increased substantially as website visits saw 118 474 visits, and total engagement across TMAGs social media platforms reached 60 538 in 2019-20. In addition 2548 inquiries from the community were answered by TMAG experts and while impacted by the pandemic, TMAG volunteering remained strong with 8670 hours recorded by its many passionate supporters who I'd like to thank for their continuing support of all activities of TMAG. This ensured access across peak times to continue to be important and will remain so as Tasmania reengages with the visitor economy, although we saw a decrease for obvious reasons.

**Ms ARMITAGE** - They had a 50 000 target, obviously -

**Ms ARCHER** - That was done with COVID-19 in mind, wasn't it?

**Ms ALLEN** - Yes, so that's a new target that has been set, you will see there's now two numbers in the performance indicator, I think it's 375 for total engagement and 150 for visitation.

**Ms ARMITAGE** - Thank you for that. Given the uptake and the implementation of the online interactivity for TMAG exhibitions during the lockdown periods, will there be continuing investment to expand access to the TMAG exhibitions?

**Ms ARCHER** - Do you mean online, or as a whole?

**Ms ARMITAGE** - As a whole really.

**Ms ARCHER** - As a whole. Are you able to address that, do we need David, or?

**Ms ALLEN** - We can probably work through. TMAG will continue to present their exhibition program, and we have some detail on the major exhibitions program. So currently there is the Thomas Griffiths Wainewright exhibition.

**Ms ARCHER** - Which is brilliant, if you haven't seen it.

**CHAIR** - No, I haven't.

**Ms ALLEN** - Scheduled for late October is a Sydney Nolan Ned Kelly series exhibition.

**Ms ARCHER** - That's a travelling exhibition from the National Gallery.

**Ms ALLEN** - It is, we do not have a Nolan collection here unfortunately.

**Ms ARCHER** - Not yet.

**Ms ALLEN** - There is an exhibition under development which doesn't have a title yet. There is a project focusing on Aboriginal culture and history, so that will be an Aboriginal contemporary art exhibition. And there is the ongoing public program of activities around Beaker Street, Australian of the year awards, and other activities. There is still planning for a continuing program of changing exhibitions.

**Ms ARMITAGE** - So, minister, was visiting TMAG a committed use of the Tasmanian government travel voucher scheme?

**Ms ARCHER** - I will throw to Ms Allen because she's an expert in this area across a number of different areas.

**Ms ALLEN** - Well, TMAG visitation is free.

**Ms ARMITAGE** - All the exhibitions, even the travelling exhibitions?

**Ms ALLEN** - Yes.

**Ms ARMITAGE** - Right because I know that at QVMAG some were actually paid.

**Ms ARCHER** - Being a state museum and art gallery it's for free.

**Ms ARMITAGE** - So there's no paid areas at all?

**Ms ARCHER** - People are most welcome to donate, and there is a donation box there on entry.

**Ms ARMITAGE** - Yes, that's fine. That answers that. I couldn't finish this without saying a few questions to do with QVMAG.

**Ms ARCHER** - Being from Launceston.

**CHAIR** - It doesn't receive the same quantum of funding.

**Ms ARMITAGE** - Well unfortunately in the 1940s, I believe it was, the state government made the very smart decision to sell it to the Launceston City Council, I think for a dollar, and unfortunately, they thought it was a good decision.

**Ms ARCHER** - The TMAG houses the state collection, that's the reason why it's the state, the premier.

**Ms ARMITAGE** - So what do you believe is the government's duty of care to the QVMAG, or any of the other art galleries or museums in the state, given that TMAG is wholly government funded?

**Ms ARCHER** - Yes, so TMAG is, as I said, the state's museum and art gallery, and regularly collaborates with partners including regional cultural organisations such as QVMAG. The two organisations signed a memorandum of understanding in 2020 to formally commit to seeking opportunities to regularly work together.

TMAG is currently leading a collaboration with QVMAG and other major partners that will enable the partners to begin investment in the digital vision to make all the state's cultural assets accessible and discoverable online. I think it is a really important partnership. Two pilot projects nearing completion and the first is funded through the Launceston city deal and enables TMAG, QVMAG, UTAS, and the Tasmanian Archives to work in partnership to create the necessary digital infrastructure to build a platform to search across their collections and create a demonstration augmented reality product for school students.

The second project, and this is the one that is a really important one, is supported through a series of tours and initiatives, enables the same four partners, plus the Tasmanian Heritage Council, and the former minister for heritage played a role in this from the heritage aspect as well, as well Tourism Tasmania and the state's many regional and local museums and history rooms to collaborate to launch Tasmanac and the ever-evolving digital almanac of Tasmania's heritage and culture.

There are also other organisations - sorry, not other organisations. We have within our purview through cultural heritage other organisations that we support through programs, so everything from the Maritime Museum to specific councils, Lawson's Hut Foundation. We've got Tasmanian Aviation/Society. There's all sorts of museums and art galleries across the state that apply for that cultural heritage funding. As for TMAG itself, we've got Narryna in Battery Point. We obviously have everything on site with TMAG and being the customs house area and bond store, and the storage at MUNA and Rosny as well. We have obligations under the TMAG for that and then we have those other partnerships that I mentioned.

**Ms ARMITAGE** - Apart from all that you've mentioned, have you taken any other steps to make sure that QVMAG is as well governed as TMAG?

**Ms ARCHER** - As for governance, that's a matter for QVMAG, but certainly in relation to the cooperative aspect, I know that QVMAG and TMAG do have that good working relationship in terms of those couple of projects that I mentioned, with memorandums of understanding written as required. As for the management and ownership of QVMAG, that

rests with the Launceston City Council. The state government of course does provide funding under a -

**Ms ARMITAGE** - Deed of arrangement?

**Ms ARCHER** - Deed of agreement.

**Ms ARMITAGE** - How much funding do they provide now?

**Ms ARCHER** - I'm quite happy for you to say that.

**Ms ALLEN** - In 2020, QVMAG received just over \$1.5 million in funding, so we have an ongoing funding arrangement with QVMAG. They prepare us basically plans of activity and we work with them to administer that funding. QVMAG is a business unit of City of Launceston. From a government's perspective, that's where the responsibility sits, but we do have a funding arrangement through Arts Tasmania.

**Ms ARMITAGE** - Thank you, and my last question to do with QVMAG, are there any actions taken under any of the announced policies taken to the last election to make sure that QVMAG is secure for future generations, and open to researchers?

**Ms ARCHER** - What's the current funding to?

**Ms ARMITAGE** - I guess it's really ongoing?

**Ms ARCHER** - The funding aspect, I suppose.

**Ms ALLEN** - There is ongoing funding provision through the forward Estimates for QVMAG and that is provided with indexation, so the work that we do through Arts Tasmania, it's not a competitively assessed program in that sense. We do negotiate with QVMAG for the use of those funds.

**Ms ARMITAGE** - Thank you.

**Ms ALLEN** - But the funds are provided.

**Ms ARMITAGE** - Thank you, minister. Thank you, Chair.

**CHAIR** - Thank you. Any other questions in this particular line item? If not, we'll move to 5.2. which is Arts Industry Development. 5.2, thank you, Ms Palmer.

## **5.2 Arts industry development -**

**Ms PALMER** - Thank you very much, Chair. Minister, what is the government doing to support and promote the Tasmanian literary arts sector?

**Ms ARCHER** - Thank you. As I announced yesterday, we the government, the Tasmanian government has presented literary awards in various forms since 2001. Most recently known as the Premier's Literary Prizes, the awards format and funding of the prizes has been largely unchanged since 2007. COVID-19 and the timing of the state election caused

a delay in the delivery of the 2021 prizes. It provided a really great opportunity to renew and refresh the focus of the awards, which I'd already sort of been looking at as well, particularly in order to take into account feedback that I'd received from stakeholders and the community regarding the current structure of the prizes.

In consultation with the Premier, because obviously the literary awards were named as the Premier's Literary Awards, we've determined to make some changes to contemporise and boost the profile of the awards, which I announced yesterday. Refreshing the awards gives us the opportunity to focus on support and supporting the Tasmanian writing community, align with our ongoing commitment to promoting the Tasmanian brand, and fulfil the objectives of our creative and cultural industries recovery strategy which I released last year. That's gone by quickly - by fostering opportunities for growth and bringing this important industry to the forefront of Tasmanian culture, because it's a very important area.

We have renamed the Premier's Literary Prizes to become the Tasmanian Literary Awards. I'm very pleased that we'll also be making a fourfold increase to the government's investment in the prize. We've gone from \$25 000 support \$100 000 biennially. The Tasmanian Literary Awards will open for entries later this year with judging to commence in 2022 and the announcement of the award winners to take place around mid-year next year. That's simply to allow the judges to actually read the material as well, which takes them quite some time. I don't know how they get it done.

To highlight the many wonderful books written each year in this state, the prizes will now only be open to writers living in Tasmania, and I think that's a really good focus, because before it could come outside of Tasmania. There will be six new categories replacing the four previous ones. The new categories will be a prize for fiction at \$25 000; a prize for non-fiction, \$25 000; a prize for young readers and children, \$25 000; a prize for Indigenous writing, \$10 000; a prize for poetry and short stories, \$10 000; and a young writers fellowship at \$5000. These are in addition to the prizes supported by the University of Tasmania and there will be further details in relation to that.

I wish to particularly highlight the introduction of a prize for young readers and children, noting the strong advocacy and feedback provided by the Tasmanian branch of the Children's Book Council of Australia regarding the obvious importance of reading to our younger generations, and also the need to foster Tasmania's many talented and emerging children's book writers and illustrators. These awards will help us focus on ensuring that our young and emerging writers gain recognition in the sector and find markets for their work as well.

Planning for the awards is currently underway and more information about prize names and eligibility will be announced in the near future. I'm very confident that the contemporised awards will better support the Tasmanian literary and cultural production in its many different forms and certainly place another spotlight on our island, but through the written word.

**Ms ARMITAGE** - Brilliant. Thank you.

**CHAIR** - Thank you. Minister, I note in the notes to the budget paper, note nine, that it talks about the decrease moving forward in the forward Estimates reflects the profile of funding. There's a decrease, a quite significant decrease in this line item. But then it talks about reflecting the funding program.



**Ms ARCHER** - Yes, I'll get Ms Allen to address that.

**CHAIR** - If I could just have some explanation around that.

**Ms ALLEN** - Yes. There are a number of programs, particularly around the COVID-19 support, that are available this financial year but don't extend through the forward Estimates. In particular, if you're comparing 2020-21 to 2021-22, in 2020-21 there is an allocation of just under five and a half million which is the last payment for the Hedberg redevelopment. That is part of the profile over the forward Estimates as well.

**Ms ARCHER** - Which was a \$30 million investment on the part of the state government.

**CHAIR** - Thank you. Anyone reading them, other than us, might be interested. Thank you. Question, Honourable Member.

**Mr VALENTINE** - Yes. I've got one down in 90.1, but for the arts industry development, support for the performing arts, minister.

**Ms ARCHER** - Yes.

**Mr VALENTINE** - Can you please give us an understanding as to what you're doing in that space?

**Ms ARCHER** - We've had the Live Performance Support Program and also the Live Performance Reactivation Program. The Reactivation was specifically to obviously reactivate and provide specific grant funding, and the Support Program is where we've taken on some of the risk to provide some confidence to plan for events or - not events, theatre productions and the like. Sharing the risk should there be further restrictions in relation to changes made by our framework, then that would kick in. They are pre-assessed to a certain value and that gives confidence for productions to actually plan and move ahead.

**Mr VALENTINE** - Is that money outside the 90.1? The COVID-19 culture and creative industry support?

**Ms ARCHER** - What page number are you on, Mr Valentine?

**Mr VALENTINE** - It's page 360. 362 is the budget.

**Ms ARCHER** - Thank you.

**Mr VALENTINE** - It's just under this line item. I'm asking what the support for the performing arts is.

**Ms ARCHER** - Yes. We just want to identify the right bit, the correct figure.

**Mr VALENTINE** - That's okay.

**Ms ARCHER** - It's on page 363 at the top.

## PUBLIC

**Ms ALLEN** - That figure is the extension of some of the COVID-19 support funding programs that were put in place throughout 2021. There were a range of support packages that were cash flowed over those two years.

**Mr VALENTINE** - Yes. I'm just wondering whether what the minister was talking about just now -

**Ms ALLEN** - Are you talking about the arts line?

**Mr VALENTINE** - For the support of the performing arts was outside of that figure of 550?

**Ms ALLEN** - Correct. The provision for the Live Performance Reactivation fund was \$1 million.

**Mr VALENTINE** - Okay.

**Ms ALLEN** - The Live Performance Support Fund is - yes, so that allows us to enter into agreements with performing arts producers up to a value of \$2 million, and those funds would be called on in the event that there was a change to the local gathering restrictions that meant that someone needed to cancel their performance or that their expected attendance was refined back.

**Mr VALENTINE** - Do we have any figures on what was actually expended in that sense?

**Ms ARCHER** - No. It's not expended. It's almost like an insurance policy.

**Mr VALENTINE** - Yes.

**Ms ARCHER** - It's money that's set aside should it be called on, so it's not a grant program.

**Mr VALENTINE** - No, I understand that, I understand that. I'm just wondering how you might have - how it might have been used.

**Ms ARCHER** - What we can outline is what has been determined, predetermined should it need to be paid out. We've got that figure somewhere.

**Ms ALLEN** - It's a rolling application process, if you like, because obviously once a performance has been successfully undertaken, it goes off the list. But we currently have nine applications approved through the program and there is a notional call of just under \$720 000.

**Mr VALENTINE** - That's what I was wanting to know.

**Ms ARCHER** - It's certainly not oversubscribed, which is a good thing.

**Mr VALENTINE** - No. It is.

## PUBLIC

**Ms ARCHER** - Ms Allen just said, as a performance actually goes ahead and finishes, then it comes off the list because obviously -

**Mr VALENTINE** - No, I can understand that, and the industry knows that that's available?

**Ms ARCHER** - Absolutely. It's been widely talked about.

**Mr VALENTINE** - It's not a case of them not being aware?

**Ms ARCHER** - No, and we've met with the theatre sector and had meetings about both the Reactivation and the Support funds available.

**Mr VALENTINE** - Is that professional or the amateur as well?

**Ms ARCHER** - Both are aware of the availability of those programs.

**CHAIR** - Thank you. Supplementary, Ms Siejka.

**Ms SIEJKA** - On the issue of community support, I wondered if there was any support capacity for ongoing infrastructure for communities, like places to rehearse and the storage and performance space, because I imagine COVID-19 has changed how we do some of those things as well. Is that part of any particular support program?

**Ms ARCHER** - Rather than, I suppose, the physical infrastructure itself, the grants have leant towards, as I sort of said, stimulus and recovery and support. At the moment what we've got out is the small business - not the small business, the small - what is it called? The gig economy one? Small Grants Program for Artists Returning to the Gig Economy. We've set aside \$200 000 in that one. Basically, those people in that category, we were finding that they'd fallen through the gaps, so to speak. Live performers singing at hotel venues, things like that. That can be used for equipment and training, or anything up to a value of \$2000 in that round. Although small amounts, it's to help those smaller type gigs.

**Ms SIEJKA** - That doesn't include rehearsal space, so to - it does?

**Ms ARCHER** - It could actually include the hire of rehearsal space.

**Ms SIEJKA** - Yes. Because I imagine that would be an issue.

**Ms ARCHER** - Yes. Rather than infrastructure investment, that's how we've designed that one.

**Ms SIEJKA** - Going forward, if there was a slightly different of operating, there might be spaces that weren't available that - before, and all of that sort of thing.

**Ms ARCHER** - We're trying to adapt to every situation and try to fill those gaps and services throughout this entire period.

**Ms SIEJKA** - Thank you.

**CHAIR** - Thank you. Moving now to 5.3 which is Screen Industry Development. Thank you, minister. I'll invite Ms Armitage.

**Ms ARCHER** - Thank you.

### **5.3 Screen industry development**

**Ms ARMITAGE** - Thank you, Chair and thank you, minister. The Screen Tasmania Strategic Plan 2017-21 identified six workforce challenges. Now that we're nearing the end of the strategic plan can you give an indication of what progress has been made towards ameliorating these challenges and constructing a stronger screen industry in the state. Which of these six challenges has presented the most difficulties.

**Ms ARCHER** - I will call up Mr Alex Sangston -

**CHAIR** - Welcome Alex.

**Ms ARCHER** - Who is our -

**CHAIR** - Resident expert.

**Ms ARCHER** - Yes, of Screen Tas, director. Do we give him the title?

**CHAIR** - I thought resident expert was quite a good one.

**Ms ARCHER** - Yes, it is.

**Mr SANGSTON** - I'll have to get some new business cards.

**CHAIR** - Yes.

**Ms ARCHER** - That is a definite question for Mr Sangston.

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

**CHAIR** - If you can use that microphone that'd be very helpful.

**Mr SANGSTON** - Thank you, Chair. The question of the Screen Tasmanian Strategic Plan, as you've indicated it expires at the end of the year. That document has slightly been - has effectively been overtaken by the Cultural and Creative Industries Recovery Strategy the minister launched early this year, late last year.

**Ms ARCHER** - Late last year.

**Mr SANGSTON** - November last year. The way that we've looked at the Screen Tasmania Strategic Plan, the workforce challenges we've identified remain. We're still working on them very hard and we've spent quite a bit of time on - and money on building the skills and abilities of specific crew members and we've certainly gotten to a point now that we can crew a small to medium production, largely entirely by Tasmanians, which was absolutely not the case five years ago.

The problem that we've identified now is that we can crew one production of that size, we can't crew two. If we're in a position where there are two shows shooting at the same time, at that point we run into constraints within the sector, so that'll be the focus going forward.

**Ms ARMITAGE** - Thank you. Given the mainstream and the co-success of a number of Tasmanian productions, and I think we could name as you said Rosehaven, The Kettering Incident, The Gloaming and I was fortunate to see all of The Gloaming on the way over to WA and back.

**Ms ARCHER** - Did you?

**Ms ARMITAGE** - I saw half on the way over and the half on the way back, so it was really good. Does the government -

**CHAIR** - That's an expensive way to see it, wouldn't you say?

**Ms ARCHER** - We can ignore that.

**Ms ARMITAGE** - No, it was worth it.

**CHAIR** - It was worth it to see that grand baby.

**Ms ARMITAGE** - It was very interesting and I did say to Vicki Madden only very recently, I think she has a very interesting mind but yes -

**Ms ARCHER** - It's wonderful to actually recognise geographical areas, isn't it?

**Ms ARMITAGE** - Yes. Particularly The Gloaming, and it was fabulous to see so much of Hobart showcased, and it was wonderful watching it and just thinking I know that place, I know that house and look - I know those actors, so it really was wonderful.

**Ms ARCHER** - Renamed, everything renamed and we're like no, that's not -

**Ms ARMITAGE** - Yes. It was great actually seeing it, so obviously there's a lot that comes back from other people seeing it, particularly on the planes. I thought that was fabulous from Qantas, that they're actually showing it.

**Ms ARCHER** - That's the idea.

**Ms ARMITAGE** - Showcasing Tasmania so it certainly brings money back. Does the government plan to invest more funds going forward into screen industry development and arts more generally?

**Ms ARCHER** - In the screen industry it was a creation of our government - gosh, it was my policy back in the 2018 election campaign to create the screen innovation fund and we have further boosted that recently by another \$3 million, and that's specifically for the screen industry and is - falls under the STEAG, Screen Tasmania Expert Advisory Group, in relation to how matters are assessed as well. That \$3 million will continue the support of screen production in the state to be cash flowed over the 2021-22 and 2022-23 financial years. In all,

the screen industry development output will receive \$4.95 million in 2021-22 ensuring we can continue to support future production activity, that enables Tasmania screen practitioners to live and work in their home state. So that's not only the screen -

**Ms ARMITAGE** - So that money goes towards things like Rosehaven continuing, more movies or more series?

**Ms ARCHER** - Yes, so basically Screen Tasmania administers through that STEAG, which is the expert advisory panel, for assessing all of the applications, the screen industry development, so we have various programs which I can get Mr Sangston to explain. Pre-production, post-production, also emerging productions and so what I said about the \$4.95 million for this financial year relates to what is available under all our programs across Screen Tasmania.

**Ms ARMITAGE** - If you could elaborate a little more.

**Mr SANGSTON** - Through you, minister. We run six main programs during each financial year. The big-ticket items are the production investment program which is providing investment into the making of the making of the things, so that's where The Gloaming and Rosehaven and The Kettering Incident come through.

**Ms ARMITAGE** - I'm sure Ms Madden will be interested to hear there's still money available for more series, yes.

**Mr SANGSTON** - She rings me regularly. Then we have the project development program which is setting projects up so they're in a position to seek finance to go into production. It's effectively script writing and that is sort of probably our second biggest program. We then do video game development which is making of video games for consoles, PCs and mobile. We have our two industry development programs. Industry development itself which covers things like business travel, when we were allowed to do that, hosting of events for educative purposes and that sort of thing, and then we have our traineeships and attachments program which puts emerging film makers onto sets so they can learn the ropes and become professional film makers.

Then we have a program called the Proof of Concept Program, which is run once a year and is funded by the Screen Innovation Fund that the minister mentioned before, which is specifically to take a project which is in the middle to late stages of its development and provide some funding so they can shoot a bit of it, so they can shoot a trailer or a teaser or a test scene, so they can take that to market and try and raise additional finance. That's a great little program. We do have specialists' programs that we run as opportunities arise and the minister approves them during the year.

**Ms ARMITAGE** - Thank you.

**CHAIR** - Thank you. Mr Valentine.

**Mr VALENTINE** - Yes, just interested in the animation space and Bluey, Blue Rocket Studio.

**Ms ARCHER** - You mean Blue Rocket?

**Mr VALENTINE** - Blue Rocket, well Bluey's, yes, one of their things. The Blue Rocket, sorry. No, sorry Blue Rocket Studio. Weren't they defunded at some point or was that federal?

**Ms ARCHER** - Yes. It's the impact of quotas, so there was a federal green paper on future regulation and so it's a federal government issue that's changed quotas. Although we accept that the Australian government measures of support need to be brought up to date with changes in the screen marketplace, obviously I've had a concern about what's happened in relation to children's quotas, so it's specifically the issue about children's quotas, Mr Valentine.

**Mr VALENTINE** - Yes.

**Ms ARCHER** - While some support measures and regulations have been modernised, I do think and I can say this on behalf of the government, we think there is a clear prerogative to impose requirements to commission and distribute Australian content on the part of streaming providers, such as Netflix. I have written to the federal minister.

**Mr VALENTINE** - You've made representations?

**Ms ARCHER** - I certainly have on a number of occasions and I've also met with Blue Rocket and they're fully aware that I've backed them on this. We have also through Screen Tasmania supported Blue Rocket over a number of years with respect to a number of projects of theirs, but because of this change in the children's quota issue, it unfortunately does mean that Blue Rocket has been impacted and I don't know if Mr Sangston wants to address anything in relation to that particular issue but I have advocated strongly on behalf of Blue Rocket that is at risk of obviously needing to downsize and over the years it's built up its team, so it is disappointing. Did you want to add anything?

**Mr SANGSTON** - Thank you, minister, and through you. We've backed Blue Rocket a number of times through the financial year in project development. They haven't been able to get a project up into full-scale production as yet, however they are still in production as a service provider on Little J and Big Cuz series three, so the company's still in existence, it's still working and we still regularly speak to them. I was on the phone to them today.

**Mr VALENTINE** - That's good. It's good to know that at least they're getting some attention because obviously that issue of content is really significant for the nation.

**Ms ARCHER** - Well I think for the Australia market and I think we want our children to be watching TV that's actually generated in Australia with Australian accents, rather than I don't know, American and other continents. It is disappointing. I appreciate what the Australian government are trying to do in modernising the framework but at the same time a smaller state like us, it has a significant impact on companies like Blue Rocket and that's exactly what I've advocated for.

**Mr VALENTINE** - How many do they employ in terms of -

**Ms ARCHER** - I think they were up to about 25, Alex?

**Mr VALENTINE** - It's not an insignificant number of people that they employ.

**Ms ARCHER** - No, they've really built up and in fact they were outgrowing the studio and so this has come at a time and I think it's fairly much devastating.

**Mr VALENTINE** - I was getting my studios mixed up but no, I think it's really good that we do whatever we can obviously and you've got that - it's on your radar and if you can continue to advocate I'm sure they'll appreciate it.

**Ms ARCHER** - Yes, I've helped establish meetings for David Gurney at Blue Rocket to meet with some of my federal counterparts to advocate on their behalf as well federally.

**Mr VALENTINE** - Good.

**CHAIR** - Thank you.

**Mr VALENTINE** - Sorry, one other question. In terms of things that are in the wind and are actively being considered, I suppose you can't reveal too much in that space?

**Ms ARCHER** - No, but there are a few exciting things that will be announced shortly in relation to Screen Tas and Arts Tas. What this budget does do and I know we've moved out of the Arts Tasmania budget but we have put in additional funding for arts organisations, which the sector has been screaming out for for a long time as we get more organisations onboard. The competitive round of funding is highly competitive so earlier this year we announced a new additional \$500 000 and then in this budget it is \$1.2 million, thank you. With respect to Screen Tasmania, there'll be a few things that will be announced very soon.

**Mr VALENTINE** - We'll be waiting to hear.

**CHAIR** - Doesn't appear there'll be a scoop for this committee today.

**Mr VALENTINE** - Within the funding you've provided here.

**Ms ARCHER** - Yes, and we do also put all of the successful recipients on the website as well, when it is announced, so that it's public.

**CHAIR** - Thank you.

**Mr VALENTINE** - Thank you.

**CHAIR** - Now we'll move to 90.1 which is the Covid-19 Cultural and creative industries support.

**Mr VALENTINE** - We've sort of dabbled in it.

**Ms ARCHER** - We have dabbled.

**CHAIR** - We've already dabbled a little bit but anyway let's finish dabbling.

**Output group 90**  
**COVID-19 response and recovery**



**90.1 Cultural and creative industries support -**

**Mr VALENTINE** - Well the only question I have is why not any funding going forward? I mean it's 2021, \$550 000 and -

**Ms ARCHER** - Because in the budget, Mr Valentine, I think it says \$300 million set aside for COVID-19 support that's unallocated by the Treasurer.

**Mr VALENTINE** - So you're expecting to -

**Ms ARCHER** - As and when required in terms of responding to COVID-19 and any further grants, programs or other types of supports that are needed, basically there is a fund from which we can draw.

**Mr VALENTINE** - So you'll deal with it when it happens, cross the bridge when it comes to it.

**Ms ARCHER** - Precisely.

**CHAIR** - A large Treasurer's reserve.

**Mr VALENTINE** - Yes.

**Mr WILLIE** - I think probably the largest ever.

**Ms ARCHER** - Yes, and look, that's the nature of COVID-19 and I think it's a very sensible measure to have that measure there that's unallocated.

**Mr VALENTINE** - As long as they're not going to be missed off, that's the point.

**Ms ARCHER** - No, look, I have a very loud voice on the arts, don't worry.

**CHAIR** - Strong advocate.

**Ms ARCHER** - Strong advocate, thank you.

**Mr VALENTINE** - That's a bit more comforting to see that -

**Ms ARCHER** - I can't honestly say the Premier and Treasurer have been fantastic in this area as well. Every time I've knocked on his door he's responded with support for the cultural and creative industries. It's been a terrific collaborative effort.

**CHAIR** - Obviously he's had a lot of door knocking.

**Ms ARCHER** - He has.

**CHAIR** - In more ways than one.

**Ms ARCHER** - He's been a busy man.

**CHAIR** - Busy man.

**Mr VALENTINE** - I don't think there's anything else I can ask on that, Chair.

**CHAIR** - Thank you. We'll move to grants and subsidies.

**Grants and subsidies**

**CHAIR** - There's no increase in this, so is this pretty much the same grants and subsidies as has been in the past? It's around just under \$100 000 less than last year, it's allocation \$4.418, previous year, \$4.513, just some explanation. Thank you.

**Ms ARCHER** - I think that's general across cultural and code of industries which is hard to answer because obviously our grants program runs across Arts Tas and Screen Tas.

**Ms SIEJKA** - Yes, and I know that we actually have provided - I would like to get clarification on what that figure is actually comprised of.

**Ms ARCHER** - Yes.

**CHAIR** - We'd be happy to take that -

**Ms ARCHER** - We might be able to do something on notice with that one.

**CHAIR** - Yes. Take that on notice.

**CHAIR** - Yes. Take that on notice.

**Ms ARCHER** - So did you just want to know what falls under that?

**CHAIR** - Yes.

**Ms ARCHER** - Yes.

**CHAIR** - That's all. As I said, it's a - well, slight. If you really - you know, from hand to mouth, around \$100 000 isn't quite slight, but it's just -

**Ms ARCHER** - No, but then it increases again, so I'm not quite sure. Can we take that on notice and provide you with a response?

**CHAIR** - Somebody's provided those figures to Treasury.

**Mr WILLIE** - Maybe a breakdown of that spending, too.

**CHAIR** - Yes, would be useful. We're happy to take that on notice, so you'll receive a letter. Any other questions about grants and subsidies, members? No? If not, minister, on behalf of our committee we sincerely thank you for your efforts today.

**Ms ARCHER** - Thank you.

**CHAIR** - We know that - and I say this to every minister, but we do acknowledge the work and effort that goes into putting together all those briefs that you - you know, you go to and obviously the work that you do personally to get across your extensive portfolio areas. So, thank you on behalf of the committee.

**Ms ARCHER** - I also thank everyone that supported me in terms of departmental staff across Justice and, indeed, Department of State Growth for this particular area of my responsibilities and all of the staff in my office. As you can imagine, they do a power of work, and we've been understaffed a little of recent times. Can I thank my chief of staff as well who has had to manage that process? I just wanted to put that on record. I appreciate the efforts of everyone, and thank you for the committee today. It's been a really good committee to appear before. Thank you.

**CHAIR** - Thank you. And before we do close, I'd like to personally thank the committee that I'm proud to chair. They are exceptional members of the Parliament and they all put in incredibly, so I'm very, very fortunate to have this committee and be part of it, so - and I'd also like to thank Julie Thompson, our secretary, and also Natasha Excel who has supported Julie.

And particularly, thanks, Shae, who has been with us the entire four days on Hansard and - so - and it's her first Estimates, so it was certainly a learning opportunity and hopefully not the last. In light of that - and for anybody who took the time to watch any of committee B's estimates scrutiny over the past four days, we sincerely thank you.

The people who help us with our questions and put questions in, that, too, is very much appreciated. It is very worthwhile and we do consider it. And we do have a birthday on Saturday, so happy birthday to the member for Pembroke, and we also - and another colleague in the other place, Sarah Lovell, is - she's having a birthday today, so it's a big couple of days for birthdays, so - and so that is us. We can sign off. Thank you. We can conclude the broadcast. Thank you, Shae.

**The Committee adjourned at 5.33 p.m.**