



PARLIAMENT OF TASMANIA

TRANSCRIPT

LEGISLATIVE COUNCIL

ESTIMATES COMMITTEE B

Hon. Elise Archer MP

Tuesday 7 June 2022

MEMBERS

Hon Rosemary Armitage MLC (Deputy Chair);

Hon Jane Howlett MLC;

Hon Tania Rattray MLC (Chair);

Hon Jo Siejka MLC;

Hon Rob Valentine MLC; and

Hon Josh Willie MLC

IN ATTENDANCE

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

Ministerial Staff

Rowena Gilbertson	Chief of Staff
Ross Thomas	Senior Adviser

Department of Justice

Ginna Webster	Secretary
Kristy Bourne	Deputy Secretary, Justice and Reform
Kerrie Crowder	Deputy Secretary, Corporate, Strategy and Policy
Ross Smith	Deputy Secretary, Regulation and Service Delivery
Gavin Wailes	Director Finance
Bruce Paterson	Acting 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
Amber Mignot	Director, Child Abuse Royal Commission Response Unit
Isabelle Pace	Acting Senior Consultant, Safe at Home
Wayne Johnson	Director Monetary Penalties Enforcement Service
Colin Shepherd	Director, Strategic Infrastructure Projects
Andrew Hawkey	Tasmanian Electoral Commissioner (Leg Co only)

Statutory Authorities

Daryl Coates	Director of Public Prosecutions
Michael Easton	Integrity Commissioner
Richard Connock	Ombudsman

Corrections & Rehabilitation

Ministerial Staff

Rowena Gilbertson	Chief of Staff
Emily Chase	Senior Adviser

Department of Justice

Ginna Webster	Secretary
Rod Wise	Deputy Secretary, Corrective Services
Kerrie Crowder	Deputy Secretary, Corporate, Strategy and Policy
Gavin Wailes	Director Finance
Bruce Paterson	Acting Director, Strategic Legislation and Policy
Ian Thomas	Director of Prisons
Pauline van Adrichem	Director, Community Corrections
Colin Shepherd	Director, Strategic Infrastructure Projects

Workplace Safety and Consumer Affairs

Ministerial Staff

Rowena Gilbertson	Chief of Staff
Katherine Blackmore	Senior Adviser

Department of Justice

Ginna Webster	Secretary
Ross Smith	Deputy Secretary, Regulation and Service Delivery
Kerrie Crowder	Deputy Secretary, Corporate, Strategy and Policy
Gavin Wailes	Director, Finance
Robyn Pearce	Executive Director, WorkSafe Tasmania
Peter Graham Services	Executive Director, Consumer, Building and Occupational

The Arts

Ministerial Staff

Rowena Gilbertson	Chief of Staff
Jacqueline Dortmans	Adviser

Department of State Growth

Kim Evans	Secretary
Amanda Russell	Deputy Secretary, Business Services
Angela Conway	A/Deputy Secretary, Cultural and Tourism Development
Mary Mulcahy	Director, Tasmanian Museum and Art Gallery
David Sudmalis	Director, Arts Tasmania
Alex Sangston	Executive Manager, Screen Tasmania

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The committee met at 8.58 a.m.

CHAIR (Ms RATTRAY) - Thank you everyone. Attorney-General, welcome to you. It has been quite a long time at Estimates for you and a lot of your team. I will introduce our team at the table.

Ms ARCHER - Thank you.

Ms RATTRAY - On our team is Josh Willie, Rosemary Armitage, Tania Rattray, Jane Howlett, Rob Valentine and we have an apology from Jo Siejka who has an unwell little girl. We have our secretariat support which is Simon Scott and Julie Thompson.

We will invite you to introduce your team and provide an overview on this important area of administration of Justice.

Ms ARCHER - Thank you, Chair. On my team is Ginna Webster, Secretary of the Department of Justice, Kristy Bourne, Deputy Secretary, Justice and Reform. As you can see, I have a lot of people behind me who I will call up and for the record on Hansard, introduce them appropriately as and when required.

CHAIR - Thank you.

Ms ARCHER - In relation to an opening statement, as you have acknowledged, the Justice portfolio is a very important area and we allocate quite a bit of time at budget Estimates hearings for this portfolio and I appreciate that, and particularly before your committee. You do take us through the outputs and genuinely examine the budgets and I thank you for that.

I am extremely proud of this year's budget because it represents the biggest-ever spend towards our justice system, which includes \$26 million for a range of projects across my Justice portfolio. The aim is to keep Tasmanians safe and to ensure that we have a criminal and civil justice system that operates as efficiently and effectively as possible.

I say upfront, I remain deeply committed to better protecting our children, as does the whole Government, and specifically Premier Jeremy Rockliff. That is why our budget includes \$11 million more for the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. I will shorten that when I say it next time to commission or commission of inquiry. It also includes \$2.2 million to continue to support our coordinated response to the commission of inquiry.

In addition, the budget has \$2.5 million allocated over three years to support the development of a child and youth safe organisations framework, including independent regulation and the reportable conduct scheme. That delivers a key recommendation from the National Royal Commission into Institutional Child Sexual Abuse.

I say again to our victim-survivors, thank you for coming forward to the commission of inquiry and for the enormous courage they have displayed in doing so. I say again and express that we hear them and thank them for their efforts in giving evidence to the commission of inquiry.

CHAIR - On behalf of the committee, I also endorse your words.

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Ms ARCHER - Thank you, Chair. Of course, we hear everything and believe everything they say.

Additionally, I am delighted that we are continuing to invest in alternative dispute resolution, our judiciary and the courts. As I said, it is a record spend. There is an additional \$1.9 million to the Tasmanian Civil and Administrative Tribunal (TasCAT) and its operations. This takes its total funding to \$7.6 million, additional monies to support the further work they need to do and the announcements I have made in relation to adding to their jurisdiction.

Pleasingly, an additional \$4.9 million has been allocated for increased demand and support for the delivery of our Safe at Home Service which is Tasmania's nationally-recognised integrated criminal justice response to family violence. In addition, we will invest a further \$2.2 million per annum to enhance our ICT systems, our technology service capability and governance across our justice system, with almost \$9 million towards critical upgrades to Justice IT infrastructure, which is greatly needed. COVID-19 revealed that because we are increasingly relying on ICT in the delivery of those services, and rightly so. It is modernising our justice system.

We are also investing in an additional \$125 000 per annum across the forward Estimates for the Office of the Director of Public Prosecutions. That is on top of the additional \$6.4 million over the forward Estimates that we announced last year. There is quite a significant boost in funding to the DPP. There is new funding of \$307 000 per annum over four years for the Office of the Ombudsman, which includes the Health Complaints Commissioner and his other functions. That brings a total investment of over \$1.2 million to that office, which also follows on from the significant funding increase we provided in last year's budget of over \$3.25 million. We will have an opportunity to hear from the Ombudsman and how he is going with allocating those funds to staff.

CHAIR - All those right to information (RTI) requests.

Ms ARCHER - Yes, exactly. There is quite a significant boost to the funding of that office in recognition of that and the other functions that it performs.

In closing, I will touch on the essential services that are provided by the Public Trustee. In this budget we have attached significant funding for the delivery of the recommendations of the independent Bugg review. I called the Independent Review of the Public Trustee into its operations, allocating that to Damian Bugg AM QC, a very eminent and well-known barrister in this state and former Commonwealth DPP.

He made recommendations and the Government accepts all of them in principle and we are committed to the delivery of that. We have attached \$4.3 million to implement those recommendations for the Public Trustee. On top of that, another \$4.3 million for the Public Trustee's community service obligations.

There is a significant amount of funding allocated to the Public Trustee to respond to that independent review. So, this is an important funding commitment, as are all of the funding commitments in this portfolio. I wanted to say that our Government is committed to leading with integrity, with accountability and transparency and again, I thank this committee for your commitment to doing that with our budget.

CHAIR - Thank you very much. There is certainly a significant increase across a number of those areas that you have responsibility and we will attempt to do justice to each of those line items. I will invite Ms Armitage to commence the questioning.

1.1 Supreme Court Services

Ms ARMITAGE - Thank you, Chair, and thank you Attorney-General. I've just been looking over again reminding myself of the annual report of the Supreme Court. We don't have an annual report up to the end of June because we are not there yet, so any figures will be as far as we can. Looking at the backlog, can you give me an idea of new committals to date and how many people might be in held in custody awaiting a trial? They haven't been found guilty but they are awaiting in custody.

Ms ARCHER - So, with those figures, I've just given the nod and invited Jim Connolly, who is the Registrar of the Supreme Court of Tasmania and very well known to this committee. No doubt he will have that information on hand, or my departmental people, in relation to those numbers that you have requested.

CHAIR - Can we welcome to the table Jim Connolly and also congratulate you on your career, Jim, because we heard prior to this morning's commencement that you've announced your retirement.

Ms ARCHER - I let the cat out of the bag, didn't I?

CHAIR - On behalf of this committee and the rest of the Legislative Council, we congratulate you on a wonderful career.

Mr VALENTINE - Hear, hear.

Ms ARCHER - Yes, hear, hear.

CHAIR - You might like to repeat the question. I think Jim was getting himself to the table.

Ms ARCHER - I think Ms Bourne has the figures as well.

Ms ARMITAGE - That's fine. It was just new committals to date and also, how many people might be held in custody, awaiting trial? It would be good to know the longest someone has been held in custody while awaiting trial?

Mr CONNOLLY - Thank you.

CHAIR - You might decide which microphone, Jim, and pull that over. Yes, that's fine.

Mr CONNOLLY - The committals to date for the year, I don't have with me but -

Ms ARCHER - We can take that on notice.

Ms ARMITAGE - You can take that on notice, that's fine.

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Mr CONNOLLY - Somewhere in here I have the length of remand periods currently, if I can find that.

CHAIR - We understand there's a lot of paperwork.

Ms ARMITAGE - Absolutely.

CHAIR - We found that ourselves as we made our way through.

Ms ARMITAGE - Yes, there are so many books.

Mr CONNOLLY - For the Supreme Court the average remand period at the moment - mean period is 246 days and the median, which removes the outliers, is a remand period of 161 days.

Ms ARMITAGE - That is before going to court. And the average time of a court case, what would that likely be? Is that something -

Ms ARCHER - Do you mean the length of the trial?

Ms ARMITAGE - Yes, the length of the trial.

Ms ARCHER - I think it depends mainly on the type of matter.

Ms ARMITAGE - I'm just thinking, a lot of these, if they've been held for 246 days and 161, it must be significant charges -

Ms ARCHER - We have complex, serious cases and funding is allocated to Tasmania Legal Aid for those, to help clear the serious cases but in relation to length of trial, it really does depend on the nature. For example, a fraud case involving computer fraud with a lot of paperwork and therefore, a lot of witnesses and a lot of evidence to be given and tabled, those sorts of trials do take some time.

Ms ARMITAGE - Would they be remanded or would they be likely on bail?

Ms ARCHER - Likely on bail, those sorts of matters, unless it is connected to any sort of violence.

Ms ARMITAGE - No, it was probably more the ones that are being held, just thinking their length of time, you want to hope you were guilty after you'd spent almost a year in jail.

Mr CONNOLLY - It's not a simple exercise to pull it apart because a lot of offenders are in either serving a sentence but also -

Ms ARMITAGE - With more charges waiting.

Mr CONNOLLY - on remand for other charges for trials to come up, yes.

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Ms ARMITAGE - That's fine. I did note in the 2021 annual report that the Chief Justice stated that whilst it was pleasing to see the number of bail cases reduced from 461 in the 2019-20 year to 333 in the 2020-21 year, a large portion of them have no merit at all and take up far too much of the judge's time.

Is there any response you might be able to give to this, and is there any way that you believe it could be addressed either through policy or legislation?

Ms ARCHER - It is probably a policy question for me. We have quite significant bail reform scheduled which I think is on our very large legislative agenda for next year. We currently have the Bail Act, but it does not have all of the provisions in it. The courts heavily rely on common-law principles as well. Our bail reform brings all of that together so that it is easily accessible and can be found in one place; it is quite prescriptive.

Also in relation to reforms, we have moved a lot of preliminary proceedings to the Magistrates Court to free up time in the Supreme Court, particularly as a measure to clear criminal backlogs. This committee will recall the significant reform we have put through the House in relation to the Magistrates Court, and then also a separate bill that we had specifically allocated, which I can shorten the title to clearing backlogs.

Those initiatives were done to transfer some of the preliminary things to the Magistrates Court and, recently, resource the Magistrates Court with an additional two magistrates. All up, our Government appointed three additional magistrates, bringing our total for the state to 17, which is the most we have ever had statewide, with an equal representation in the south to what we have in the north and north-west of the state for the very first time. Our two new magistrates are starting very soon, either this month or next month.

An additional judge has been appointed who, as I said in the evidence yesterday, is committed to a significant number of matters she is hearing. Justice Jago is permanently located in Burnie. Typically, our criminal backlogs had a very high figure in Burnie and she has been reducing the backlog there. We can get those statistics for you on Burnie Court if you would like them. That will make a significant difference to the overall backlog as well.

It is pleasing to see a lot of these initiatives together - although we always say there is no one silver bullet just like there is no one single cause of backlogs - but we have taken some significant measures in legislative reform and are backing that up with significant funding for extrajudicial and court resources to tackle these backlogs. Had it not been for COVID-19, I think there would have been a much greater dent made in reducing backlogs because for a period in the Supreme Court, the Chief Justice made the difficult decision to stop jury trials for a period of time and for different periods in different parts of the state. We also had that three-day snap lockdown in October, last year where it came into play as well.

We have had those COVID-19 interruptions to our plans, but both the Chief Magistrate and the Chief Justice are very committed to holding extra hearings. There is that case management side of things that I don't deal with; that is the independence of the court and is for the Chief Justice and the Chief Magistrate to deal with according to the management of their judicial caseloads, but we certainly have done everything possible to give them the resources they need to do that and also make changes to the structure in spending money on the court facilities themselves to make an expanded area for the jury room because of social distancing requirements and that sort of thing. We did some upgrades in Burnie and also in

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Hobart, and I believe we probably did in Launceston as well. There has been that support provided in needing to respond to COVID-19 as well.

Ms ARMITAGE - Can I ask one more question? I do have more, but I will be happy to share around. In the same annual report, it was reported that two protocols establishing a procedure for Supreme Court staff to make complaints or raise concerns about the conduct of judicial officers and other protocols to establish a procedure for legal practitioners through their professional organisations to make complaints or raise concerns about the conduct of judicial officers and other protocol to establish a procedure for legal practitioners through their professional organisations.

To make complaints or raise concerns about the conduct of judicial officers and without referring to any particular cases, that might have come up through the protocols. Can you advise how these protocols have been received by the legal community and are they having their intended affects?

Ms ARCHER - From my perspective I thank the Chief Justice for his response in work in that regard because I think Tasmania was probably behind some other jurisdictions which already had protocols or codes of conduct in place. It is entirely the realm or area of the Chief Justice so I will not reflect on anything other than to say I know anecdotally, from the legal profession it is very welcome that protocol has been put in place, particularly for female practitioners. I will make that observation.

I do not know if Mr Connolly has anything further to say from the perspective of the court, but from my perspective and from the Governments perspective it is a very welcome initiative of the Chief Justice.

Mr CONNOLLY - Fortunately we have not needed to rely on it to that extent, but we do have the structures in places should they be required. We have health and wellbeing officers who have been nominated and advised to the staff generally as to who to approach if they need the support.

As you know, it followed around the country after the former High Court Justice Heydon incident occurred. It provoked all the jurisdiction to review their procedures and what we have done here in Tasmania.

CHAIR - You touched on the challenges for the court system through COVID-19 and obviously we are still under the COVID-19 Disease Emergency (Miscellaneous) Provisions Act, and we know there has been some changes to how our court system operates. Obviously, that has been necessary. Do you see those changes being something that will stay in place, post the disease emergency time?

Ms ARCHER - Some of those changes that have been made - again it is the area of the Chief Justice to determine - but by providing our significant funding for technology upgrade to all of the courts and indeed, Risdon Prison because it is both ends of that equation that is required. It not only has the effect of reducing the number of correctional officers we need to take people to court, by having virtual appearances for short adjournments where there is not a hearing. Obviously, when physical presence is required, it is still desirable and indeed happening. What COVID-19 revealed to us all, was we could do quite a bit online. The courts

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were no different. It did reveal that the technology was not there for the courts and we have put in place mechanisms for that. That project is something still rolling out across the state.

Ms Webster will be able to give a time line for that. What I would imagine is the technological advances will obviously stay and will help the backlogs as the clearance rate will hopefully improve because of the technology advances in system and bringing the courts up to the 21st century. That coupled in the magistrates court, with everything coming online through the Justice Connect project with Astria will make a huge difference.

In relation to some of the things that have needed to occur as a result of COVID-19 like the cessation of Jury trials and things like that are again a decision of the Chief Justice. Should that happen again in the future and we need to stand up those protocols I am sure that will be the case. The suspension of certain things may need to occur, but we have provided the courts with not only the financial support, but also policy intent for the court to proceed with these sorts of measures in response to COVID-19, but once those protocols have been formally removed by Public Health and I issue the notices being the relevant minister and the Attorney General - which you have the *Gazette* there - with me signing it, for a period of time then and of course, we review that intermittently. There will be certain things I imagine the court may wish to sustain.

CHAIR - Because at this point in time those provisions are in place until I believe around March 2023, but once the disease emergency period ceases, they become null in void after 60 days.

Ms ARCHER - Exactly, so one of the initiatives I briefly mention that will actually receive proclamation tomorrow is the judge alone trials bill as a mechanism for choice. Obviously, it is voluntary for a defendant or defendants can use that initiative of ours. It may assist court back logs or if someone has been on remand for a period of time, they may elect to have a judge alone trial or in cases where there is the possibility of jury tampering, which is rare, the judge in that trial may actually order it. There are provisions and safeguards in the actual act you recall to not only protect the right of a jury trial, still we have not removed that, but also a protection in place to ensure that in most cases obviously, with the consent of the defendant, unless there is that tampering issue. Also, to avoid any sort of forum or judge shopping the cases will be allocated at random.

The impact of that not only helps with court backlogs, but with some of these initiatives we have just been talking about for the court to deal with the impacts post COVID-19 and our recovery period of getting on top things again.

CHAIR - Supplementary, Mr Valentine.

Mr VALENTINE - With respect to that situation with regard to juries, the defendant can actually request it, can't they?

Ms ARCHER - Yes, it can be voluntarily requested by the defendant. I imagine in most cases that will be the case that they may have a preference. Built into that of course, is they have had some legal advice in relation to that option, because it is a very serious thing giving up your right to a jury. They are the sorts of safeguards built into legislation. But yes, in a multiple defendant case, all defendants must consent.

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Mr VALENTINE - I just want a bit of clarity. You have some great notes except it does not quite explain one thing. Where you talk about cost per finalisation or real net recurrent expenditure, it is probably accountancy 101 but I do not know the answer. The fines that come in, the revenue you talk about on page 143 towards the top of the page, the second dot point. It talks about cost for finalisation or real net recurrent expenditure for finalisation is an indicator of efficiency. Is that a cost to Government or is it a cost to this line item? Did the fines that come in, actually go straight back to Justice to help them do their work, or does that go to consolidated revenue?

Ms ARCHER - Gavin Wailes, the Director of Finance with his trusty computer.

Mr VALENTINE - I imagine it does go back to consolidated revenue.

CHAIR - It is very difficult to get clear annunciation with those rotten masks, thank you.

Ms ARCHER - I think I have the number here, but I am going to let Gavin explain being the numbers man.

Mr WAILES - The real net recurrent expenditure per finalisation is the cost to Government. It does not include revenues collected and paid back into the consolidated fund. The Supreme Courts does collect a number of court fine,s but in particular probate fees is the large ones that offsets the costs somewhat as well. Those revenues are used to fund a number of court activities.

Mr VALENTINE - Okay, thank you. It's as simple as that.

CHAIR - Feel free to stay there at this point, Gavin. We may well need you again and we can always move you around. Ms Armitage has a supplementary question in regard to jurors.

Ms ARMITAGE - I did, yes. I noticed in the Supreme Court annual report that jurors aged 65 and over were exempted from jury duty, I think it was until the end of 2020. What is the age limit? Is there an age limit for jurors at 70 or at 80? For judges and others, there is an age limit to which they can participate so I also wonder -

Ms ARCHER - We've recently increased the age for judges from 72 to 75.

Ms ARMITAGE - Yes.

CHAIR - They are quite young.

Ms ARCHER - It is young, thank you.

Ms ARMITAGE - Is there an age limit for jurors? Did you have much difficulty getting jurors, particularly when you limited the age to 65 and over for that period?

Ms ARCHER - We've also had a few issues during COVID-19, so I might get Mr Connolly to explain that.

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Mr CONNOLLY - Thank you. Under the Jurors Act, there is no mandatory age limit but from age 70 or above, you have the option to elect not to serve, but if you want to serve as a juror beyond 70, you're welcome.

Ms ARMITAGE - During the period, age 65 and over was to make sure that it was the older age group with issues to do with COVID-19 and -

Ms ARCHER - Mobility.

Ms ARMITAGE - Mobility and other matters. Was there a difficulty getting jurors at that time? Was there a shortage?

Mr CONNOLLY - No, there wasn't. We gave the option to reduce that age ceiling to allow for higher health risk for older people, but it didn't have an impact on us securing a sufficient juror pool for each sitting.

Ms ARCHER - There are requirements of wearing masks and social distancing and those sorts of measures, weren't there?

Mr CONNOLLY - All of those, yes.

Ms ARMITAGE - Thank you.

Mr VALENTINE - Can I have a supplementary question on juries? It's just in relation to the costs associated. I suppose it's a bit difficult because of the length of the trial, but do you have an average cost of having a jury. There is also an average length of time that cases run, so do you have any idea of what it would normally cost to have a jury - the jury cost of a trial?

Mr CONNOLLY - I don't have that with me here. Our annual cost on jury expenses, I could -

Mr VALENTINE - Per trial, an average? Whatever your average length of trial is - to give us some idea as to what it costs to run a jury.

Mr CONNOLLY - There's a daily jury expense allowance and a couple of other incidentals that they can claim if they incur expenses for attendance, but again, I don't have that figure here.

Mr VALENTINE - It would vary quite significantly, I suppose, depending on the type of trial. You have to take jurors out to sites and all of those sorts of things, and retain them. Do you have to pay accommodation and those sorts of things as well?

Mr CONNOLLY - We don't keep jurors overnight these days. In former times, that was the case when they were deliberating, particularly on serious offences like murder; they were kept sequestered, but that doesn't occur these days. The judges trust the jurors to be able to separate and then resume without discussing their deliberations with anybody else. The views that you mentioned before, where the jurors are taken to the scene of a particular incident, again, are quite rare. It's probably in about 10 to 15 per cent of cases, just off the top of my head.

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Mr VALENTINE - Quite clearly, it's a complex thing. I just thought there might have been a way of getting the average cost for a jury over the average length of trial. It's okay. I don't want you to do some homework on it. I thought it was available, but quite clearly, it's not. Thanks.

CHAIR - Attorney-General, can I take you to the performance measures on page 140 of budget paper 2, Supreme Court criminal jurisdiction, pending cases older than 12 months. We talked about the current, but there is an increase in the percentage by about five per cent in criminal cases and only two per cent in civil cases for the Supreme Court. Can you give me some explanation for that? Is it only related to COVID-19 and the fact that we have had so many challenges? The projection is looking a lot better for this year, but I am interested in that significant increase.

Ms ARCHER - If we do a comparison between civil and criminal cases, you will note we don't have a backlog in civil cases and that is largely because of case management. Former chief justice Peter Underwood introduced case management quite some years ago that made a huge difference because there is that compulsory requirement for parties to attend mediation after a defence has been entered. Matters do tend to settle at the early stage and without the requirement of going to court. I read that percentage over the weekend and the percentage that settle is in the high 80s, and that would explain why that figure is a lot lower for civil cases than criminal matters.

The criminal case clearance or the cases pending is illustrative of that backlog issue. We still have the uncontrollable factor that people commit crime and crime is there. The courts don't have control over how many cases come in with regard to lodgement. That largely explains that; it is related to that issue. The courts always receive a certain amount of criminal matters and then during the COVID-19 period, were unable to clear as many as they normally would, although the figures are quite pleasing notwithstanding COVID-19 this year. The court has done an incredibly good job at trying to stay on top of this, despite the fact that jury trials were suspended for a period and those other things that we have discussed.

Ms ARMITAGE - Attorney-General, could you please give an update on the Justice Connect program?

Ms ARCHER - I certainly can and that is something I will get the department secretary, Ginna Webster, to give an update for the committee.

Ms ARMITAGE - It would be good to know how many people have taken it up.

Ms ARCHER - It has not been fully implemented as yet and we will explain that delay. It is a complex matter involving a number of different areas and agencies before it is implemented. I will ask the secretary to explain.

Ms ARMITAGE - That will be great to have an update on it, thank you.

Ms WEBSTER - As the Attorney-General said, it is quite a significant and complex piece of work. It will address some of those shortcomings within the existing systems, processes and data supporting the criminal and civil jurisdictions. When we say within the Department of Justice, it would include the Magistrates Court, the Supreme Court, the Prison

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Service, Community Corrections, Crown Law and Victim Support Service, but it also affects external organisations including the DPP and Tasmania Police.

The first production release for Astria is Justice Connect - we call it Astria - the jury management system which is scheduled for October this year. The offender management components of Astria are scheduled to go into production in the second production release and that will include the prison, Community Corrections and the Parole Board. That includes the sentence calculation components, which will mean that sentence calculation becomes no longer a manual exercise; it becomes a computer-driven exercise.

Ms ARCHER - If I could make a friendly interjection there, we have had cases of incorrect releases through human error, not through any intention or fault in that regard, but that is primarily what we are hoping to see less of in terms of human error by having a system.

Ms WEBSTER - The Prisons and the Community Corrections component are scheduled for April next year, Parole Board scheduled for July next year. It is very much an iterative process because, as you can imagine, it is very complex change.

The major criminal release includes the courts, the DPP, and police prosecutions, and that is probably the most complex section and piece of work. It also supports victim support service, so that is scheduled for between October 2023 and February 2024. Then there is a final release which includes prisoner self-service, kiosks, and that is scheduled for March 2024.

Ms ARMITAGE - So it is staged?

Ms WEBSTER - Very much a staged implementation.

Magisterial Court Services

CHAIR - I invite Mr Willie to commence the questioning, thank you.

Mr WILLIE - Attorney-General, when you established the Tasmanian Civil Appeals Tribunal, you spoke about the fact that in time you would be moving some of the divisions of the Magistrates Court to TASCAT. Can you tell us what will be moving, what is the time frame for those divisions to move, and will there be an increase to the TASCAT budget to deal with the increased workload when it happens?

Ms ARCHER - As I said in my opening statement, TASCAT has received some additional funds in this budget of \$1.9 million. That is to take into consideration my intention to immediately transfer building disputes under the building regulatory framework, which technically sits in my portfolio of Workplace Safety and Consumer Affairs.

CHAIR - We will talk about that later.

Ms ARCHER - We will. Consumer Affairs covers Consumer, Building and Occupational Services (CBOS) and that work is currently being undertaken by Consumer Business and Occupational Services. TASCAT is relevant in this portfolio because the legislation that set up TASCAT, and the funding attached thereto is relevant to the Justice portfolio.

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The additional \$1.9 million that I announced today or in this budget is for further additional support for its activities on top of an appropriation allocation of \$7.6 million for the 2022-23 financial year. To progress the next stage of the TASCAT reforms, work is underway within the Department of Justice and other government agencies, as I said, CBOS to develop that legislation that will involve the transfer of that function.

Regarding other matters related to the Magistrates Court, also looking at certain other appeals to the Administrative Appeals Division of the Magistrates Court, so that is the civil jurisdiction of the Magistrates Court. I do not have a time frame for that because our immediate focus is the building disputes.

I am also looking at residential tenancy matters, transferring, which would give resolution to complaints a lot faster and actually provide a resolution rather than the Residential Tenancy Commissioner only having a restricted decision-making capacity, so expanding that up. Also, certain appeals relating to licensing matters within the Consumer Affairs portfolio, so CBOS again, certain appeals to a judge of the Supreme Court. We will look at alleviating some of those more minor things from the Supreme Court, again freeing up our judge's time to deal with other matters, and review of certain decisions by the Ombudsman, such as decisions under the Right to Information Act.

I know that some members of parliament have made that proposal that it would be really good if we had another area of appeal, and so I am looking at that as well. As for a time line, all of those things will be considered once we finalise transfer of the building disputes. Then we will look at the schedule of rolling out further reforms to TASCAT. I imagine that further funding in future budgets will be required for any further additional workload there but all that work needs to be assessed and carried out.

Mr WILLIE - I'm sure we'll talk about it in future years.

Ms ARCHER - I'm sure we will.

Mr WILLIE - Attorney-General, can you give us an update on the courts reform project and is the project being funded through internal resources or does it have its own budget allocation?

Ms ARCHER - So, we're in the Magistrates Court?

Mr WILLIE - Yes, Magistrates Court services.

Ms ARCHER - What reforms specifically?

Mr WILLIE - I've just got a question here for the court's reform project and the implementation of the Magistrates Court (Criminal and Coronial Divisions) Act.

Ms ARCHER - Right. Are you able to give that update?

Ms WEBSTER - Yes, thanks. Mr Willie, that is very much connected to the Justice Connect program. The criminal and general act - every section of the act is currently being

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reviewed in terms of the IT solution that's required. There is a project manager and other project resources that are dedicated to that.

Ms ARCHER - We have a steering committee -

Ms WEBSTER - We have a steering committee which I chair and includes the Chief Magistrate and Deputy Chief Magistrate but that's very much aligned to this implementation of Astria. I mentioned the criminal part of that will be between October 2023 and February 2024. When that is successfully operating we intend that the criminal and general bill will be able to be implemented at that point.

Ms ARCHER - It's quite some time since it went through parliament but as I said when I took the matter through parliament, it would take some time to implement the entire bill's initiatives because of it being connected to Astria.

Mr WILLIE - And similar to the Supreme Court performance information, page 140, the criminal jurisdiction cases older than six months. We've seen a rise there in previous years and the same in the Coronial Division but not in the Civil Jurisdiction. I would assume the explanation is the same?

Ms ARCHER - Yes. It's the same explanation actually and that's also the reason why the additional magistrates have been put on and particularly the recent announcements of Katie Edwards and Evan Hughes. Katie Edwards will be allocated to Burnie, which fills Justice Jago's old posting when she was the magistrate there and Evan Hughes will be dealing with matters in Devonport and Launceston. In the north and north-west, as I said, typically some of the backlogs are a bit higher, so that's a concentrated effort there. That was at the request of the Chief Magistrate that those two new magistrates be in those areas of the jurisdiction.

It comes on top of recent appointments of Jackie Hartnett who's based in Hobart and also Marica Duvnjak. We've been very busy with making appointments and with retirements as well. You'll recall Glenn Hays retired as well. So, this has very much been in consultation with the Chief Magistrate as to where certain magistrates should be allocated and with my recent announcement to come online magistrates Edwards and Hughes, that will deal with a lot of the court backlogs in the north and north-west of the state as well. So, a very similar picture.

The smaller part of the jurisdiction, if you like, in Magistrates is Civil. The court always manages to stay on top of that. In terms of coronial matters, again, we've got no control over the number of matters, for pretty obvious reasons as to how many go through that jurisdiction but I think notwithstanding COVID-19, the clearance hasn't risen too much. With the additional resourcing of the court and the courts in general, I'm hoping to see that these things start to come down post-COVID-19 and we can see some recovery with all of the additional resourcing that we've been putting into this. Of course, with Astria coming online in the courts that will make a massive difference to dealing with things faster because of the technology that will be available.

Mr WILLIE - When we look at the youth court division, there's a much faster flow through there. Is that because there are less cases or is it because there's a dedicated resource?

Ms ARCHER - I think it's a combination of both and there's a dedicated magistrate to that. Yes, I'm getting the nod from the Registrar of the Magistrates Court. There is that

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dedicated provision of a magistrate to youth justice matters. Of course, the funding attached to anything to do with matters going before the court, not the court itself, is in the children's portfolio. In terms of the supports outside of the court system, we just provide obviously the provision the jurisdiction that deals with those matters.

Mr WILLIE - I would assume they would be less cases too to deal with?

Ms ARCHER - I think we might get Penny Ikedife up as the Administrator of the Magistrates Court, who will be able to answer that question for you.

Ms IKEDIFE - I am sorry, I could not hear the question.

Mr WILLIE - In the flow through the youth justice division there are obviously much lower number of cases pending, six months or older and the question is whether there are less cases because it is a youth division and some of the others?

Ms IKEDIFE - Yes, that is correct. The lodgements in the youth justice division are lower than in the general adult criminal division, as one would expect. There was an increase during the 2020-2021 financial year and there is a lot of fluctuation in that jurisdiction also.

Mr WILLIE - Is there an explanation for the fluctuation?

Ms ARCHER - I could not say. It depends on the Commission of Crime and the types of matters that have been committed. It is probably more in the realm of the police would be able fill us in on that explanation as to why that might fluctuate according to the types of crimes that have been committed. It may also be connected to police resourcing being much higher these days under our Government.

Mr WILLIE - It has been a particular issue in our shared electorate, youth justice.

Ms ARCHER - And obviously, with our announcement moving to a more therapeutic model, we are hoping to see those sorts of things come down in any event.

Ms ARMITAGE - How many coroners do we have in Tasmania?

Ms ARCHER - That is the Administrators area also.

Ms IKEDIFE - Three full time dedicated coroners.

Ms ARMITAGE - Can you tell me where they are located?

Ms IKEDIFE - They are located in Hobart.

Ms ARMITAGE - Is there any proposal to have a coroner located outside of Hobart? I do hear there is concern raised in the north there is not a dedicated coroner in the north.

Ms ARCHER - That is a very good point, Ms Armitage. I would be very happy to raise that in my next discussions with the Chief Magistrate. The allocation is a matter for the court, but obviously, if it was a policy driven matter by the Government then they would take that view on board strongly. I would be very happy to raise that.

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Ms ARMITAGE - If you would. I have had it raised with me by the legal fraternity we do not have one in the north of the state.

Ms ARCHER - Now we have more magistrates on board it might be something we can look at.

CHAIR - A northern based appoint would actually cover half of the state.

Ms ARCHER - We have dedicated magistrates you would know that deal with that for a large proportion of matters.

Mr VALENTINE - I was interested in getting an update on the Astria system. How that is actually going?

Ms ARCHER - Ms Webster went through that.

CHAIR - It will be on *Hansard*.

Mr VALENTINE - I will go to *Hansard*, that's fine.

CHAIR - On page 140, the Performance Measures, I note for the magistrates court there are some very ambitious dollar targets for the real net recurrent expenditure per finalisation right through all of those areas covered under the magistrates court. How are you expected to meet those dollar figures, particularly, when some of them are more than half of what is the actual. For instance, the civil jurisdiction, the cost is for 2021 is \$579 and the target \$250.

Ms ARCHER - We might get Mr Wailes to explain that for us.

CHAIR - Was that just a late night figure?

Mr WAILES - The targets we have are a bit of a mix. I would say the magistrate's court ones are historic and as cost have increased, probably those targets have not. I would say they probably need a good review.

CHAIR - Whoever is putting these together on behalf of this particular area needs to reassess them. They look completely out of whack, to be honest. There is no other way of saying it.

Ms ARCHER - We will take that on notice.

CHAIR - We are probably being quite kind, so thank you. You are never going to meet them.

Ms ARMITAGE - I have a question and I am hoping that I was not reading while it was already answered. It is regarding security in the Magistrates Court. I am not sure whether that was dealt with.

Ms ARCHER - No, that hasn't been covered.

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Ms ARMITAGE - What is the current situation with police and security guards?

Ms ARCHER - Do you mean police out of courts and having security out of the police?

Ms ARMITAGE - That is all gone, isn't it?

Ms ARCHER - Yes, it is.

Ms ARMITAGE - Particularly in the north, has that continued? Do we still have police officers? At one stage there was a shortage and I am wondering how that is going with security.

Ms ARCHER - That situation has resolved now. There was a period of time where the security business that provided that security to the Launceston Court was having difficulty during COVID-19 in the number of people available, so Tasmania Police stepped in for a period because security in the court is essential. It was only for a short period. Ms Bourne will be able to tell us for how long, but that situation is well resolved now.

Ms ARMITAGE - It is well resolved and police officers are no longer there?

Ms ARCHER - They only stepped into it for the period the security firm was having difficulty staffing the court. Ms Bourne knows the period of time.

Ms BOURNE - It was during the latter part of the 2020-21 year where Wilson Security was unable to provide a sufficient number of security guards, as the Attorney-General has noted, predominantly due to the pull on their resources to service other COVID-19-related opportunities. At times, supplementary security was supplied by a number of additional sources including Supreme Court security officers when they were available, correctional officers and occasionally police officers.

Ms ARCHER - What was the date we resolved that?

Ms BOURNE - I don't have a particular date.

Ms ARMITAGE - That is fine.

Ms ARCHER - It is resolved.

Ms ARMITAGE - It is mainly that it is resolved. I recall that police officers were again in the courts at some stage and I wanted to check that it has now been sorted out.

Ms ARCHER - It was resolved in July 2021. It was only during June, so it was a short period of time.

1.3 Births, Deaths and Marriages

Ms ARCHER - If it is going to be statistical, we will probably need Ann Owen, who is the Registrar of Births, Deaths and Marriages. Welcome to the committee.

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CHAIR - Welcome, Ann. I will begin the questions, Attorney-General. Page 140 - this is the bible for us. I note that the unit cost per transaction has almost increased by 20 per cent. When I go to the notes, it states the actual and target values have increased to reflect gender reform amendments. Am I right to say that we have had an increase of 20 per cent or thereabouts in the number of registrations, or is everyone paying for this particular area that has been added to the Births, Deaths and Marriages?

Ms ARCHER - Ms Owen is going to answer that.

Ms OWEN - A proportion of it was because we had additional increase in staffing levels when we introduced changes to reflect gender equality in 2019. At the same time, we did a re-evaluation of some of our IT and support costs which, working with the Finance department, we thought would better reflect operational costs.

Ms ARCHER - We put in extra resources because of that reform.

Ms OWEN - It is a combination of staffing and IT costs to better reflect the cost of providing the service.

CHAIR - Can we have some indication of how Births, Deaths and Marriages are tracking across the state? Has COVID-19 interrupted any of that? I would have thought perhaps there were more births, with people staying at home.

Ms ARCHER - I am going to revert that question to Ms Owen, she can explain the numbers. Tackle the statistics for us.

Ms OWEN - Up until March this year, the number of births registered is 4489; deaths, 3724; and marriages, 1986. Compared to the previous years, that does look as if we're tracking increased levels across all three areas.

Ms ARCHER - Those figures are always to 31 March.

CHAIR - It's not surprising that marriages have increased because there were quite a lot of marriages that had to be postponed through the height of COVID-19. My theory on staying at home has probably come true.

Ms ARCHER - No comment.

CHAIR - Some of us are staying at home.

Mr VALENTINE - I am interested in any figures on the registration of significant and caring relationships since 2019. Can you give us an understanding of how many have been registered?

Ms OWEN - In 2021-22, the number of relationships registered was 255, and that's predominantly significant relationships. We would have less than five caring relationships.

Mr VALENTINE - You don't have the percentage of that compared to the whole handy, I suppose?

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Ms OWEN - Of caring?

Mr VALENTINE - The significant relationships.

Ms OWEN - It would be over 95 per cent; I think there would be under five caring relationships each year since the legislation came into effect.

Mr VALENTINE - So 95 per cent of those would be significant and 5 per cent would be caring relationships? Is that what you're saying?

Ms OWEN - Yes, or less.

Mr VALENTINE - Of that group, what is the percentage of the whole number of marriages?

Ms OWEN - Marriages are registered separately from relationships. It's under different legislation.

Mr VALENTINE - It is a different act, okay.

Ms ARCHER - Different legislation.

Mr WILLIE - I am interested in what the resource figure was to address the reforms that will pass the parliament.

Ms ARCHER - I was trying to remember.

CHAIR - There is a 20 per cent increase on the budget.

Ms ARCHER - We actually allocated it before it was done. Ms Owen, can you remember what we allocated to implement the birth certificate changes at the time?

Ms OWEN - I would need to double check.

Ms ARCHER - We would need to double check; we would need to take that on notice. It was obviously back in 2019 and relevant to that budget. We did provide funding for what were quite significant reforms that had to take place in the operational systems to ensure that Births, Deaths and Marriages have the capability to record those things appropriately. There was a change in the form of the certificate and also a change in the procedural requirement from parents opting into a new system. I think we have the statistics.

Mr WILLIE - That is my next question - how many parents have elected?

Ms ARCHER - How many have gender on the certificate and how many have opted not to?

Mr WILLIE - How many over-16-year-olds have elected to change their birth certificate?

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Ms ARCHER - A substantial proportion do still put gender. I remember seeing those figures, but I am happy for you to give those figures.

Ms OWEN - From the 5 September 2019 to 31 March, there have been 164 applications to register gender. Of those, 87 per cent are for adults over 16.

Mr WILLIE - Right.

Ms OWEN - As far as parents ordering a certificate at the time of registering their newborn, of those parents who opt to do that, approximately 2 per cent opted for one without gender.

Mr WILLIE - Do we have an overall figure for the parents that elected to do this?

Ms ARCHER - Instead of percentages?

Ms OWEN - I haven't got the figure to break down.

Ms ARCHER - We can take the figure on notice if you would like.

Mr WILLIE - It's the resource question and the figures on notice, thank you.

CHAIR - The quantum of resourcing.

Ms ARCHER - Of what we provided. I actually gave them so it will be on the *Hansard*, but we will dig out that figure.

Mr WILLIE - The other question I have is, what percentage of same-sex marriages has occurred over the last year?

Ms OWEN - Three per cent of marriages since this financial year, have been same sex marriages.

Mr WILLIE - Is that trending up since the reforms?

Ms OWEN - It is slightly down, slipping 5 per cent.

Ms ARCHER - It may well be COVID-19 related as well.

Mr WILLIE - Might have been an initial rush.

Ms ARCHER - Or people not wanting to get married.

CHAIR - Spending more time at home and realising.

Ms ARCHER - We do not have the statistics of the divorce rate because that is federal.

Mr WILLIE - Some people probably waited so long to be able to do it there was probably an initial surge.

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CHAIR - If there are no further questions, we thank Ann for her time at the committee hearings.

Output Group 1.4: Support and Compensation for Victims of Crime.

Ms ARCHER - We have Catherine Edwards, if I could call her. Catherine is the manager of Victim Support Service in case you need her.

CHAIR - You may note there is no requirement to clean down the spaces. We had some whizz-bang special product that sanitises for the entire day they tell me and I am not to argue with that.

Ms HOWLETT - Attorney-General, can you please update the committee on what the Tasmanian Government is doing to assist victims of crime.

Ms ARCHER - I can and thank you for that question. Our Government recognises that the criminal justice system can be pretty daunting for victims of crime and why we are ensuring the process provides an appropriate level of support for victims and survivors to improve access to justice.

As Attorney-General, I have recently progressed some reforms to the regulatory framework that provides financial help and assistance to Tasmanian victims of crime. Those sitting on the Subordinate Legislation Committee might recall these reforms include the introduction of an annual increase to the maximum award levels in line with CPI. That will commence this year from 1 July with the new financial year and it means the removal of the total group cap available for related victims of the same incident.

To explain, these changes are designed to remove any disadvantage for related victims in situations where there are more than five related victims to a crime or act of violence. The removal of that total cap for related victims of the same incident ensures all related victims have the same access to an award for future counselling and medical expenses, as other categories of victims. The average compensation award under the Victims of Crime Assistance legislative framework has been increasing over recent years with the latest average award being \$22 344.81 when we average that out for the period 1 July 2021 to 31 March this year.

The key changes are remaking the current maximum award levels for the financial year ending 30 June this year with amounts for subsequent financial years indexed by CPI. That makes a significant change to the overall system. That will provide for regular increases in the caps without having to amend the regulation each year and removes the total maximum cap of \$50 000 for related victims of the same incident and removes the limit being five related victims. The commissioner may also make an award for future medical and counselling expenses, in addition to the prescribed maximum.

That is quite a significant change to the victims of crime system and probably long needed, particularly the CPI attachment to that to ensure we are staying up to date each year and do not have to go back and change the regulations each year.

CHAIR - Attorney-General, this is a difficult area to work in and expect a lot of areas you have responsibility for are. Do you have the numbers of people that perhaps need to take

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time away, stress leave and a staffing number. Can we have a general staffing number and then some idea of how your staff are tracking when it comes to these areas?

Ms ARCHER - Yes. Just to explain, the Victim Support Services deals with about four different areas. They are: Victims of Crime Assistance, Eligible Persons Register, the Victims of Crime Service and also Court Support and Liaison Service. So, you're right. It's a very broad-ranging area and the Victims of Crime Assistance administers the Victims of Crime Assistance Act that I was just referring to so it's quite a broad role. As to figures of anyone being on stress leave in this area, I would have to revert to either the secretary or to Ms Edwards on that.

Ms WEBSTER - Thank you. I have to say that Ms Edwards is a very good advocate for her staff and the staff are well looked after by each other as well. I would also point to our wellbeing program that we've implemented in the last 18 months or so - sorry, 12 months. It seems longer than that.

Ms ARCHER - It is 12 months. Since the last committee we've put in place a wellness program across Justice.

Ms WEBSTER - It was late last year. We rolled that out for the Prison Service first, then to Community Corrections and then across the entire department. In addition to our Employee Assistance Program, we also have our individual counsellors and psychologists who work in that unit. Our staff are able to independently and confidentially access that unit.

We don't have any particular figures for stress leave across that portfolio but certainly, across the department we do and we keep an eye on them through regular work, health and safety meetings and interactions with Ms Edwards. I'm very happy if the Attorney-General is comfortable for Ms Edwards to provide any further information.

Ms ARCHER - Absolutely. Yes.

Ms EDWARDS - There is just one further matter. Victim Support Services and the Court Support and Liaison Service have a budget for professional supervision. In addition to the wellbeing and support program, all staff are able to access professional supervision through a clinical psychologist and that's very important because the level of exposure to vicarious trauma across the service is very high.

Ms ARCHER - I can also add that if someone wants to have someone of their own choice that the department covers that as well. They're not required to go to the services provided by the department. If they want to go to their own practitioner or specialist in an area, they're able to do that as well.

CHAIR - Do we have any numbers for those accessing that support or is that -

Ms ARCHER - We do have the numbers for the new wellness program. It could be in my Corrections portfolio but the secretary - I'm happy for you to give that figure.

Ms WEBSTER - Since the establishment of the unit in September last year, so to 31 March that unit has had 86 referrals from across the department. We've had 73 clients provided with case management, 34 clients seen by an in-house psychologist and three psycho-

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educational sessions provided. We also have a website that allows all our employees to go and do their own health assessment, mental health and physical health as well.

Ms ARCHER - As Ms Webster highlighted, that program rollout started in the area of Corrections, which I know we're not in that output yet but it was in response to an issue raised directly by the unions with me. You can see that we've acted on that very quickly because I think we got it in place within a matter of weeks of that being raised. We used a similar model to what they have in Police, Fire and Emergency Management.

CHAIR - Can we have the staffing numbers of the department, just so we can get some handle on -?

Ms ARCHER - How many in Justice overall?

CHAIR - Yes.

Ms ARCHER - Yes.

CHAIR - I'm happy for you to table that. We don't actually need it right now, if that makes it easier.

Ms ARCHER - Yes, that can be -

CHAIR - Or we can come back after.

Ms ARCHER - We have got it? Yes. Absolutely.

Ms WEBSTER - So, as at 31 March 2022 the Department of Justice - this includes the Office of the Ombudsman and the Office of the DPP - we have staffing of 1513.6 FTE with a head count of 1607 staff. So, we have had a net increase of 55.9 FTEs from 1 July to 31 March and most of that would be correctional officers and across other portfolios obviously and they are our numbers.

CHAIR - Do we have a gender break up of that?

Ms WEBSTER - From July 2021 to 31 March we had 57 per cent female and 47 per cent male staff.

CHAIR - Leading the way, Attorney-General.

Ms ARCHER - We are in justice.

CHAIR - Thank you members. If there is nothing else in this area then I will move to the Tasmanian Legal Aid. Thank you.

MS ARCHER - We would like to invite the Director, Vincenzo Caltabiano.

1.5 Tasmania Legal Aid

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Mr VALENTINE - With regard to the Budget, can you explain why the appropriation for this year has declined by 0.41 per cent or \$39 000 from the level indicated in last year's budget papers for this year? Can you also explain why over 2023-24 and 2024-25 this reduction in appropriation is actually increasing? Firstly, the 1.06 per cent and then in 2024-25 to 1.82 per cent, when compared to those projections in last year's budget papers.

CHAIR - As you can see, Attorney- General, the member likes to get down into the nitty gritty.

Ms ARCHER - It is the National Legal Assistance Partnership changes which Ms Bourne is right across in terms of figures, which can get very confusing in the legal assistance sector. In addition to NLAP funding which is Commonwealth, the state provides a top up of \$2.2 million. We have always provided a top up. In addition to that, we have recently had a surplus distributed as well. Ms Bourne can you explain this specific question now?

Ms BOURNE - The Attorney-General is correct. The changes in the allocations reflect the commencement of the new National Legal Assistance Partnership and in the later years the cessation of that. There has been a restructure of the legal assistance and Tasmania Legal Aid output. They have been split into two separate outputs, to include the clarity and transparency on the myriad of allocations that are made, particularly to the legal assistant sector.

Ms ARCHER - It is Community Legal Centres, Women's Legal Service are all under the banner of legal assistance sector.

Mr VALENTINE - There is an explanation on what legal aid is on page 145 of the Budget paper, but nothing on legal assistance. For clarity, the legal aid is primarily legal services in-house as well as some external?

Ms ARCHER - It would be in terms of private practitioners being available through legal aid once aid has been granted by Tasmanian Legal Aid.

Mr VALENTINE - Compared to this how is legal assistance defined?

Ms ARCHER - I am happy for Mr Wailes to address it if he has the answer.

Mr WAILES - The Tasmania Legal Aid funding within the Budget papers reflects funding specifically to legal aid. However, within the legal assistance that includes all the legal assistance programs: the election commitment of \$2.2 million, it includes the state top up which the Attorney-General referred to also plus some base funding.

Within that there are some minor amounts: the state tops up which legal aid receives is included within the legal assistance component.

Ms ARCHER - It is very hard to extract everything, Mr Valentine.

CHAIR - Why did you not leave them together, Attorney-General? It is more confusing now than it was previously.

Ms ARCHER - That is a question for Ms Bourne because there is a technical reason.

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Ms BOURNE - I am sure the Director of Finance will correct me if I am wrong, but with a good problem. We are receiving resources of additional funding for the legal assistance sector, not just Tasmania Legal Aid more broadly. This has meant that for accounting purposes we have a bigger pool of funds to play with essentially, and pulling them apart has made it easier to keep track of, over the forward Estimates, and also ensure that TLA and its appropriation - both Commonwealth and state - is equally able to be seen more clearly in the budget papers.

Ms ARCHER - I should say that the legal assistance sector also includes the Aboriginal legal services.

Mr VALENTINE - I can understand the legal assistance is external to the department, so the resources associated with legal assistance are external to the department, is that fair to say?

Ms ARCHER - They are allocated externally to the department, but the department administers any state funding.

Mr VALENTINE - So they administer it, but the work that is done, is done by external parties, not within the department?

Ms ARCHER - Within the community legal sector, but more broadly, but in Tasmania Legal Aid, the community legal centres, women's legal service, aboriginal legal services.

Mr VALENTINE - So the confusion arises when I read, Tas Legal Aid, through its grant section, assesses requests by lawyers from the private profession and in-house lawyers. So, it is just that if assistance is external to the department, we seem to have some of that externality in the legal aid as well.

Ms ARCHER - Is there a question that you want Mr Caltabiano to answer?

Mr VALENTINE - I am interested to know where the connection is with those external providers in the private profession to be noted within the departmental legal aid budget?

Mr CALTABIANO - Tasmania Legal Aid operates a mixed service model, so we deliver services and in the context of answering your question, representation in courts and tribunals both through our in-house practice and through grants of legal assistance to the private profession. In the last year or so, that payment to the private profession has been in excess of \$6 million. As at the end of April, the payments to the private profession were about \$5.55 million, which was about a \$500 000 increase for the same period last year. There is a significant payment and delivery of services by the private profession and that is across areas of family law, criminal law, child safety and the like.

Mr VALENTINE - Across the board basically?

Mr CALTABIANO - Not all areas, there are some areas in which the private profession does not ordinarily practise. For example, in the area of representation before the mental health list of the TASCAT, and that is delivered by in-house staff.

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Mr VALENTINE - Thank you for that. In last year's budget papers, there was a significant increase in this line item of nearly \$2 million from the previous 2020-21 year, yet the performance indicators remain static if you look at page 140. What did we get for that money? If the performance indicators are showing the same figures, we are not actually increasing representations.

Ms ARCHER - The money would have been top-up funding again, would it not, Ms Bourne, or not? No? I am happy for you to answer that.

Mr CALTABIANO - As I understand, what had happened last year was that, unlike in previous years, the funding to Tasmania Legal Aid and community legal centres was reported in one line item. What has happened this year - and the point that the member was making earlier - was the separation of the two payments is in fact going back to the earlier model. It wasn't an increase of \$2 million to Tasmania Legal Aid -

Mr VALENTINE - It's just been split out.

Mr CALTABIANO - That was the combined figure last year and so this year it's been split back out.

Ms ARCHER - In other words, you can't link it to the performance indicator per se.

Mr CALTABIANO - No, that's right.

CHAIR - I want to remind members that we are quite slow this morning in our questions and answers. We really want to try to address all these areas.

Ms ARCHER - I can speed up the answers for you, if you like.

Mr VALENTINE - Just one last question, if I can. Have we received value for the extra appropriation back in 2019-20 for the Serious Cases Fund - Complex Criminal Trials and the acting judges initiatives? Can you demonstrate that in any way?

Ms ARCHER - Demonstrate what?

Mr VALENTINE - The extra appropriation back in 2019-20 for two things, the Serious Cases Fund - Complex Criminal Trials and the acting judges initiative.

Ms ARCHER - The Serious Cases Fund that is allocated to what is now Tasmania Legal Aid. The three acting judges is a continuation of that funding to allow additional resources to the Supreme Court. Again, it's not only a backlog initiative, it's to help the court deal with matters more flexibly, particularly in terms of conflict of cases or additional sittings. That is in the realm of the administration of the Chief Justice, but what the Government has done is extend their term. That's reviewed regularly and it's usually something that's funded over a two-year period. That's the reason for that initiative. The acting judges initiative was commenced by the late Vanessa Goodwin. Since then, we've added the additional judge as well. That may well prove in future that we don't need acting judges, but I'm still open to reviewing that need based on performance.

Mr VALENTINE - It's a long-term thing that we'll see the benefit of?

Ms ARCHER - It may not be long term because we may see the benefit of the seventh judge and that may negate the need for acting judges, although acting judges have proved to be very useful in appeals because we're a small jurisdiction, dealing with some complex situations and because one is from interstate and has less knowledge of our local profession, being a very small population in comparison to other states. It's something that we will just keep reviewing the need for.

CHAIR - Thank you. The next area is Legal Assistance. I think we've wandered into this already but you may well have something in regard to this area.

1.6 Legal Assistance

Mr WILLIE - I do, thank you, Chair. It's about independent support for people detained and treated under the Mental Health Act. Attorney-General, how will the Government ensure people are not unrepresented as their fundamental liberties are removed through the Mental Health Act?

Ms ARCHER - Currently we allocate funding to Tasmania Legal Aid, as Mr Caltabiano referred to about five minutes ago. They're funded to carry out that service. In cases of vulnerable people, that funding is to provide low-cost or free legal assistance and that is specifically for that. The Mental Health Act comes under the new TASCAT; the mental health stream is one of the nine that already exists under TASCAT. It's again dealing with that jurisdiction which is designed to be a far more consumer-friendly model for dealing with vulnerable people at the most vulnerable time in their lives, when they might be experiencing mental health issues or mental illness. TASCAT is specifically designed to be a model that's cheaper in general because of the nature of matters but specifically, there is funding to Legal Aid for that stream. I think Ms Bourne might have that.

Ms BOURNE - Certainly. On the issue of separate representatives, the TASCAT Act provides an exclusive power for a representative or guardian to be appointed for proceedings. I understand that the president of TASCAT is quite well progressed in making necessary arrangements to establish that separate representation scheme with discussions with key stakeholders. The Attorney-General has approved the allocation of additional funds to Tasmania Legal Aid out of an additional proportion of funding provided under the National Legal Assistance Partnership, specifically to provide additional supports to people interacting with the mental health stream of the tribunal.

I am hopeful that those formal arrangements will be in place within the next month or so to ensure that TASCAT is able to exercise that separate provision that was explicitly provided for in their act.

Mr WILLIE - I guess the concern here is that 83.1 per cent of people are unrepresented as they move through this process.

Ms ARCHER - That is the recognition in the new provision for the separate representative. As Ms Bourne said, she is hopeful that the funding will be allocated within the next month because there are a number of sources of funding across this with regard to the National Legal Assistance Partnership.

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Mr WILLIE - I know there is funding available, but there is no obligation for TASCAT to organise independent assistance, is there?

Ms BOURNE - There is no obligation as such. There is an explicit power now that did not necessarily exist in that form before, albeit there were certain provisions under the existing Guardianship and Mental Health acts they could exercise. The difference now is the TASCAT structure. The President of TASCAT is working very ardently with key stakeholders to set up that formal representation scheme so that there is a mechanism that tribunal members can refer to, where they see someone coming before the tribunal who may be in need of assistance and there is that explicit funding there to assure that. There is a lot of work being done under the benefit of the new TASCAT structure to increase the provision of information and resources to persons coming before the tribunal to assist them during the hearing or to seek additional support to assist them in a hearing.

Mr WILLIE - If I am hearing correctly, there is no obligation but every effort is made?

Ms ARCHER - Yes. We are careful not to have a model where we force things on people, Mr Willie, because you can't have it both ways. We are trying to have a jurisdiction where people still maintain choice, particularly in the guardianship and administration scheme where we are going through looking at the second tranche for the legislative reform that is so needed, to have a completely different approach from best interest to more of a will and preference approach; that is what this is reflecting as well in the mental health stream.

Mr WILLIE - I understand you don't want to force things on people, but the current situation would not be acceptable to you.

Ms ARCHER - We are doing our best possible by having a provision in there and funding it. That's a significant move.

Mr VALENTINE - In December 2018, the evaluation of the Tasmanian legal assistance sector recommended that legal needs mapping should be initiated as soon as possible in order to inform decisions about funding and administration. It is understood that an organisation was engaged to map and analyse the need for services from the Tasmanian legal assistance sector in 2019 and that the report was finalised in 2020. How much did the legal needs mapping report cost, where did this funding come from and is the report going to be made public, and if so, when?

Ms ARCHER - Those specifics we will need to take on notice. We can address the process but the figures we will have to take on notice.

Mr VALENTINE - I am happy to put the whole question on notice.

Ms ARCHER - No, that's fine. We are time-pressured as well so we will take that on notice.

CHAIR - If the member is comfortable with that? He read out the process quite well so we don't need to rehash that.

1.7 Equal Opportunity Tasmania

Mr WILLIE - Attorney-General, it is my understanding that the Anti-Discrimination Commissioner's period of appointment has either ended or is coming to an end. Has her appointment been extended?

Ms ARCHER - It has, yes, particularly because of the current work that the Anti-Discrimination Commissioner is doing for the parliament, that project. I think I extended it another two years.

Mr WILLIE - Can you provide a breakdown and the type of complaints regarding alleged discrimination and prohibited behaviour that were investigated and conciliated by equal opportunity?

Ms ARCHER - We need to take that on notice. We don't have it. We do have it?

Ms BOURNE - In terms of complaints, 142 complaints were received as at 31 March 2022, which is very similar to the number received in the same period last year, which was 143.

Of the 142 complaints, 27 related to COVID-19. Within these 27, the majority were alleging breaches of discrimination, offensive conduct and inciting hatred based on disability. Disability discrimination remains the highest attribute of discrimination, inciting hatred and offensive conduct alleged in complaints received, followed by the attribute race, 39 of the 142 alleged victimisations.

According to the Commissioner's advice, complaints in the areas of employment, provision of facilities, goods and services remain the dominant areas of activity for complaints received as at 31 March.

Output 1.8 Elections and Referendums

CHAIR - Any other questions, members? If not, we will move onto the most important area.

Ms ARCHER - You're just saying that because Mr Hawkey is here.

CHAIR - I'm surprised he's even had time to come today. He has been so busy.

Ms ARCHER - Andrew Hawkey is a Tasmanian Electoral Commissioner -

CHAIR - Well known to yourself, Attorney-General, and these members along this side of the table. On behalf of the member for Elwick and myself, we would like to thank you and welcome you, albeit he had nothing to do with our re-election.

Ms ARCHER - The role of the commissioner is independent of government. We provide the funding. I am very happy for Mr Hawkey to address questions in relation to the commission.

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CHAIR - I invite the member for Launceston, Ms Armitage to ask the initial question.

Ms ARMITAGE - Thank you. The obvious one to start with is the compulsory elections for councils, that's just come up. While I appreciate that councils foot the bill, I am wondering what is the actual cost of a compulsory election as opposed to the previous election that councils for local government?

Ms ARCHER - Local Government doesn't fall under this area of Justice, only the provision of funding to electoral commission. I am not the minister responsible for it to have the in-depth knowledge of what may be anticipated the cost for those elections.

Ms ARMITAGE - Right. I was just thinking that Mr Hawkey would have an idea.

Ms ARCHER - Mr Hawkey may have an idea and I am very happy for him to address that but I just wanted to make it very clear that I don't intimate knowledge that is required because it is not my portfolio.

Ms ARMITAGE - I appreciate the funding portion, but I was wondering from Mr Hawkey, or perhaps the impact of a compulsory election over the voluntary election, the differences that will occur and the changes. Perhaps if he could just give us some advice.

Mr HAWKEY - There will be a significant impact of having compulsory voting. As a best guess at the moment, we would be looking at probably the return of postal votes going from 200 000 to 300 000, because our major cities, our larger population councils have generally lower percentages. They are the ones that will have the greater gain you would think from compulsory. Not that we expect in one election it will get up to higher levels, but we expect a reasonable jump from all councils.

There will be a considerable extension of time for counting those votes. Data entry, which occurs for our councillor ballot papers - which we instigated two elections ago - will probably go from somewhere about 17 million keystrokes to probably 29 million keystrokes so you can imagine the work, let alone the 300 000 envelopes to open at close and the counting of mayors and deputy mayors.

We will do an advertising campaign. We spoke with the local government division to extend that further and we have some good ideas which hopefully will be coming out early August in the lead-up to those elections. Then there will be the process at the end which will be an additional cost in relation to the non-voter process itself.

Ms ARMITAGE - So you think that little Jack Russell will still be out there?

Mr HAWKEY - No, we have not had our Jack Russell for a while. We now have a pencil drawing lovely scenes from our local government elections but we may have a special person who turns up as a special influencer on social media.

Ms ARMITAGE - I thought the little dog might have come back. Another question, and this was asked last year and it was probably a bit more pertinent last year. When we have elections on the same day - sorry, Attorney-General, I should be addressing this to you - I am wondering any determination has been made?

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I will mention Windermere because that was the one closest in the north that I am quite well aware of, when people turned up to vote and the pre-polling was both, I am wondering if any changes have been made? Should that happen again in the future, two elections on the same day? Has a determination been made to allow, not only pre-polling to vote at the one polling booth, as the problem was last year, on the actual day, that people could not vote? Have changes been made to ensure that that will not occur in the future?

Ms ARCHER - We have not made any explicit changes to the act, but should that occur again, then the process would be for the Electoral Commissioner to make some recommendations perhaps to me, because of his extreme independence. He is certainly able to raise that with me and if there is a legislative requirement, then we would look at it. If it is more procedural in the area of the Commissioner, then I am happy for it to be a matter for him. It depends on how the problem might arise and potentially be resolved.

Ms ARMITAGE - Thank you. I was not sure whether something had happened in the interim, whether a determination had been made to prevent it occurring again.

Mr HAWKEY - We put together a model last time where we had what we called our dual polling places. Every polling place that was in a Legislative Council boundary which would have gone to election without the state, you could go in and vote for both elections. What we did not anticipate was, about 8 per cent to 10 per cent of people trying to vote for the Legislative Council across the whole of the state, outside of those divisions.

We had pre-poll voting across the state where you could vote at both but we did not have the option. The infrastructure work to do that is considerable and greater than we had, not expecting a shared polling day. We are looking at different models and it may be that the elector chooses a special issuing point, but the Commission has not made any decisions.

Again, at the moment, where things stand 2025 could be a May state, Legislative Council and federal election, so there are a lot of complications that will come from that and the Commission has not as yet made any decisions on that time.

Ms ARMITAGE - We are certainly hoping that it does not happen again, that it does not combine. Another question with regard to FTEs. Could you give me the current FTE numbers?

Ms ARCHER - That is a question for the Commissioner.

Mr HAWKEY - Yes. Our FTE is 15 people, but we are about 14.2. I am not sure if the secretary has that as our current number of actual field positions at the moment.

Ms ARCHER - I can probably shed light on that.

Mr HAWKEY - Might be a little bit less actually. Permanent FTE is 15.

Ms ARCHER - We do have the figures. FTEs total is 14. You were spot-on.

CHAIR - It has missed off the point two.

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Ms ARCHER - The head count is 15. Of the 14, 9.3 are female and 4.7 are male. The head count was 15 with 10 females and five males.

Mr WILLIE - At the risk of raising this again because I copped a bit of ridicule, but in the Elwick election 22 per cent of the people did not vote and that is despite the Electoral Commission probably making more effort than ever with postal voting applications mailed to every household and I contacted every household. The concern is, how do we improve voter turnout, particularly in Legislative Council elections?

I have been contacted by an elector who is concerned about it. I will refer them to the commission. I am meeting with them next week, but in their email, they suggested it might have been language barriers in the northern suburbs that prevented people from participating in the election.

Ms ARCHER - It possibly could be our linguistically diverse community. I know from turning up to forums we held before the House of Assembly elections last year we do have a large contingent of CALD communities in the northern suburbs, and specifically, that is your electorate of Elwick. With the peak bodies trying to educate how to vote and I hand it out to the Multicultural Council of Tasmania, they did a lot of work. The Government provides resourcing the MCOT for educational purposes, for them to carry that out. Then there were heads of the individual communities that took a specific and special interest particularly, a Nepalese community who because of the high rate of language spoken in homes still being their traditional language and not English, and therefore there being a comprehension of how to vote and how our system works. I do not know if Mr Hawkey has anything to add, but there is some work to be continued and done in areas where that is prolific.

Mr HAWKEY - Yes, that is an area the commission is aware of and established, about eight months ago, a special project officer to look at diversity issues and language issues. We have instigated discussions with a broad range of groups, including the migrant centre and I think it is a bit of timing due to COVID-19 and the federal election that very few of them want to talk to us at the moment.

The migrant centre, and looking at the Nepalese environment in particular, we are looking to work with them on other languages, so presenting some of our messages, some videos possibly in other relevant languages. Again, due to their involvement with federal processes and things, we have not gotten off the ground yet, but we are certainly looking to do that in the leading period.

Ms ARCHER - That resource will be very useful for members of parliament to refer to the heads of a lot of these communities also, because I was asked can you turn up to our meeting and explain the process and I would prefer to provide something impartial on the process and think that resource will be greatly needed and utilised.

Mr WILLIE - Through my election, I was in contact with a lot of the multicultural community leaders, I am sure that message was being conveyed, but 22 per cent is a bit of a concern.

Ms ARCHER - Look, it is and what we have just been discussing is there is recognition of that. We do fund MCOT specifically for this education purpose, because it is an area that they have provided that. The resource Mr Hawkey has just mentioned will be very well utilized

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by the communities themselves because, as I said, from my anecdotal knowledge of speaking to the heads of community and I am sure it would be the same ones you have spoken to. That type of resource would assist them greatly, because they too do not want to influence someone how to vote, they just want to tell them how to do it rather than who to vote for. That is someone's individual choice.

Ms ARMITAGE - In regards to the budget for advertising, you mentioned there will be a lot of advertising, particularly for the local government being compulsory. With the budget, do council reimburse for the advertising. I know they reimburse for the actual elections and if they do, is there a certain amount they allocate you can spend, or do you spend and then tell them how much they are going to save? How does that work with the budget, particularly for the local government election coming up?

Mr HAWKEY - For parliamentary elections of course are part of the Reserve-By-Law allocation for local government election since the TEC has been running them, which is almost 30 years now. A component of that cost is advertising and the advantage of having a state-wide election is it is shared across all councils, whereas by-election is only covered by the council involved.

I am in discussion with the Director of Local Government on how the additional costings to instigate the compulsory voting awareness campaign we undertake. We had a discussion yesterday and meeting with our advertising company early next week to get a bit more detail.

Ms ARMITAGE - That is right, would there be a ceiling on how much they are prepared to pay?

Mr HAWKEY - No, there is not a ceiling, there are statutory requirements, a range of full page newspaper ads are essentially required in the legislation. They take up a fair cost, but at the last local government elections based in 2018, figures were about \$200 000 state-wide advertising.

Ms ARMITAGE - It would likely to be more now though? With the fact you are going to have to advertise more to make sure people realise it is compulsory?

Mr HAWKEY - Yes, it will be certainly more. We will maintain our Local Government Make Your Mark campaign but supplement with an additional one. Make Your Mark will again be pretty much the same for local government councils, but how we deal with the additional costs will be discussed with a local government department.

Ms ARMITAGE - Thank you.

CHAIR - Thank you very much, Mr Hawkey, for joining us today, we will let you get back to your important work.

1.9 Tasmanian Industrial Commission.

Mr WILLIE - Thank you, Chair. Attorney-General, can you provide a breakdown of the number and type of industrial disputes, including unfair dismissals the Industrial Commission has resolved in the previous year?

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Ms ARCHER - I can. A total of 142 applications were lodged in the commission during the reporting period from 1 July last year til 31 March. A breakdown during this period is 65 industrial matter applications were lodged pursuant to the Industrial Relations Act 1984. Within the reporting period 47 industrial matters files were finalised and closed within three months and two finalised and closed within six months. Of the files remaining (ie. 18) many of these have gone to initial hearing on a jurisdictional issue and are progressing through to hearing on the merits. 49 applications were lodged pursuant to the State Service Act 2000 for review of an action. Within the reporting period 28 applications have finalised and closed within three months, with five finalised and closed within six months and one finalised and closed within nine months. 28 applications were lodged pursuant to the State Service Act for a review of the selection. Within the reporting period 27 applications were finalised and closed within three months. 102 applications were finalised within three months.

As for the breakdown of the types of industrial disputes, I do not have that information at hand in my notes -

Ms WEBSTER - Attorney-General, that would be part of that 49.

Ms ARCHER - Forty-nine. We would have to find out the unfair dismissal question for you, if you require that breakdown.

Mr WILLIE - I have some follow-up questions. You might want to take these on notice too, potentially.

Ms ARCHER - We will provide what I have not been able to by notice.

Mr WILLIE - Can you please provide the detail on the number of industrial awards it has set in the previous year and if any are expected to be set in the coming year?

Ms ARCHER - On notice.

Ms WEBSTER - I have that.

Ms ARCHER - You have that. Thank you.

Ms WEBSTER - Four industrial agreements were lodged for filing and approved during that reporting period, Mr Willie. Obviously, because of the agreement expiry cycle, we are expecting more towards the end of this year.

Mr WILLIE - Can you provide detail on the number of enterprise and industrial agreements the Industrial Commission has approved in the previous year and how many are expected to come before it in the coming year?

Ms WEBSTER - Sorry, that was that figure.

Mr WILLIE - That was approved. Yes.

Ms WEBSTER - Yes, that was approved. Sixty-five industrial matter applications were lodged but I may have to take that second one on notice, Mr Willie.

Mr WILLIE - And what is expected?

Ms WEBSTER - Yes.

Mr WILLIE - Yes, okay.

1.10 Tasmanian Civil and Administrative Tribunal

CHAIR - Any other questions in regard to the Tasmanian Industrial Commission? If not, thank you. We'll go to the Tasmanian Civil and Administrative Tribunal. Obviously, we have already touched on TASCAT. Do we have a cost of the establishment of TASCAT?

Ms ARCHER - On the establishment?

CHAIR - Obviously, it was an amalgamation.

Ms ARCHER - It definitely was, of nine tribunals and in long-term efficiencies. Mr Wailes, do you have the setup costs or do we need to take that on notice?

Mr WAILES - If you give me two minutes, I could probably work it out.

Ms ARCHER - I am very happy for you to speak through the microphone. You will save time.

Ms BOURNE - Mr Wailes is just looking for that precise figure, but noting the significant work in amalgamating the existing bodies. They brought their budgets with them essentially, but there have been additional costs in terms of the new facilities and additional positions such as the president, Mr Malcom Schyvens, a principal registrar and some other pieces that have been part of bringing it together.

Ms ARCHER - Although we save on nine separate locations -

Ms BOURNE - Yes.

Ms ARCHER - - where the tribunals or boards were situated and we brought them into one place. It is quite significant. Can I also say and I gave this evidence last year, the landlord company of the premises has basically borne most of the cost of the establishment of the requirements of the physical modifications which were quite significant to the building. If members have not yet been, I think it was an intention that maybe the Leader of Government in your House might like to arrange a tour of that facility if members have not yet been there. I would highly recommend it because you will see the effect of what has been set up there, the work environment and also dealing with a lot of vulnerable Tasmanians, it certainly is a great facility.

The other concern I had, personally, on some of the facilities was disability access as some of the facilities weren't up to Australian Standards.

Mr VALENTINE - Barrack Street?

Ms ARCHER - TASCAT is in Barrack Street.

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CHAIR - In the performance measures, under the resource and planning stream and we know that WOMPAT [?] they moved over there their actual achievements. The percentage of appeals resolved within 90 days without extension and the actual for 2021 was 57.5 per cent and the target was 100 per cent and yet we are nowhere near the target of actual. And then that target continues to push out to 2022-2023. Is it expected we are going to have with this new arrangement, an opportunity to reach 100 per cent target of resolve within 90 days without extension?

Who are we welcoming to the table?

Ms WEBSTER - This is Mr Jarrod Bryan the principle registrar of TASCAT.

CHAIR - Welcome Jarrod and congratulations on your appointment.

The question is with only 57.5 per cent actually being achieved for appeals resolved within 90 days without extension and the target through the coming years is 100 per cent. Is this new arrangement going to deliver 100 per cent outcome?

Mr BRYAN - The reason we nominate 100 per cent is that it is a statutory obligation. We actually have to make every effort to comply with every matter being dealt with within 90 days. And if we were to promote a position less than what our statutory obligation is, it is probably not the look we want to promote.

CHAIR - Why is the percentage of appeals which did require extensions due to parties 95 per cent then? Why isn't that 100 per cent?

Mr BRYAN - The majority of matters that go over the 90 days tend to be because matters can be quite complex and the parties require more time than the 90-day time frame to finalise evidence they are going to rely upon to present at a hearing at the tribunal.

CHAIR - Is there any other questions in regard to this new administrative panel we have in place in this state?

Ms BOURNE - The establishment costs for the new tribunal structure. Mr Wailes can provide if your happy.

Mr WAILES - The cost to establish the single tribunal was \$1.7 million, which included the appointment of the president, the principal registrar, building works for the new facility, legislation development, internal communications, branding and all of those sorts of things.

CHAIR - Albeit, a lot of the building works was covered by the landlord of the property.

Ms ARCHER - I do not have the figure of what we put it but it was substantially less. That figure is way less than the total would have been had we not had that assistance.

CHAIR - The question the member for Hobart posed was on building complaints?

Mr VALENTINE - I was going to go to building complaints, but now you talk about that situation with regard to the tenancy -

Ms ARCHER - Residential tenancy disputes?

Mr VALENTINE - No, the occupation of the building. You are saying that the owner did most of the works. Is the rental for that space very high or low compared to normal, per square metre?

Mr WAILES - All the leases that the department has are negotiated by the Department of Treasury and Finance now as they oversee the Government's leasing arrangements. All leases we enter into are approved by the Secretary of Treasury, but they are also valued by the Valuer-General to ensure that they meet appropriate market valuation.

Mr VALENTINE - You are not paying over what the market valuation would be?

Ms ARCHER - The benefit to a landlord in this situation, is the longevity of the lease. They are not going to want to move for a very long time, if ever, so there is a high benefit to that.

Mr VALENTINE - That's okay, thank you.

Mr WAILES - I might add that a number of the building costs or the set-up costs that were referred related to video-conferencing and other electronic communications which the landlord wouldn't generally pay for because that would be our asset.

Ms ARCHER - We did have a lot to say about the design features and the materials used, that is, mostly Tasmanian timbers and using Tasmanian businesses for the building and the fit-out so it was pro-Tasmanian.

CHAIR - On the strength of pro-Tasmanian, Attorney-General, I will suspend the hearings and invite people to be back by 11.10 a.m. I thank those who have been with us this morning.

The Committee suspended from 10.57 a.m. to 11.07 a.m.

1.11 Office of the Public Guardian

CHAIR - Welcome back, Attorney-General.

Ms HOWLETT - Attorney-General, could you please update the committee on the current legislative reform to the Guardianship and Administration Act 1995?

Ms ARCHER - Thank you for the question, Ms Howlett. This issue is topical because it surrounds the concerns that have been raised by the community in relation to the operations of the Public Trustee, for which I called the independent review and referred to earlier in these committee hearings this morning.

The TLRI review of this act resulted in a very lengthy and comprehensive report and given the complex nature of the reforms, I've decided to take a staged approach so that we can deal with things systematically and ensure that things are done as quickly as possible. Members will recall the first tranche involved the advance care directives legislation which went through

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successfully in the parliament in September last year. That was to establish a legislative framework for the making and implementation of advance care directives. That was a project that I pursued, near and dear to my heart, wanting to advance that work myself.

The departments of Health and Justice are continuing to work together on the implementation of visa forms and work is well advanced on tranche 2 reforms to progress in parliament this year which will look towards entrenching further supports for vulnerable Tasmanians in the guardianship framework.

Tranche 2 will include the adoption of less restrictive approaches to assist a person who lacks decision-making ability, a requirement that orders a proportionate and tailored, provision of safeguards to ensure persons who are subject to orders are protected from misuse of power or abuse and neglect and inclusion of a greater role for the Public Guardian in providing preliminary assistance to resolve disputes between parties.

Further, I intend to import into the principal act, the concepts that have been given effect as part of the changes under the advance care directives bill, namely the adoption of Human Rights Principles as a framework for the way in which decisions under the act are to be made. Also, a revised test of decision-making ability, which recognises that all persons have decision-making ability as a common law right and that the reasonableness test of the decision is irrelevant to the assessment of a person's ability to make a decision.

The move away, as I referred to in a previous question put by Mr Willie, from a best interest approach towards a will and preference approach which requires substitute decision-makers to recognise the wishes of the person when making any decision under the act and the removal of disability as a standalone test of decision-making capacity.

The aim of adopting these approaches into the broader guardianship and administration framework will ensure that key concepts in the principal act are contemporary and reflect best practice. It responds not only to matters raised as part of the independent review of the Public Trustee and therefore the broader administrative framework, but matters brought to our attention by Advocacy Tasmania and those acting for vulnerable Tasmanians. I expect the bill to be out for consultation towards the second half of this year.

Mr WILLIE - You have made statements in the media and the parliament about the terrible and heartbreaking experiences of Tasmanians caught up in the public guardianship system. You have accepted all recommendations of the Bugg review and you have noted that the Bugg review did not recommend a compensation scheme but ex gratia payments would be considered for people who have suffered loss.

How will those ex gratia payments be handled and who will people have to apply to, for such a payment?

Ms ARCHER - This was addressed in detail in Estimates yesterday and put by Mr Willie's Labor colleague. Rather than waste the time of committee, I have actually answered those questions specifically yesterday. I have encapsulated, as a result of the Bugg review, which is independent of government, there were 28 recommendations I believe, all of which have been accepted or accepted in principle. The Public Trustee, pleasingly, also accepts all of them and that is why we have attached funding to the implementation of the

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recommendations. Mr Bugg did not suggest that there are any fundamental failings or individual harms that would warrant a special compensation scheme to be established.

I recognise that is the broader view of that review. There may or not be some people who have been impacted by the Public Trustee. As I said yesterday, although it is a recommendation there not be a broader compensation scheme because it is not required in the circumstances but never stops people from being able to seek some form of redress by way of ex gratia or directly from the institution by which it has suffered loss.

I made a very strong view known yesterday that I would hope that if there is any harm or loss, that the Public Trustee be given a chance to address that. In circumstances where an ex gratia payment may be appropriate, it comes under the Treasurer's Instructions and I explained that process fully yesterday.

Mr WILLIE - Yes, you did and this is why I'm asking the questions, Attorney-General, because the Treasurer said something different. He said, 'Questions have arisen and the Attorney has responded to those. While reference was made to ex gratia, it is the Government's position and I believe also the legal position that if there was any claim, it would be made to the Public Trustee who would then seek appropriate advice, no doubt including legal advice informing an opinion about the claim'.

Ms ARCHER - I don't see that there's anything different in what the Treasurer's explained. If you have a look at the transcript yesterday, basically the Public Trustee is a GBE and so, that is the person or the entity that someone would first raise the issue of seeking some form of redress. As I said and strongly pointed out, the Public Trustee should have a look at that themselves. In the event that an ex gratia payment is appropriate - and there are extenuating circumstances around which ex gratia payments can be made - but can I just bring you back.

The independent review did not recommend a broader compensation scheme. The reason I've mentioned ex gratia payments, is that it is one avenue by which someone who has suffered any loss or harm can go, through the institution or body or individual, as the case may be, but in this instance, it's the Public Trustee. Now, Ms Johnston tried to make a thing of it being a big application that needs to be made and whatnot. I would hope that commonsense would prevail and if there's actual loss or harm that the Public Trustee be given the opportunity to address that themselves, being an entity in itself and a GBE and I made that very clear.

Mr WILLIE - My concern here is that you'll have people who may have been impacted by the Public Trustee, now having to apply to the Public Trustee for an ex gratia payment. Isn't there -

Ms ARCHER - It depends on how they've been impacted, Mr Willie. If there's -

Mr WILLIE - I'm still finishing my question, Attorney-General.

Ms ARCHER - I don't think people are understanding the nature of the review and the findings of the review and that a broader compensation scheme wasn't recommended. As I've said, if there's actual harm or loss, I've explained what should be done in that instance.

Mr WILLIE - Attorney-General, so you see no conflict with people who have been impacted by the Public Trustee having to apply to the Public Trustee for an ex gratia payment?

Ms ARCHER - It's not applying. An ex gratia system is something by which anyone or through - in normal circumstances someone might write to me and I can raise that with the Treasurer just by a simple letter saying, 'I think this might be a case where there are no other avenues for this person to go and, therefore, an ex gratia payment might be appropriate'.

In this instance, because it's a GBE, people might go to the Public Trustee. What I said on record on my evidence yesterday was a strong urge - and I would hope and I'm sure that the Public Trustee, having accepted all of the recommendations that they need to approach matters concerning their clients differently - that they would take an approach of if there's actual harm or loss that they would make recompense for that. I've made that strong indication that that would be my wish and desire. It may not even be a need for an ex gratia payment.

The only reason an ex gratia has been mentioned is that in this process if there are no other avenues for redress and there's nowhere else to go, sometimes in those instances, there is an application for an ex gratia payment. That is done through - by way of a Treasurer's Instructions process.

Mr WILLIE - You see no conflict? It's a very simple question, no conflict in the Public Trustee considering these matters?

Ms ARCHER - I have answered the question, Mr Willie. I have given a very strong indication to the Public Trustee what my expectation would be of them as the Attorney-General, that in the first instance, they should look at the actual harm that's been indicated by their client to them.

Mr WILLIE - You're obviously concerned about it to make that instruction?

Ms ARCHER - It's not an instruction. It is my hope and desire that commonsense will prevail and I don't see that there is any problem with indicating that because the Public Trustee has accepted all of the recommendations of the Bugg review as well. In doing so, they have accepted that they need to take a more human approach rather than a finance and administration approach to their clients. They have admitted that they can deal with their clients a lot better in future.

1.12 Child Abuse Royal Commission Response Unit

Ms ARCHER - Amber is a very busy lady and is not on that list. Amber Mignot is our Director of Child Abuse Royal Commission Response Unit, which is shortened to CARCRU.

Mr WILLIE - I am interested in page 142, the percentage of national redress claims addressed within statutory time frames. We can see that three per cent that did not make those statutory time frames in the 2020-21 year. I am interested in why.

CHAIR - Ms Mignot, can you explain that three per cent, because we have a very good rate of compliance. The numbers relating to the percentage would be useful.

Ms MIGNOT - Its approximately six - very low numbers of overall claims. There have been requests for extensions, which I should say are within a statutory time frame for extending. While it is meeting two sets of statutory time frames, there is one we have automatically and

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there is a statutory extension period that we can seek. The three per cent that you are referring to, Mr Willie, is where we have asked for that statutory extension and I should say the Tasmanian Government across all jurisdictions, which asks for very few extensions compared to other jurisdictions that ask for them quite routinely to deal with these matters.

They have occurred in relation to claims because they have had additional levels of complexity. It is where claims sometimes cross over two agencies, for example, and we need to try to seek answers to questions of which agency is responsible or where contact points have come into play. Sometimes those claims take a little longer than the statutory time frames that are allowed. Those are why those extensions were sought by the Agencies.

Mr WILLIE - How long is the extension period? There is obviously a statutory time frame.

Ms MIGNOT - It depends on whether or not it is a priority or a normal application, but it is four to eight weeks. I can tell you that in terms of our response rate, they are returned as soon as they are received, which is usually a week or so beyond the initial period. We don't wait the full period.

Ms ARCHER - So that is 100 per cent return on our claims, for which we are often held out to be the leading jurisdiction.

Mr WILLIE - That is why I am asking these questions, because it is obviously a very sensitive matter.

Noting that the line item for the child abuse royal commission includes funding for the commission of inquiry, can you explain why there is a tapering of funds, under this line item over the forward Estimates?

CHAIR - In 2023-24 there is a significant tapering.

Ms ARCHER - It is probably because they are due to report in July 2023, but I will let the secretary address the line item.

Ms WEBSTER - That's correct. There has been additional funding provided to line item 1.12, which is Amber's unit. That additional funding is specifically in relation to the Government's response to the royal commission. I believe it is about \$2.2 million per annum.

The royal commission is due to hand down its report on 1 May next year.

Ms ARCHER - Oh, I said July; I stand to be corrected - 1 May.

Mr WILLIE - I guess at that time another decision will be made if there is any further response.

Ms ARCHER - In relation to civil claims relating to the support for the commission, we have basically said it's a government rule to provide the support that is required, and if that means more than what is in the budget, we will supply it, yes.

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Mr WILLIE - On another matter, on 1 March 2021, the three-year Witness Intermediary Scheme Pilot commenced, a good reform supported by the Legislative Council.

Ms ARCHER - Yes, and if I can just add there, it is Ms Mignot's area of expertise in setting that up.

Mr WILLIE - I am interested in how that is going given that we are a year into that scheme and whether any additional resources will be required in that area because of the commission of inquiry.

Ms ARCHER - I will speak generally about the Witness Intermediary Scheme Pilot, which came out of a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse, or the national royal commission recommendations, of which there were 409 and 306 related to Tasmania in particular.

This was one of the early things that we put in place since the commencement of the pilot in early last year. I can advise that the witness intermediaries have assisted more than 400 children and vulnerable witnesses to communicate effectively with Tasmania Police and the Tasmanian courts, which is the purpose of it. It is a three-year pilot scheme administered by CARCRU, which is Amber's unit within the Department of Justice, and I wish to thank Amber for her incredible work in her unit in response to the royal commission.

The pilot scheme provides witness intermediary services across Tasmania, statewide, and it applies to children who are victims and witnesses of sexual crimes and homicide-related matters, as well as adults with a communication need who are victims or witnesses of sexual crimes and homicide-related matters. It provides support to some of our most vulnerable of the community to give their best evidence and aims to reduce the trauma associated with the criminal justice system, by introducing skilled communication experts who act impartially and who are not part of the legal representation.

The intermediaries have been recruited from the professions of speech pathology, psychology, occupational therapy, social work, or other relevant expertise, including a psychiatric registered nurse. Twenty-one witness intermediaries have been appointed to the panel of intermediaries in the north, north-west and south of the state.

Due to the demand in the north and north-west of the state, I am pleased to advise that further recruitment has taken place in those regions and as a result there are recruitment and training processes being undertaken and a further five witness intermediaries have been recommended for appointment to the intermediaries' panel, which I expect to approve shortly.

They undergo rigorous training before they are eligible for appointment to the panel consisting of approximately 20 hours of eager learning and face-to-face training delivered by departmental staff, interstate witness intermediaries, interstate stakeholders, including police, barristers and international experts. They are engaged on a sessional basis and six of the 21 witness intermediaries are also employees of the Tasmanian Health Service and act as witness intermediaries under a service agreement between the Department of Justice and Tasmanian health service.

Evaluation of the frameworks are currently being developed to evaluate the scheme to ensure it is effective, and I am sure with those results it will be achieving its aim to support the

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criminal justice system by enabling these witnesses to give clear and coherent evidence and reduce the risk of re-traumatisation, which are the two main purposes of the scheme.

In relation to any other figures, I am sure Ms Mignot can address those.

CHAIR - I asked a question earlier on support for the staff who work in this really challenging area.

Ms ARCHER - Same applies, yes, thank you.

CHAIR - So, I am interested in what support there is and have there been any challenges for the staff, and I expect that the answer is yes, but is that support that we have already spoken about available to this area?

Ms ARCHER - Yes, because CARCRU itself fits in the Department of Justice, and I am not sure if it is being utilised or Ms Mignot would only be able to talk more broadly, rather than individual cases

CHAIR - Absolutely.

Ms ARCHER - Which you are not asking for. It is a difficult area. I often ask how everybody is doing and particular Amber herself, because it can be harrowing dealing with these matters. CARCRU assists the Government in the process of providing of voluminous pages of evidence for the Commission of Inquiry, thousands of pages

CHAIR - And Amber has read them all.

Ms ARCHER - Yes. You can imagine the type of scenarios this unit are dealing with. Absolutely, our programs of support apply to the CARCRU.

CHAIR - No major issues?

Ms MIGNOT - It is obviously something we very vigilant about and we need to be in order to keep everybody relatively safe and healthy. We do have the benefit of the Health and Wellbeing program the department provides. We have the Employee Assistance Program, but we also undertake, because of our other functions with the National Redress Scheme, training for trauma informed practice and those types of foundations of trauma which is a useful program for us. It shows us what trauma looks like even for ourselves.

Whilst it helps us with our day to day practice, it helps with the management of the stress and good practice around staff debriefing and immediate addressing of these kinds of issues as they arise.

Ms ARCHER - CARCRU deals with National Redress Scheme and the Commission of Inquiry and any related matters. Amber's unit deals with a lot of our victim/survivors and also in drafting apologies under the National Redress Scheme I provide personally.

CHAIR - How many staff does CARCRU actually have?

Ms ARCHER - I did have that figure. It is 10 point something.

Ms MIGNOT - It is 10.8.

Ms ARCHER - That is the FTE, isn't it?

Ms MIGNOT - Yes.

1.3 Safe at Home

Mr WILLIE - Attorney-General, how many Tasmanians did Safe at Home directly deliver a response to in the previous year and how many more Tasmanians will be assisted as a result of the additional funding?

Ms ARCHER - The secretary is turning that up for you. As at 31 March 2022, the flexible support package funding has finalised support to 91 victim/survivors.

Ms WEBSTER - I have some extra information. The Tasmania Police Family Violence Management system reports, 4891 for the financial year to 31 March. Family violence incidents, 3068. Risk assessment screening tool classifications, there are three classifications, low 1552, medium 1355 and high 161. Police family violence orders issued 1484 and police court applications for family violence orders, 257. Magistrate's Court family violence applications including police applications 670.

Mr WILLIE - What are some of the factors driving the need for additional funding to the Safe at Home, family violence service system?

Ms ARCHER - It is specifically to provide support for family and sexual violence. It is an extension of our award-winning national service. There has been a number of different streams of funding towards this because we had the period of COVID-19 also where we provided additional funding because of the fear of an increase in family and sexual violence throughout the COVID-19 period. That specific funding in March 2020 we made was \$1.9 million. In 2022-23 state Budget we have invested an addition \$4.866 million into the Safe at Home Family Violence Service System funding. Previous funding has been provided over three years. Basically, it is for our flagship Safe at Home coordination unit to address significant increases in demand. There has also been from the 2018-19 budget, specifically at that point there was \$1.5 million over two years for that, as well addition specialist Safe at Home legal aid lawyer, additional Safe at Home police prosecutor, additional staffing and extended hours at the Family Violence Counselling and Support Service and an addition court support and liaison officer in the south of the state.

You can see it is a fairly comprehensive response. In relation to \$4.866 million in this year's Budget for that system, it is broken up into \$784 000 for the Department of Justice, \$447 000 for Tasmanian Legal Aid, \$2.5 million for the Department of Communities, \$635 000 for the Department of Police, Fire and Emergency Management and \$488 000 for the Department of Education.

The funding extends those existing Safe at Home initiatives I mentioned, delivered by the Department of Justice and Tasmania Legal Aid funded through the COVID-19 stimulus funding in 2021-2022 state budget, including the expansion of the phone service at the Hobart Magistrates Court. Also, additional grant funding for Tasmania Legal Aid for Safe at Home

related matters and to provide additional administrative support as well to these services to improve the service delivery to vulnerable Tasmanians.

The reviews of Safe of Home have undergone four reviews, so it gets reviewed, is it annually it gets reviewed? No, it is not annual. There has been one in 2007, 2008, 2014 and it was reviewed as part of the Family Violence Service System review in 2019.

Our Government, certainly since 2014 have implemented this Safe at Home package with the aim of preventing and certainly decreasing family and sexual violence.

It is a multi-agency approach. Obviously, the Department of Justice were responsible for the legislative framework. All of the reforms I have provided including persistent family violence offender.

I am about to introduce the declaration to increase further measures in relation to a family violence perpetrator. We also under my portfolios, have the electronic monitoring of family violence offenders. The victims can opt in to a monitoring system so they can be alerted to a scenario where they might be at risk. The take up of that is not in this portfolio, it is in my corrections portfolio and very high. Overall our approach has been incredibly successful and I expect the next review will be equally positive.

But the Government continues to fund these initiatives.

Mr WILLIE - How many FTE and head counts is there for the \$784 000 allocated to the Department of Justice.

Mrs WEBSTER - Total of 8.1 FTE and that includes 6.1 in the Safe at Home area and 2 in the legal aid area.

CHAIR - Any further questions members at Safe at Home.

2.1 Crown Law

Ms ARMITAGE - Obviously, significant funding for Crown Law. I note last year it was indicated there was an increasing crown law funding for the office of the Crown Solicitor and the Solicitor General for demand for services.

What prompted the demand for services and does there continue to be a high demand of these services? Could this be ongoing?

Ms ARCHER - In the Crown Law budget and performance it includes a number of different areas and one of the areas is the Office of the Crown Solicitor. Because of our Government's - what can only be described as a massive infrastructure investment, a lot of these contracts and the legal work needs to be done for a lot of these major projects by the Office of the Crown Solicitor and that includes the Bridgewater Bridge. You can imagine that's an enormous contract negotiation.

The Calvary, Launceston and Hobart Private Hospital developments; Stadiums Tasmania establishment, including stadium development and redevelopment projects; Macquarie Point redevelopment and an increasing number of large information and communications technology

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projects, such as in the Department of Justice is the Justice Connect project that we've talked about. The Department of Police, Fire and Emergency Management's new emergency services radio network, which members are probably aware of as well. The Department of Health, Human Resources information system and the subsequent potential whole-of-government solution and the Department of Health's digital transformation strategy, which is in excess of \$400 million over 10 years, I might add.

Our Government has provided additional funding of \$1 million from 2021-22, increasing to \$1.4 million in the out-years to the Office of Crown Solicitor to meet the needs of its clients and better meet the demands of the Government's extensive infrastructure program. In that office, a level three legal practitioner in the property team, a senior conveyancing clerk and a legal administration officer have all been recruited. A special counsel and two FTE level three legal practitioners in the infrastructure commercial team and the unspent portion of the additional annual funding is now supporting an expressions of interest process which commenced in March 2022.

In April of this year, that Office of the Crown Solicitor commenced a strategic recruitment campaign for a range of specialist positions to expand its capacity. In addition, the Office of Solicitor-General has been funded for two additional senior legal practitioners to assist with civil claims made by those who as children were the subject of abuse whilst in state care. So, we're talking about civil litigation claims. In other words, the Government is providing the additional support but to answer your question about the increase in matters the Office of Crown Solicitor has, there is a lot of contracts that it's currently working on and that's why we've funded extra positions.

Ms ARMITAGE - Is it possible to get a list of the contracts that you're saying, the Bridgewater Bridge, Calvary, the stadiums and with the amounts? I'm happy to take it on notice, but the amounts that have been -

Ms ARCHER - We'd need assistance from other departments maybe. The Office of Crown Solicitor may have that information but I would imagine it's an extensive list.

Ms ARMITAGE - Something better that I might ask on the Floor.

Ms ARCHER - And I've just given a sample of those. Yes.

Ms ARMITAGE - I was interested in hearing stadiums as well. Some of the amounts, it's when they're all buried together it's interesting to see how much some of these actually are, particularly in -

Ms ARCHER - Stadiums Tas, that was set up under specific legislation.

Ms ARMITAGE - No, I appreciate that but I was thinking more of the \$750 million one, that it might have been listed in amongst it.

Ms ARCHER - That's not in contract negotiations, so it's not going to be listed. Yes.

Ms ARMITAGE - No, I appreciate that.

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CHAIR - Has any preliminary work been done on that? Has anyone been hired recently who has an interest in AFL football?

Ms ARCHER - I can't speak to that. It's not my portfolio.

Ms ARMITAGE - No, that's fine. It was just of interest that they were actually listed in that area.

Ms ARCHER - That's because the Stadiums Tasmania was set up by the legislation that passed the parliament but it doesn't necessarily refer to that other project that you've just mentioned. There are other stadiums that come within that. You've got Blundstone, you've got all these other -

Ms ARMITAGE - UTAS. No, I do appreciate that. I was just interesting hearing the Bridgewater Bridge and Calvary and some of the others that were actually encompassed under Crown Law, not really thinking of them being in that area.

Ms ARCHER - That's because they are subject to infrastructure redevelopment and the legal contracts need to be dealt with by the Office of the Crown Solicitor.

Ms ARMITAGE - No, I appreciate that. Thank you.

CHAIR - Any further questions, members? If not, we'll move to Output 2.2, Legislation development and review.

Ms ARCHER - You've skipped over DPP. We'll come back to that, will we?

CHAIR - No. DPP is not here yet on my list.

Ms ARCHER - It's part of Crown Law.

CHAIR - We have it as a separate item but don't worry, we'll get to it.

Ms ARCHER - Thank you. I'm just conscious of Daryl's time.

CHAIR - We've only got a couple of areas to go and then we will invite the DPP.

Output 2.2

Legislation development and review

CHAIR - Attorney-General, you've already touched on the legislation development for the Guardianship and Administration legislation. Can you give us an idea of what else is on your agenda? I also note that this area provides support for the participation in the meeting of Attorneys-General and advice in relation to cooperative legislative schemes and administration of copyright. I am interested in what Attorneys-General have on their radar that you may well have signed up to in your capacity as our Attorney-General?

Ms ARCHER - Can I just generally say that there is a lot of law reform on my list, and if I were to go through it all - I can mention we have got quite an extensive legislative agenda

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for this year. We have bail reform, consolidation of police powers, I have tabled electoral reforms, there is family violence reforms coming, there is the GAB reforms, there is Integrity Commission matters coming up because we are reviewing that legislation as well. So there is quite a lot of legislative reform. On notice, I can provide my list of legislative reform if you would like.

As for the meetings of Attorneys-General, that replaces the old CAG, we now have MAG. CAG was the former Council of Attorneys-General. You would recall that all of them were dissolved when National Cabinet was formed and so we are now an informal meeting of Attorneys-General. When we met in 2021, we agreed that we still had three national priorities left on our list that we wanted to deal with as Attorneys-General. That was family violence, the national information-sharing framework and protecting older Australians. Specifically at the moment we are working on the national register of enduring powers of attorney and also model defamation reform.

Members will also be aware that we are currently dealing with a project in relation to the age of criminal responsibility. We also had a meeting on 9 June, 2021 to discuss the Respect@Work report. At that meeting, or at a later meeting, we had Grace Tame brief us as well. MAG agreed to take joint action to progress the implementation of the report's recommendations and working groups continue to meet to share progress, analysis and findings.

In our meeting on 12 November last year we determined a work program of priorities, which I briefly referred to, so enduring powers of attorney, which the Commonwealth will deal with, the model defamation provisions, that we have assigned to New South Wales predominantly, and the access scheme for digital records after death or incapacity, and that is also New South Wales leading that work.

The first MAG meeting of 2022 will be scheduled following now that we have had a federal election. So, there is going to be a different Attorney-General, and I would take this opportunity to acknowledge the extensive work of Michaelia Cash when she was federal Attorney-General, very well respected amongst all Attorneys-General for her complete work and drive in this area.

CHAIR - I note that there is a significant increase in the budget, but when you read out the workload, I expect that that reflects that significant workload.

Ms ARCHER - I have actually just been handed the list. I will table them.

CHAIR - That would save a bit of time. We do not want to keep Daryl waiting any longer than we need to, so thank you. If you would like to table,

Ms ARCHER - I will not table that. I will take it on notice and provide you with a proper list; this has got scribbles all over it.

CHAIR - That is fine then, otherwise I will need to take that list if we are tabling it.

Enforcement of monetary penalties

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CHAIR - We are then moving to the always interesting enforcement of monetary penalties. I invite Ms Armitage who has a very good understanding of this area.

Ms ARMITAGE - If we could have the latest figure of the MPS, I know that you always get the one from midnight last night.

CHAIR - Sorry, I should have introduced Wayne. It is Wayne Johnson, Director of Monetary Penalties Enforcement Services, for the *Hansard*.

Mr JOHNSON - As at 31 March, the outstanding debt was \$66.1 million. If it is helpful, that was a decrease of \$600 000 from the same period last year as at 31 March

CHAIR - Someone paid their fishing fine?

Mr JOHNSON - Lots of people paid lots of their fines. If it is helpful, you mentioned about up-to-date figures. As at 9 a.m. this morning,

Ms ARCHER - You could not get more up-to-date than that, could you?

Mr JOHNSON - There is a further improvement on that. It is down to \$65 755 758 .03. That is a further improvement of \$400 000. If it is helpful, looking back further in time, go back to December 2018 it was at \$70 755 810. Often these figures, it is more useful to look at them over a longer period of time. Compared to December 2018 and now, there has been a \$5 million improvement.

CHAIR - Heavy hand, Wayne?

Mr JOHNSON - No. We try to have the lightest touch possible when people are paying their fines. Our philosophy is what can we do to help people pay their fines.

Ms ARCHER - Especially through COVID-19 you took a softer approach, didn't you?

Mr JOHNSON - Certainly did. The Attorney-General is quite right. A lot of what we do are reminders. A lot of people do pay on time. Some people forget to pay on time and need a reminder. Some people forget more often perhaps, to pay on time, so need more reminders.

Ms ARCHER - Because there are instalment arrangements in place is what Mr Johnson is referring to. I am sure Mr Johnson will agree, the approach taken through COVID-19 because people may have lost their job, had rent or difficulties

CHAIR - Hours cut back?

Ms ARCHER - Exactly and were receiving benefits provided by the federal and/or state governments. That is why MPES took a softer approach to the repayment of these instalments during that period.

Ms ARMITAGE - What would the highest amount owing and how long has been owing and is it state?

Ms ARCHER - A question for Mr Johnson.

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CHAIR - I will be surprised if it is not a fishing related matter.

Mr JOHNSON - Both of those things. It is a fisheries related matter.

Ms ARCHER - It is historic, isn't it?

Mr JOHNSON - It is and it is David Weamingly and he is at \$1.2 million and through investigations, we believe he is still overseas. As soon as he was released from gaol, left the jurisdiction and has not returned.

Ms ARMITAGE - With cases like that, at what stage do you write them off? When the costs of trying to recover them and the money we would have spent trying to recover that because we know he is overseas? Has it been suspended?

Mr JOHNSON - There are a number of questions there and I will try and answer all of those. Yes, he is overseas. Yes, we have made inquiries and will continue to do so. Someone asked about it being written off. My capacity to deem fines uncollectable is governed by the act and the regulations. I have a maximum amount of \$10 000 that I can remit.

CHAIR - It is a bit more than \$10 000.

Mr JOHNSON - It is a little bit more, yes.

Ms ARMITAGE - With some of the other costs that would be within your range, particularly the interstate driving fines, parking fines, that would come down to council to determine whether to write them off or not. Would that be a significant number there? With interstate, do people actually pay their fines when they get parking fines or would a significant number of your MPES be..-

Ms ARCHER - Do you mean interstate people while they are here?

Ms ARMITAGE - Yes. Interstate people with parking fines in Tasmania, not paying them.

Mr JOHNSON - Again, there are quite a few questions there. I will endeavour to answer each of those. Yes, lots of people who have fines, whether it be parking fines or other fines or compensation orders, some do move interstate. We endeavour to chase all of those down and have a fair amount of success with many of them. The tools we have available to us range from, as we touched on, suspending your driver's license if they are on a Tasmanian license and they are driving interstate, that has an effect and will often persuade them to pay.

Ms ARMITAGE - Do we have anything reciprocal with the other states to do with monetary penalty enforcement where they have fines from Tasmanians? Anything reciprocal from the other states?

Mr JOHNSON - There are provisions in the act which cover reciprocal arrangements, if that answers your question?

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Ms ARMITAGE - What tools do we have available then with the other states? Or did you mention that with the parking fines? If some of them are quite considerable, say they are in Victoria, for example, do we have reciprocal arrangements that we could actually get them? What will the Victorian Government do to someone that owes a substantial amount of money? It might be \$400 to \$500, it might not be a massive amount but what would happen in that situation?

Mr JOHNSON - We cannot suspend Victorian licences and they cannot suspend Tasmanian licences.

Ms ARMITAGE - When you have reciprocal, what can actually happen?

Mr JOHNSON - There is a process in the act which covers reciprocal arrangements. That is quite complex and often unwieldy.

Ms ARMITAGE - We often do not use them?

Mr JOHNSON - They are often complex and unwieldy to try to use. We are heavily reliant upon what powers and tools we have available to us. They range from suspension of licences; publication of name; garnishee of salaries; if they have property here, putting charges on their property they might have left behind - if they return to Tasmania, we can use any of those tools.

Ms ARMITAGE - If we have reciprocal rights, what benefit is that? Do we have reciprocal rights with Victoria, for example? If we do, everything you have mentioned is what we can do but what benefit? I understand you are saying they are unwieldy but what use is reciprocal rights if there is nothing there? What can we actually do with those reciprocal rights? Or how can they work? What will the Victoria Government, for example, do for us to recover our money if there are reciprocal rights? Or what do we do for Victoria? I am trying to understand. Otherwise, there does not seem to be reciprocal rights, if nothing is going to eventuate at either end. Maybe it is just me not understanding.

Ms ARCHER - It is an operational matter for Mr Johnson to answer.

Mr JOHNSON - There are provisions in the act which talk about reciprocal arrangements. I do not think I can answer it any more clearly than they are complex and difficult.

Ms ARMITAGE - Do they ever get used?

Ms ARCHER - I think what he is saying is because they are complex and difficult, they rarely get used.

Ms ARMITAGE - I cannot seem to understand what anyone is going to do for anyone. It seems to be on paper only.

Ms ARCHER - Mr Johnson started his evidence by saying they had a high rate of success of recovery from interstate.

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Ms ARMITAGE - I am talking about the Tasmania - I am just talking about the mainland ones, that's all, because I know they are a substantial amount of mainland.

Ms ARCHER - No, no. That was in relation to interstate visitors to the state and recovery of their debts. That is what I heard.

Ms ARMITAGE - That is okay. I won't go any further with that one. I have one more question to do with hotel costs for COVID-19. Have you received through MPES any hotel costs that have not been paid? I did try to get this answer in our House and did not seem to. It was a bit of an awkward question I asked during the Premier's response or to the Budget and I did not really seem to get a response. Here is probably the place to ask it. People that were staying in hotels that actually had to pay under the Government's G2G or entry, while obviously, many applied for an exemption but for the ones that did not get an exemption and then did not pay, did they come to you? Do you have any of those with you? I am not sure whether they have been written off or whether they have gone to MPE.

Mr JOHNSON - No, they do not come to us. They are not referred to us for collection. Fines, compensation orders, pecuniary penalty orders, infringement notices, many of those come to MPES.

Ms ARCHER - And many of those are the result of court proceedings.

Mr JOHNSON - Correct, yes. But, no, hotel bills, I would suggest are civil matters and no, they are not matters which MPES is tasked under the act to collect.

Ms ARMITAGE - You have not seen any of those? No. Thank you.

Mr VALENTINE - Are there are any tools or capacity for people to approach you as a result of inability to pay and how those sorts of circumstances are handled?

Mr JOHNSON - Yes, section 27 of the act sets out a fairly comprehensive process whereby people can't pay their fines immediately. They can apply to MPES, to me to pay by instalments. Put about half of the outstanding debt to be at \$30 million. People are paying that by instalments. You can perhaps imagine some of the very large amounts especially and also some of the not so large amounts, people due to their circumstances cannot pay them in full straight away.

Mr VALENTINE - Would they be for the much larger amounts owing or the smaller variety like parking fines or the like?

Mr JOHNSON - Depending on people's circumstances, explain their circumstances to us, what their income is and what their expenses are, we would treat that fairly favourable and set them up on a payment arrangement.

Mr WILLIE - You might be able to answer this, but is there anyone within Government that monitors the increase in penalties?

Ms ARCHER - With the increase in penalties, some are statutory by unit and there is a penalty unit that gets increased by CPI every year. Which comes through my office or through Treasury.

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CHAIR - It comes to the Subordinate Legislation Committee.

Ms ARCHER - It does. In terms of penalty units, across legislation there may be a provision that says someone is fined up to 20 penalty units and each year it is incremental as to what equates to a penalty unit. That is something that comes through by regulation. I think that is the best thing I can provide by way of answer.

Mr WILLIE - There is not someone monitoring local government infringement notices?

Ms ARCHER - I think MPES does that in terms of across the board. The evidence we have just heard is quite comprehensive and we can sort of track how much is going through various sections. Local government recovery gets referred to MPES as well as any of our things. That is the task of the Department of Justice in terms of MPES.

Capital Investment Program Burnie Court Complex

CHAIR - My first question Attorney-General, is in regard to the Burnie Court relocation. We have two members of the Public Works Committee on this committee. The member for Hobart, as chair and myself as a member of the committee.

It is noted the Government decided to fully assess all possible options for a suitable location in the Burnie CBD. I am looking for an update, given the Public Works Committee approved the Mooreville Road site for a number of reasons. I will not go into those. Can we have an update on where, how and why?

Ms ARCHER - The reason for that and as a result of some meetings the former Premier, Peter Gutwein and myself held with residents of and around Mooreville Road, the Burnie City Council, also business people in the CBD and everyone agrees the current court site is not fit for purpose. But, what has come out of this is the Burnie CBD also needs revitalising.

The Burnie Court does not just provide that, but it just came out of the discussion generally. When we were first looking for sites, there was not anything available in the CBD. Nor was it appropriate you would recall, to redevelop on the existing site, which was the original intention when we attached \$15 million to it.

When we discovered asbestos, which is not dangerous while its insitu, only dangerous when you remove it, we have added \$25 million to the budget, totalling \$40 million because we realised we needed to move off site.

For the continuity of the court we cannot use the current site, because it would require decanting and the option of decanting would cost as much as the redevelopment itself.

We have responded to community concerns. Community consultation has been extremely important in this, and as a result of that, we have called for an expression of interest process, which closed on 18 May, and it is now with Treasury for assessment of those expressions of interest. For probity reasons, I cannot give any more details about those, nor do I know myself about those, whilst Treasury assessed them. I expect to receive a report from Treasury in relation to the current availability of potentially suitable alternative CBD sites,

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which will enable us to make a decision on the next steps for the project. That is anticipated to occur in June or July this year. So it is currently with Treasury to update you, following that EOI process.

I know the previous one when through the Public Works Committee, and I am very grateful for their approval. I think this committee can agree that community consultation and concern is extremely important. The Burnie City Council also approached us in relation to revitalisation of the CBD. Those discussions will need to be ongoing; it is not just unique to this particular project but it was acknowledged that this particular project if it occurred in the CBD could spark further revitalisation of the CBD. That is why we have put out that expression of interest and I will await the outcome of that process before determining to make a decision.

It is our strong wish that there is something available in the CBD to respond to the community consultation that was undertaken by myself, by the former Premier and the minister, Mr Jaensch, who was with us well and our other member for Braddon, Felix Ellis.

CHAIR - Can I take you to page 154, I have just done a rough sum. It appears there is only \$40 million previously allocated to the Mooreville Road, which at the time was suggested as a perfect location. I will emphasise 'perfect location'.

Ms ARCHER - Can I explain that? What has come out of the consultation is that it is not perfect for the community in the area, but the actual building itself, yes. That particular site if it was in the CBD would be terrific, but we want to bring the community with us. We also have realised that the Burnie CBD is not what it was 10 years ago. So, all of these things have come to light. If I was just looking at that site in isolation, not looking at where it was and the transport needs, then the building itself, and the redevelopment of that site, yes, it is perfect, for the purpose for which we want. But we need to take into account the surrounds.

CHAIR - I find that interesting, given that the committee did take that into consideration, but obviously that did not see favour with you. Is there any -

Ms ARCHER - Can I just explain. Community concern about this is really important because there is a planning process to go through as well. We do not want this type of project to keep being frustrated, as we have experienced. I've no doubt you will ask me in my Corrections portfolio in relation to the northern correctional facility.

We have to bring the community with us, and that is the reason for the EOI process. I apologise to the Public Works Committee profusely. We have had to change tack on this, because we are responding to community concerns, and quite rightly so.

CHAIR - So there will be an amended budget for the Burnie court complex, for a fit for purpose facility? Or is the money that is allocated, the money that will remain for that?

Ms ARCHER - I will get the secretary to explain how we have put the money in the forward Estimates.

Ms WEBSTER - Certainly, as part of our planning that would be the funding envelope that we are working within -

CHAIR - The \$40 million?

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Ms WEBSTER - that is provided by government but if during that process we find that there is change to that, we would of course go back through the Attorney-General with any new site that comes along.

CHAIR - Is there any limit to the amount of money that will be spent on this?

Ms ARCHER - I do not want to jump ahead of myself or the Government in terms of what might come out of the EOI process from Treasury. The secretary is quite right that there are number of things that can increase the cost of a project, not least of all at the moment, building materials and the cost of building. We always remain flexible to some extent but I am not going to pre-empt what sites might be available in the CBD and whether or not that changes the scope of the project in relation to cost. I am not sure.

Treasury, being Treasury, will have the allocation in mind as well because what we have indicated, is that we want it to be comparable to the Mooreville site with regard to the physical features that are required but also cost as well.

CHAIR - Supplementary, Mr Valentine, chair of the Public Works Committee.

Mr VALENTINE - Will the Public Works Committee see a new application come forward? Is that the intention?

Ms ARCHER - If there is a CBD site and we pursue a different site because it is over the amount that is required, yes you would need it for a different site.

Mr VALENTINE - I wanted to clarify that.

Ms ARCHER - Sure.

Ms ARMITAGE - If I could have a supplementary on the costings, I note the estimated cost was \$40 million and the -

Ms ARCHER - Still is.

Ms ARMITAGE - No, that is fine. The amounts here come to \$37.478 million. How much has been expended to date on the previous site that will not be able to be used? Plans and all of those can actually carry a cost, but how much has been lost by changing sites?

Ms ARCHER - It is difficult to break -

CHAIR - Revised plans, there would have been.

Ms ARMITAGE - I noticed \$2.5 million.

Ms ARCHER - I am sorry, I cannot take more than one question at once from two difference people.

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Ms ARMITAGE - My question is, I notice there is \$37.478 million listed of the \$40 million. Has the \$2.5 million already been expended on a variety of architects, a lot of different plans, a lot of different areas it has to go?

Ms ARCHER - There has been money that has been spent on the current Burnie Court complex itself over various years in relation to upgrades that have needed to occur there.

Ms ARMITAGE - Out of the \$40 million?

Ms ARCHER - Was that out of the \$40 million or separate? Separate, sorry. The total expenditure for a new site project to 30 April this year is \$1.931 million. I have not got a breakdown - and we have not got a breakdown - of what might be transferrable but there is a lot there is transferrable. As I have said, we want a CBD site to be comparable to what we have already done with regard to the design needs and other requirements.

A lot of what we have done already can be transferrable. There will other things that are not transferrable.

Ms ARMITAGE - I am wondering the amount. What I am trying to look at -

Ms ARCHER - I have said to you, I cannot provide you with that amount.

Ms ARMITAGE - You can? You cannot?

Ms ARCHER - I cannot. I have not got it.

Ms ARMITAGE - No, but you cannot tell me where the \$2.5 million has gone? You have mentioned \$1.9 million.

Ms WEBSTER - There is that \$1.9 million that the Attorney-General mentioned but I would have to seek some clarification in relation to what may have been spent in the previous budget years. The finance director could answer that question for you Attorney-General.

Ms ARMITAGE - It is only to clarify so I get it clear, what I am looking for is the difference between moving from the previous site to the new site, the money that it has actually cost to change. The money that is not here.

Ms ARCHER - I have said to you, I cannot provide a figure of a breakdown of what might be transferrable. We have had consultants, planning, architects look at designs and a lot of that, we cannot put a specific dollar amount to each thing, but a large proportion is transferrable.

Ms ARMITAGE - I understand that, but with respect, there would be a certain amount that was purely pertinent to the previous site and I am trying to get an indication - it is public money - of what has actually been spent and now has actually -

Ms ARCHER - But you are not listening to the answer, Ms Armitage. I cannot put a figure on specific amounts because out of each proportion of what may have been expended with regard to design, planning and other requirements and consultants, you cannot separate what might be transferrable to a new site until we have actually got a new site as well.

Ms ARMITAGE - I will ask again next year.

Ms ARCHER - I cannot provide that figure. We are talking hypotheticals.

Ms ARMITAGE - Well, I am talking figures here, but that is all right.

Ms ARCHER - I would hope that a large proportion can be transferrable, specifically in relation to design needs and those sorts of things, and the work Ms Bourne has done in relation to the requirements of the judiciary for example, but there is no particular figure that we give you on that.

Output Group 1

1.1 The Office of the Director of Public Prosecutions

Ms ARCHER - Daryl Coates is our Director of Public Prosecutions.

CHAIR - Welcome. This is a very important area of scrutiny and we know you have always had a heavy workload so we are interested in the workload and whether you have been able to increase your staffing numbers to address this workload.

Mr COATES - The workload doesn't go away. It was interesting. I have just done a statement for the commission of inquiry and the breadth over the last 20 years of our work has increased significantly. At the moment, we are in a recruiting phase so we have in the past 12 months put some staff on, but we have lost staff as well.

CHAIR - So we don't have a net gain?

Mr COATES - I am not sure of the exact figures.

Ms ARCHER - I have taken a few in for magistrate positions.

Mr COATES - We are in the process of recruiting some more at the moment.

CHAIR - I note in the forward Estimates, Attorney-General, there is actually a slight reduction in allocation.

Ms ARCHER - Can you tell me what page?

CHAIR - It is budget paper 2 volume 2, page 62. This is in the forward Estimates.

Ms ARCHER - I have it now.

CHAIR - There is a slight reduction. Given there will be new staff required and will be coming on board in this area, I am interested in why there would be a slight reduction.

Ms ARCHER - If you have a look at footnote 1, I think that best explains it and someone else might be able to add to it. The increase in this output reflects additional revenue from appropriation for the additional resourcing for the DPP initiative. You will recall in my opening

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statement I said in last year's budget we put in \$6.4 million over the forward Estimates and in this year's Budget we have added to that with an additional \$125 000 through to the forward Estimates as well, totalling \$500 000.

The variation over the forward Estimates reflects the completion of initiatives funded in the 2020-21 and 2021-22 budgets. Some of the things that were funded were to enable the office to comply with the assessment requirements and the Dangerous Criminal and High Risk Offenders Act. We are also expanding the Family Violence and Sexual Assault Units, which I imagine would stay the same. There are various projects and Mr Coates may be able to fill us in on what might be completed in those outer years. That is the reason in the footnote that I can provide.

CHAIR - As always, it is interesting to have some understanding of the various areas. They are wide and varied, but is there any particular focus on the work that has been undertaken?

Mr COATES - Obviously the Sexual Assault and Family Violence Units are very important in the office. We have also, in the last couple of years, started the Fraud and Unexplained Wealth Unit. We merged that to include fraud and complex drugs because we found those matters, although very important, were complex and it was difficult for our general prosecutors to deal with them because they'd take a long time to look at but you would have constant court demands, so we started another unit. The last 12 months we have started a solicitors unit. They'll cover various things in the office including all the bail applications; the high-risk offender work is included in that unit. They do advising and deal with subpoenas, which I seem to get on a regular basis now in relation to matters that we've dealt with and have then gone on to become civil matters.

CHAIR - I have asked this question a couple of times today about the health and wellbeing of the staff. You talked about family violence and sexual offences, which I expect from my understanding would be quite horrific and so would affect the welfare of the staff. You said you had taken some of Mr Coates' staff to solve the problem.

Ms ARCHER - We also had one last year who passed away, so there is a number of reasons for staff loss. When senior people take up the opportunity based on merit and become magistrates, of course that then has a flow-on effect on the office of the DPP. Mr Coates and I never stand in the way of our own staff taking on career progression, but it does create that gap of expertise in the office which needs to be replaced. That is why that recruitment is required - and recruitment is also required because of the additional funding the Government has put in.

I was going to add to my other answer in relation to the difference as well. It is also reflected in the completion of the acting judges. You know how I have that for two years, which may or may not be needed for future years, but that has an impact on the DPP.

CHAIR - If you appoint another full-time judge?

Ms ARCHER - No, we have the statutory maximum now at seven. The three acting judges are a separate initiative of this Government and it's in for two years. I have been reviewing that every time that comes up. That has a direct impact on the DPP because if we

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no longer have three acting judges then that means the resourcing to the DPP can be slightly less as well. What I'm doing is explaining footnote 1 on page 62.

CHAIR - There is my question about the health and wellbeing of the staff.

Ms ARCHER - Work pressures in that office are always a concern to me and no doubt to Mr Coates. Part of the reason for extending the wellbeing program to the entire department is that it means the office of the DPP as well.

Mr COATES - In addition to the Justice department's provider, we fund private counselling for our staff. Basically, I don't find out that they are getting counselling; the invoice just goes to the Director of Crown Law. I don't find out unless the individual person wants to discuss it with me. Last week we had a continuing legal education service and an expert from the Sexual Assault Service came to give us a lecture on vicarious trauma and self-care. We are mindful of it but there are, first, the stresses of the workload, and second, the nature of the work itself.

Ms ARCHER - Which is what Ms Mignot said also of the types of matters being dealt with and when you are doing trauma informed training, it also enables you to recognise trauma that may be vicarious as Mr Coates has referred to.

CHAIR - Any other questions? Attorney-General, I offer this opportunity if there is anything else that you would like to share.

Ms ARCHER - No, I have covered it in my opening statement, I am very happy to provide additional funding to the office of the DPP, we constantly review that every year and we have incrementally increased that. I am fully conscious of additional pressures on the DPP and indeed, as a result of any further prosecutions that come out of the Commission of Inquiry, I will be monitoring that.

CHAIR - You have regular meetings with the DPP?

Ms ARCHER - As in when required, and yes, as I do with the judiciary and all statutory holders from time-to-time we try to meet. Admittedly, we have not been able to meet for a little while because Mr Coates has had some leave and there has been COVID-19 and whatnot, but that schedule of meetings will be able to recommence now we are in that full recovery mode.

CHAIR - And with some of the staff movements that have occurred over the past 12 months, obviously people do step up and it is often an opportunity. Is that part of the organisation's moving up the ladder?

Ms ARCHER - It certainly is, I know Mr Coates does not stand in the way of anyone progressing themselves in that regard. Can I say and Mrs Coates would not mind me saying, prosecution services often attract female legal practitioners and you are certainly outnumbered in the ODPP by a significant number, so it is actually a really good area.

It seems criminal matters that a lot of our female practitioners do come onboard in that area and it is an opportunity for, as you said, people to step up, but also for new people to come

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into the service also. It is quite an attractive area for some, they just take it as a high interest area, even though the work is very difficult.

CHAIR - Right, and with a high number of females in this area,

Ms ARCHER - Mr Coates will be able to tell you the number, I am sure.

Mr COATES - Well, 80 per cent are female.

CHAIR - Wow, is there a flexibility around work hours, that is something that would be on the radar, I expect.

Mr COATES - Certainly, we have flexible work practises for our people on and when they are coming back from maternity leave, some might start back at two days a week, some with three. They are a little bit flexible too because if they are doing a court case, they have to work extra days and we try and manage that.

In relation to people stepping up, we have some very good staff who have gone up because others have left to go to the magistrates. One of the things you find is we specialise, we get really good people to apply at the junior levels, but at the senior levels, because it is a specialised thing, often the senior positions are filled from within.

Ms ARCHER - And we are lucky enough, Mr Coates, included, we have three SCs?

Mr COATES - Yes, that is correct.

Ms ARCHER - Which is a high proportion.

CHAIR - If there are no further questions, we do not want to hold Mr Coates up any longer than need be, we will always thank you for your time.

Output Group 1

Integrity Commission

1.1 Integrity Commission.

Ms ARCHER - We will need Michael Easton, the CEO.

CHAIR - Thank you and welcome, Michael. I'll invite Mr Willie. Thank you.

Mr WILLIE - Attorney-General, I'm interested in Mr Easton's view on the review into the Integrity Commission and his view on the implementation of the recommendations and whether his work is being hampered until those have been implemented?

Ms ARCHER - Are you talking about the Cox review?

Mr WILLIE - I'm talking about the review into the Integrity Commission.

Ms ARCHER - Are you talking about the Cox review?

Mr WILLIE - Yes.

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Ms ARCHER - Thank you. Mr Easton, it's specifically addressed to you, so I can't express an opinion.

Mr EASTON - My views on - sorry, I can barely hear you, I'm afraid.

Ms ARCHER - No, we've had that problem all morning.

Mr WILLIE - I think it's this microphone because I don't feel like I'm speaking -

CHAIR - What about this microphone? What about the next one?

Ms ARCHER - You need to project your voice like this.

Mr WILLIE - Is this one better?

CHAIR - Yes.

Mr EASTON - Yes, it is.

Mr WILLIE - It's the microphone.

CHAIR - It's the microphone. We'll see if we can get that addressed at lunchtime. Thank you.

Mr WILLIE - So, six of the recommendations have been implemented. I am interested in whether you think that your work has been hampered until the rest of the recommendations are implemented?

Mr EASTON - I'd start with saying all the recommendations are important. We see a certain proportion of them being a high priority and we've liaised with the Justice department on what we believe are the priority actions coming out of the remaining recommendations.

Have they hampered our work? Some of the peculiarities of our act make it difficult to do our work and Mr Cox and also ourselves have sought to iron out some of the peculiarities. Do they hamper our work? I wouldn't say they hamper it but I think our efficiency or our discretion could be improved with some of the recommendations.

Just quickly racing through them in my mind and the priorities. A lot of it has got to do with - because it's such a technical act, it's so prescriptive, it's inevitable that there's going to be issues with it and we need to fix those issues now. Some of the provisions we've had legal advice on and we want to act in accordance with that advice but the act has to be fixed first. Again, I wouldn't say it's hampering, it's just about improving how we work.

Ms ARCHER - There's been a first tranche of reforms as a result of the Cox review and at the moment with the second tranche, as Mr Eason said, he's in consultation with the Department of Justice. We're working on the second tranche at the moment and as I've said repeatedly in parliament when these questions have been put, that is one of my legislative reform projects that is currently well advanced within the department in consultation with the Integrity Commission.

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Mr WILLIE - Attorney-General, an Australia Institute report found that the commission receives the second lowest funding per capita of all integrity bodies in the country. There is a reduction of \$200 000 in the forward Estimates from 2024-25, 2025-26. I am interested in the explanation for that, which says that it reflects funding which commenced in 2021-22 for investing in misconduct prevention, education and oversight -

Ms ARCHER - Yes, but you'll also note that we've put in additional funding both last year and this year. The Integrity Commission has received quite a substantial amount of additional funding.

Mr WILLIE - If I could finish my question.

Ms ARCHER - The Australian Institute -

Mr WILLIE - That's not my question. I was still -

Ms ARCHER - I was correcting you.

Mr WILLIE - asking the question. Can you please provide detail on the outcomes achieved by this expenditure and how the return on this investment will be sustained?

Ms ARCHER - I did address the second part because we've provided additional funding last year to the Integrity Commission, also this year, and particularly in relation to education, there's funding there for that. As to the specific part of the first question, it's probably a question for Mr Easton but we've certainly provided the additional funding for them to carry out their functions. I am not sure if Mr Easton has anything to add?

Mr EASTON - I probably could. If I broke it into two sets of funding, as the Attorney-General said, in 2021-22 there was a three-year program which we asked for and we had developed and was funded by the Government and then there was a subsequent allocation from a further submission we made this year, and they're different things. The first one largely related to the development of our education and research functions. There was some investigative side to that but it was largely our education.

We deliberately went for a three-year program for exactly that reason so we could measure it, so we could come back to the Government as it will be at that time, at the end of the three years and show how we have, demonstrably hopefully, improved our education outcomes, not just the delivery, but the actual outcomes manifesting from that.

Without going into all the detail, the program greatly beefs up our ability to engage with agencies individually, recognising that different agencies have different misconduct risks, Police are completely different to State Growth, for example. There is a base level of consistency across what sort of training you want to provide to public officers in the normal sense, recognising that around this table you have a very particular kind of public officers, so just general public officers. Then we need to provide specific training options and outcomes for those different agencies.

So, it beefed up our ability to engage and then it also beefs up our ability to undertake research and evaluation of the training that we are being delivered. That is the mechanism for

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that three-year program, it is almost like a revolving wheel. We will be constantly going around developing, implementing, reviewing, and evaluating. So, we will come to the Government before that three-year funding runs out, and then we will be saying, this is how we have improved those outcomes.

The other part is the investigative increase that we got this year, and that is specifically for up to two positions, I think it is \$235 000, something like that. A little bit harder to measure results there apart from the treadmill of dealing with complaints and our assessments and investigations and the follow-up we do on our assessments and investigations, and that is what that money is specifically for. We intend to report publicly on the outcomes of that follow-up on investigations and I guess that will be a measure in itself that we have increased public awareness of what we have been doing, and then there will be more numeric measures like how many matters did we follow-up? What was our satisfaction rate with agency responses to those matters? I would like to see that to be 100 per cent, but things are never that simple.

Mr WILLIE - One final question. What was the original purpose for the \$120 000 that was rolled over from 2021-22? Why did that occur?

Mr EASTON - I guess it occurred because we had not spent it, that is kind of obvious. The rollover that we applied for, and subsequently got, we allocated it to an additional research officer position. I should say, for context, a lot of how we have established the three-year program in particular has been to give us flexibility in what we need at particular times. We find that whilst permanent positions are great, we actually want to be able to chop and change positions and even personnel at times. That is just some context for why we do it that way.

In terms of the rollover, we realised that we needed an additional research capacity there, both for our misconduct prevention, but also for our operations team. We try to ensure that the work of our operations team delivers investigative outcomes, but also practical outcomes. So, there was this investigation we did a couple of years ago where we actually came out with a product that is in popular use across the public service, and that is a good outcome for everyone.

So, we had the research function and also to develop online training courses, and that is essentially how we allocated that \$120 000, and \$120 000 does not go a long way when you are developing online, computer-based educational programs.

CHAIR - My question is about community education. There have been some attempts in the past to educate our community on the roles and functions of the Integrity Commission. We have had a COVID-19 couple of years, so I am interested in where that community education program is, and are we seeing any benefit of the previous education programs?

Ms ARCHER - Very happy for Mr Easton to address this because it is something I have raised with him personally. Also, education of elected members and how the integrity should be used and not used as a political weapon. I can say that because from my perspective and it is certainly not in this place, but certainly members in the other place tend to use the Integrity Commission as a weapon. Having said that, with regard to community education, a lot of the additional funding provided was for that education arm of the Integrity Commission, I am happy for Mr Easton to address that component.

Mr EASTON - I am not sure what you are referring to when you have seen community education in the past.

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CHAIR - I am sure there was a program rolled out.

Mr EASTON - In my experience, I have been with the Commission since 2015 -

CHAIR - I have been here a lot longer than that Michael, that might be the problem.

Mr EASTON - and the Commission was only commenced in 2010. We actually have struggled with our direct community education. As the Attorney-General says, we do education for public officers, that is fine, but the community is a bit different.

We would have to be sure what we are trying to educate them on. Is it about the capacity to make reports to us in our functions and thus we educate the community on how to tell us things or actually are we trying to educate the community on the outcomes we are trying to achieve. We do not necessarily want their reports, but we want them to have confidence in what we are doing and is what we try to focus on, not so much through specific community programs, but by getting our work out into the public.

What we are focusing on now, is we do far more proactive research than we have in the past. As the Attorney-General said, the money the Government has provided in that three-year tranche has allowed us to increase that. We are now publicising that far more so people can go to our website and see the research we are in progress with, not only afterwards.

We have tried to publicise our investigative reports far more.

Ms ARCHER - I think the member means actually about the Integrity Commission, how you make a claim and those sorts of things.

CHAIR - A general 'this is what we do'. These are the possible areas a community member -

Ms ARCHER - Certainly, what the Government's funding is intended for, yes.

Mr VALENTINE - Possibly the difference between the Ombudsman and the Integrity Commission.

CHAIR - I am sure the Ombudsman would appreciate a lighter load. That is really what I was getting at, but it sounds that by putting a lot of this information online, then people can Google Integrity Commission

Ms ARCHER - It is a different focus though. Mr Easton could take that on notice.

CHAIR - There has not been any specific community education programs being rolled-out whether they be online or be in person-to-person in any of the regions across the state since you have been head of the Integrity Commission, is that correct?

Mr EASTON - I would not put it so black and white as that. I was reflecting on the time since I have been there. I was not actually in charge when I first started of the education side of things but I guess ultimately now, I am.

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I agree we have not been focusing on community education programs, but rather enhancing community awareness of our functions and roles and what we have been doing. That leads to community confidence that misconduct is being dealt with in the public sector. That is our focus.

Mr VALENTINE - Your website has a bit of education associated with that, doesn't it?

Mr EASTON - It does. It has information, but information is different to an education program as such.

Mr VALENTINE - I appreciate that, but at least it gives people an understanding as to what your role is, speaking as Chair of the Integrity Committee here.

CHAIR - I have never been a member of the Integrity Commission.

Ms ARCHER - The Government can direct funding into education as to how the Integrity Commission spends that. It is a matter for them and I am sure Mr Easton can take that on notice, because I for one, certainly think there might be a bigger role to play there with regard to community education.

CHAIR - Any further questions, acknowledging we do have two members of the Integrity Committee that also sit on this Committee. We are always mindful of that particular arrangement.

Mr VALENTINE - That would play to my previous discussion obviously, those of us that are members of the Integrity Committee have the opportunity to have dialogue twice a year with the Integrity Commission. It is important members of the public do understand the difference. It is a comment not a question.

CHAIR - I will allow that because its Tuesday. We will suspend the broadcast for a short break. Thank you.

The Committee suspended from 12.45 p.m. to 12.48 p.m.

CHAIR - I would like to resume the broadcast.

Output Group 1

1.1 Decisions on Complaints Referred to the Ombudsman and Health Complaints Commissioner and Right to Information

CHAIR - Certainly, this is a very important part of transparency and accountability for our community. I would like to go to the Right to Information applications and note in the notes on page 78, that is Budget Paper no. 2, volume 2. It tells me the number of right to information applications an average time to complete RTI decisions is not included in the performance information. Obviously, there will be an annual report, later in the year, but do we have any figures year to date in regard to this important area?

Mr CONNOCK - I can provide some information on that, as you say, we will be doing an annual report. These figures are year to date, and I have just done them from the monthly reports my management team gets.

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CHAIR - That will be most appreciated.

Ms ARCHER - I'm not sure what the Chair wants.

CHAIR - Just the general RTI requests that come through the Ombudsman's office.

Ms ARCHER - Okay. That would be Mr Connock who needs to provide that figure. Thank you.

Mr CONNOCK - I can provide some information on that. As you say, we'll be doing an annual report. These figures are year to date and I've just done them from the monthly reports that my management team gets.

CHAIR - That would be most appreciated.

Mr CONNOCK - This year, we have had 43 applications for formal review and we've so far closed 38, which is not bad. We have had some staffing issues in RTI, so we don't record the average days to complete but we do record average days open. While we have cleared out quite a few, we have finalised a lot of the older ones but unfortunately, there are still some sitting there. Our average days open have not come down as much as I would like, and that has been the result of staffing issues. We received the additional funding back in 2019 -

CHAIR - That this committee is going to take some credit for.

Mr CONNOCK - Okay. If I were able to fill all the positions, we would be in a much better position. At the moment, I'm one staff member down. We have one staff member who has been on extended sick leave. I have another one who has been seconded to another jurisdiction and we're trying to recruit for a position there. I only have two at the moment when I should have three and that's been the case for the last 18 months basically. I've not had a full compliment. We've had a real struggle to recruit appropriate people to work. We now have an extremely good new principal officer who has turned things around somewhat and we're just trying to fill these remaining positions. We're hoping to do that sooner rather than later. I'm very conscious that this should be moving and it's not. I think once we do get those staff members, that will resolve the problem. It will be there for a little while longer, but it will go away.

Ms ARCHER - The money's there but the recruitment -

CHAIR - It's clearly the expertise>

Mr CONNOCK - It's the expertise - it's candidates with suitable experience and skills. Although it's not an absolute requirement of the position that the person be legally qualified, they are in effect mini-judgements on a piece of law. You're looking at complex provisions in a complex act and applying the law to the facts of each application. Without a legal background, you are hampered fairly considerably and it means other officers have to play a larger role in the process, so we do look for people with those sorts of qualifications. Also, I think it takes people who are particularly interested in that aspect of government and the process.

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Ms ARCHER - You need to retain the staff as well, so they need to have that focus.

CHAIR - Is it the remuneration that also becomes a challenge or is that -

Mr CONNOCK - I don't believe so, not in my view, no. It's just that the last couple we got, we had some additional funding, some savings left over, so we'll be trying to recruit an additional six months of fixed-term position to work only on the backlog cases, not take calls. We are reviewing a lot more now without going to formal review as well.

Ms ARCHER - If I can add to that, the specific funding that was provided as a result of the former premier, Peter Gutwein, and myself meeting with Mr Connock was to clear the backlog. We wanted the backlog cleared up.

Mr CONNOCK - That is what our main aim is to do. The first time we advertised, nobody suitable applied for the position at all. The second time, we had one person who was probably good - not legally qualified but had some RTI-specific experience, but they pulled out just before their shortlisting process took place. We're re-advertising that again, third time lucky. This is not just in RTI. We've had this difficulty across the other jurisdictions as well.

Ms ARCHER - In terms of salary, it's usually advertised what band or what level it's at. So, people know what they're applying for.

Mr CONNOCK - We have the funding for the principal officer, which is a band 8 and we recruited that late last year and I'm very pleased with that appointment, it's working out well. We recruited a new band 5, which was the old position we had in there. We got a very successful candidate for that, but then we had a vacancy for our band 6 senior inspection officer and unfortunately, this is the story across the office as well. The successful applicant for that was the band 5, so now we have a vacancy in band 5 again that we have to fill.

Mr VALENTINE - Domino effect.

Mr CONNOCK - I heard Mr Coates talking before about promoting people internally and so far, we've done that in two or three places, but it means their old positions are now vacant.

Ms ARMITAGE - The position you've been trying to fill and haven't been able to clear the backlog, it's not a permanent position?

Mr CONNOCK - We have been doing a lot more work on the phones and dealing directly with people to resolve things. I just wanted somebody who was going to be focusing solely -

Ms ARCHER - Which is the benefit of an approach that works, isn't it?

Mr CONNOCK - Yes, it has been working very well so we are not getting nearly as many going to formal review as we did. But I was looking for somebody who could just sit there and make those decisions, finish them off, get them published and clear that backlog out.

Ms ARMITAGE - That is obviously difficult though where there is not a permanent position because you would want to be someone that has either retired or semi-retired.

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Mr CONNOCK - Although we did get somebody reasonably good who is now sitting in the position of one of the officers who has been seconded; this person is now sitting in the position, she is legally qualified and has worked as a professional writer, and she applied for the six months. We may be in a position to extend that one to 12 months and if we can, I would anticipate we get a better field of applicants for that, but we don't have the recurrent funding for that.

CHAIR - Well, we are in the right place for that.

Mr CONNOCK - The recurrent funding we have got; if I could fill all the places it would be sufficient. It is just that there have been issues with performance and various other things that we have had to deal with and moving staff around. If I could get them all together, we should have been in a better position than this by now had we had everybody we needed.

I am hopeful that we will be sorted out, and it is not as bad as it looks. I think the ones that are there can be cleared reasonably quickly. We have been doing work directly with agencies now and I am hearing on the news a lot more, 'RTI documents reveal', and it is not something that has been to us. I think there has been a bit of a change and we are working a lot more closely with agencies and with applicants to try to resolve the applications without pushing everybody into this.

Ms ARCHER - Which is what I referred to in yesterday's committee hearing; it is our desire to ensure there is that consistent approach across government.

Ms ARMITAGE - If I can make a quick comment, I did have a constituent with an RTI query that I sent to your office and within two weeks, it had been resolved to the satisfaction of the constituent. I think it is sometimes worth pointing those out.

Mr CONNOCK - That is the approach that I would prefer. Assessed disclosure is supposedly the disclosure of last resort, and agencies are encouraged to produce things by active disclosure. When you talk to an agency or an applicant, they cannot tell an applicant 'just drop off, forget about it if you are not going to get it,' if they want it and they are entitled to it, then they can proceed.

But sometimes, they are not entirely sure what is there. Agencies, if they are helpful, can say 'We can't give you that, but we can give you this,' and we have had a couple of those sorts of things and the applicant, on some occasions, they will say, 'I'm happy with that, I don't want to proceed with the formal review.'

Ms ARCHER - I think you found too the Department of Police that was shining a light on that.

Mr CONNOCK - Yes, they were very good. I have dealt with them too, when I was RTI for a while, back when I only had one officer and he left. They were always really receptive - pick up the phone, they have well-trained officers, can answer questions and have the authority to do so. We are trying to get that to permeate across the board.

CHAIR - Across agencies. Continued conversations, I would expect.

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Mr VALENTINE - I'm interested in the structure of the Ombudsman's office and the Health Complaints Commissioner if you can outline for us how they operate within the same office and whether there are any issues with that.

Mr CONNOCK - No, there haven't been. It is changing, with the additional funding one of the most significant changes will be the appointment of a deputy ombudsman, which will make my life a lot easier and I think the running of the office a lot smoother. We missed out a jurisdiction before: I'm a custodial inspector as well, but I hold the Health Complaints and Custodial Inspector positions independently; I don't hold them because I am the Ombudsman. A deputy ombudsman would cover the general ombudsman jurisdiction, energy ombudsman and right to information primarily, but at the same time, a deputy would have full delegations.

If I am away from the office for any reason, that person could act as custodial inspector and act as health complaints commissioner, so we would have a second person who could exercise all functions of the office. I recall that was the question last year, about somebody who had complained about the Health Complaints Commissioner to the Ombudsman. A deputy would resolve that conflict to a very high degree. It is another statutory officer and who sits across those major jurisdictions: I am with Energy Ombudsman RTI, so could come at that independently, and they're not part of the Health complaints jurisdiction as a general proposition.

All of those jurisdictions should - and will shortly - have principal officers supported by investigation or inspection staff. We're recruiting the new principal inspection officer for the custodial inspectorate. I have just had the selection report signed off on that, so, hopefully that will be progressing soon.

I have a principal officer in Ombudsman with investigation officers and an intake and assessment officer.

We are in a bit of flux with health at the moment because, as I say, the principal officer was a former senior investigation officer, so, we have a couple of vacancies there. Those have been advertised and we are actively recruiting now.

Energy is separate because it is funded by the energy entities, not from the state Government appropriation. And RTI likewise has a principal officer and then two support officers.

Ms ARCHER - So, you can see that we have done a lot of work at additional funding.

CHAIR - I can see that, and I can see that the need is quite high. When you look at the performance information on page 78, it appears that the significant number of complaints enquiries finalised, and complaints finalised, are still 1500 for complaints finalised or 1375 actual for 2021. And with the enquiries finalised - that's Health complaints and Energy - that's 1848. So, they are significant numbers.

Mr CONNOCK - And they're increasing. Again, these are my sums, I don't know how reliable they are, but they will be in the annual report.

CHAIR - So, they will be reliable then.

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Mr CONNOCK - Yes, I have a very good business manager and a very good executive officer who doublecheck all of these things.

It looks like complaints will be up in health by about 35 per cent, and up in Ombudsman by a considerable amount as well. That's bucking a trend that we were seeing four or five years ago when we were getting status in relation to complaints. They now are all going up.

Mr VALENTINE - Why do you think that is?

Mr CONNOCK - I keep getting asked that and I don't know. There is no simple answer.

CHAIR - People's expectations are higher?

Mr CONNOCK - Maybe. I think also a lot of the time, a lot of the things we do, particularly in Ombudsman, is provide explanations to people because they haven't had one properly. I don't know, there is no particular trend at the moment. Nor is there in Health that I can see when I was looking at these figures. There is no particular provider that's being focused on. It is across the board.

CHAIR - It's just general.

Mr CONNOCK - I can't say in Ombudsman, because I have been unable to identify which agencies those complaints are about from the figures available to me now, but they will be in the annual report.

CHAIR - There is a lot to wait for in the annual report. You said the Energy area is covered by the energy entities.

Mr CONNOCK - It's a private scheme. There is not actually an Energy ombudsman, but the parliamentary ombudsman has functions under the Energy Act, and this is based on the schemes in other jurisdictions where it's a pay-by-complaint sort of situation. It gives some impetus to the energy entities to not have complaints, because the more they get, the more they have to pay. So, that's based on the number of contacts and complaints we have about the particular entities and they pay proportionately for the budget there. And that too has a principal officer and two investigation officers.

CHAIR - We don't have a lot of options in Tasmania when it comes to energy providers.

Mr CONNOCK - No, not really. There are a few smaller providers creeping in to the domestic market, but really its Aurora.

CHAIR - Any other questions, members? It's certainly an important area of scrutiny. Very good notes attached to the performance information, and that is always very helpful. If your teams put that together, thank you, it does make a difference.

If there are no further questions, then I thank you very much Mr Connock for your time, I know how busy you are. Pass on our best wishes to your staff and I trust those appointments come forthwith.

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Thank you Attorney-General for the morning session.

We will recommence at 2.15 p.m. and will launch straight into Prison Services.

Sitting suspended from 1.05 p.m. to 2.15 p.m.

Output group 3 Corrections, rehabilitation and enforcement

CHAIR - I welcome you back, Attorney-General. Now you will put your hat on as the Minister for Corrections and Rehabilitation.

Ms ARCHER - I am still the Attorney-General.

CHAIR - So do we refer to you as Attorney-General or minister?

Ms ARCHER - I prefer that, yes.

CHAIR - Thank you Attorney-General. We will go with that. You have a couple of new people with you at the table.

Ms ARCHER - I do, plus my secretary of the Department of Justice, Ginna Webster, who is a constant in here, and to my immediate right I have Rod Wise, who is deputy secretary Corrective Services, and to his right I have Ian Thomas who is probably well known to all of you as our Director of Prisons.

CHAIR - Welcome. We'll commence with output group 3 and 3.1.

Ms ARCHER - Do you want an opening statement for this portfolio. I can try to keep it very brief.

CHAIR - If you could keep it as brief as possible.

Ms ARCHER - I will. One of the biggest focuses that we have, not only in my new title of Minister for Corrections and Rehabilitation, stressing rehabilitation. We have also put money behind that name in our rehabilitation. We also continue to lock in the \$85 million to finalise the construction of the new Southern Remand Centre, which I am very proud of and our team should be very proud of as well. It will provide a much more positive environmental experience for the staff within our Tasmania Prison Service and the inmates as well.

As members know, there are also remandees from sentenced offenders and unsentenced people as well. It actually takes them out of the mainstream prison population. It will also relieve the bed pressure in other areas of the prison.

It is a really good facility to demonstrate the future direction of what a modern correctional facility looks like. The use of colour, use of glass, use of light, exercise areas, plantings more reflective of a common environment and no means a concrete jungle that you probably imagine or picture with the other facility. It is certainly not another Risdon Prison complex and nor will the Northern Correctional Facility be, which I am sure we will get to as well.

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We are also investing \$500 000 this year in more literacy programs because the key to employment opportunities and meaningful employment opportunities is ensuring that our inmates can improve their functional literacy and improve opportunities again for meaningful employment.

The other thing to highlight is ensuring an investment of safety for our correctional staff with our \$3.6 million to replace the mobile duress alarm system for them at Risdon Prison complex and the Mary Hutchinson Women's Prison. That is ensuring a safe and secure work environment for them.

We are also continuing to deliver the rehabilitation and reintegration commitments we took to the 2021 election, which was the money behind the initiative from the Australian Red Cross. Our Connect42's Just Time prison parenting program, which is very popular within the prison, Dress for Success Hobart, Welcome Back(pack) initiative and also the funding of five new therapeutic staff to work within our corrections system. That is specifically for criminogenic programs, like alcohol and other drugs programs.

So, there is a real and distinct focus on rehabilitation, education and training, as well as the investment in new modern fit-for-purpose facilities.

CHAIR - Thank you very much. You did a good job in providing a brief overview.

Ms HOWLETT - Could you please outline for the committee the initiatives currently underway to ensure the Government is addressing the specific needs of women offenders?

Ms ARCHER - Again, this is something that I am really proud of. When I took on this portfolio in late September 2017 - so it has been some time - I have been able to incrementally increase not only funding to different areas, but my focus. Focusing in recent times, has not only been finishing off the Vanessa Goodman cottages and doing some work on the infrastructure in the women's prison.

This initiative is very much focused on rehabilitation for women in our Mary Hutchinson prison, recognising that where a custodial sentence is warranted, we need to support our female inmates with rehabilitation opportunities. For females this must involve using a trauma-informed response.

I understand and acknowledge that trauma is an underlying driver of mental ill health with problematic substance abuse for women and their involvement within the criminal justice system. It is quite prevalent within our system.

Best practice guidelines acknowledge that females have different needs to those of male inmates. The Tasmania Prison Service is working to elevate a gender focus in operational practice at the Mary Hutchinson Women's Prison, thereby sharpening their ability to best cater to the specific needs of female inmates.

Over the past few years there has been a noticeable change in the demographic of female offenders. There is a significant influx of more complex mental health needs, suicidal and at-risk behaviour, low levels of cognitive functioning and higher rates of problematic substance abuse, all of which lead to a more complex prisoner cohort.

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In order to cater to the changing demographic in our correctional facility and to further our commitment to best practice trauma-informed guidelines when working with female inmates, the TPS is reviewing the current classification system in our women's prison.

The current classification system is uniform for all inmates across the service and does not take into account the different requirements specific to women. A gender sensitive classification system will take into account the very low risk that most of the female inmates pose to others. That includes amongst the prison population as well as the staff and the particularly harmful effects that high security measures and increased levels of isolation can have upon them.

I acknowledge the amazing work that has been done by our correctional officers, prison management and our therapeutic staff and thank them for their great work and commitment to this positive change. I recognise that all staff appointed to work with female inmates require specialised training to ensure they are able to effectively support women, taking into account their individual histories in a trauma-informed manner.

We are investing in specific training with a strong focus on trauma-informed practice and an emphasis on dynamic security, developing positive relationships with inmates and diverting their energy into constructive work and activity. The training for our correctional officers in this area will also increase skills in managing conflict and establishing and maintaining strong, professional boundaries with a focus on bullying and harassment - obviously, preventing that - pro social modelling, resilience and mental health support as well as debriefing tools and processes.

Upon completion of this training, these staff will be considered specialists in managing female inmates and will be equipped with all the tools and information required to operate within a contemporary women's correctional facility environment. My wish is to continue this strong focus on rehabilitation, not only in our women's prison but in all sections of our men's correctional facilities as well.

CHAIR - The member for Hobart has a supplementary on that.

Mr VALENTINE - It basically goes to almost your final sentence about the men's facility and very recent times, the Tamar Unit has come into focus in the Custodial Inspector's report. It has been referred to as an inhumane environment with prisoners being held under unduly restrictive conditions with too much time in solitary confinement and insufficient access to exercise, sunlight and fresh air. Do you have any comment on that you wish to make?

Ms ARCHER - I do. There are few things to comment on with regard to the Tamar Unit. It is a behaviour management unit. It is very little known. The term 'solitary confinement' gets bandied around. Prison management would dispute the use of that term. It is a behaviour management unit and the unit is used to house inmates whose behaviour is unable to be managed in the mainstream units of the prison, particularly in relation to the safety of staff and other inmates. They are intended as short-term behaviour management units where inmates have been able to progress through these units back to mainstream prison accommodation.

Inmates in the Tamar Unit are subject to four different management levels and their management level determines their interactions with others, the levels of visits and access to

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the day room. Each cell has a shower, toilet and TV. It has been reported in the past they do not have access to various things. The exercise yard in the Tamar Unit is not attached to their cells so it is a shared space but they do have time with others. Depending on their management level, they will exercise either by themselves or with one other inmate. Each inmate gets a minimum of one hour out of cell in the exercise yard and if they are on level 3 or 4, they also get time out of cell in the internal day room.

The TPS high risk assessment team makes assessments as to the placement of inmates in the Tamar Unit. Personal phone calls are not restricted as long as the inmate is not subject to disciplinary sanctions in that regard and there is unlimited access to professional phone calls and visits.

The total average out-of-cell hours for the TPS in the 2021 year was 7.95 hours per prisoner per day and this an increase from the previous year which had a total average out of cell hours of 7.1 hours per prisoner per day. I can get Mr Thomas to go into this further if you need to, but every effort is made to provide an inmate with as much time out of cell and in the fresh air as possible. However, the Tamar Unit and indeed, the Franklin Unit are behaviour management units and seen as short-term measures only. I do not know if Mr Thomas wants to add anything further to my description, but what is often missed in the commentary is some of the real access to things that are still provided. The commentary provided in relation to the matter to which you refer, inmates also -

Mr VALENTINE - I am not actually referring to an individual matter because I thought that might be inappropriate.

Ms ARCHER - No, but it had been reported there was no access to mental health support and every endeavour is made for mental health support from the Correctional and Forensic Mental Health Services on site, which is provided by the Department of Health.

Mr VALENTINE - I guess the question is it going to be further considered in terms of the restorative justice regime you would want to be implementing?

Ms ARCHER - Yes, as I said in committee hearings yesterday, the full desire is - obviously, I have announced another 50-bed maximum security unit at Risdon Prison Complex, which is currently in the CERT process and the reason for that is to relieve the immediate bed pressure. I would love nothing more than to then convert that to something else if we have less need for it in the future.

The immediate bed pressures need to be addressed but in the long-term future, the focus is really about providing facilities like the Northern Correctional Facility. A modern, fit for purpose facility that has the rehabilitation focus, the education and training, literacy programs. Things we are already putting in place in Risdon but, of course, with a modern designed facility we can do so much more and very much purpose-built. With the focus being on those types of programs to reduce recidivism, increase employment opportunities and coupled with our Government's expenditure in the housing area, in terms of social and affordable housing. We know there are issues with some inmates getting housing on release because they may not have maintained family relationships and do not have anywhere to go.

Our focus within the system in rehabilitation prisons is also in the Just Time project delivered by Connect42. Everybody is aware of Rosalie Martin's incredible work in that regard

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about reconnecting family. I have spoken to some of our female inmates who have done that two or three times, who might have multiple children to different partners. The kids might be placed elsewhere and it is about reconnecting them with their families and hopefully, their parents or whoever they have a broken relationship with so they do have that support on release. Again, there is no one silver bullet, just as there is no one cause to these problems. We have to take this multi-faceted approach to rehabilitation and indeed, reintegration back into the community. We have to get our recidivism rate down, we are at something like 50.4 per cent. I do not shy away from revealing those statistics, because our focus and my focus is very much on rehabilitation so we can get our recidivism rate down and really make a difference to the community, which has flow-on effects to our other costs across Government, particularly our health system.

Mr VALENTINE - With respect to services for those exiting the prison system, can you give us an update on how that may be being improved? I have sat around this table now for a while and there seems to be a lack of facilities and services to those exiting so they are not re-establishing old networks and at a higher risk of recidivism.

Ms ARCHER - I have currently been in discussions. Because of a strong focus on rehabilitation I am currently in discussions - I will not identify who or what organisation or any sort of future plans because it is very much in the embryonic stages - what I am looking at, obviously, is that connectivity, particularly with, for example, a GP upon release. There are many of our inmates require medical healthcare on their release and because of the time they have been incarcerated, they do not have a doctor, for example, and that is a huge gap in the provision of what they might require.

Mr Thomas can certainly go through pre-release procedures on how far out the planning commences in relation to someone's release and the section 42 leave available for the purpose of employment and other rehabilitation measures that can be taken. Also, being placed in our O'Hara Unit which is the most minimum security and the transitional housing which allows an inmate to be employed, go out for day release and come back at night time.

Mr VALENTINE - So the transition.

Ms ARCHER - That is the desire. Not everybody is going to be of the classification where they are going to be trusted enough to be put in that situation, but it is certainly the aim. I will get Mr Thomas who can briefly explain what every inmate will have as a plan and then, according to classification, there are different levels of ability to have external employment.

Mr THOMAS - Every prisoner on reception is assessed for their needs, both immediate and ongoing needs. Then we look at the length of time they are going to be with us and then determine what those most immediate needs are. Somebody who is with us for a very short period of time, it might be as simple as establishing if they need accommodation on release and then making the referrals to those organisations that we work with to provide accommodation.

As the Attorney-General alluded to, somebody who is with us for a longer period of time, the planning starts again on day one. It is identifying those targets and that is everything from the work they need to do to reduce their risk of reoffending on release. Then it is how we progress them through the system, address and adjust their classification, depending on how they can demonstrate they are reducing their risk, through to accommodation changes and then subsequently getting them ready for release.

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Ms ARCHER - There are various programs they can undertake. For example, some offenders, like sex offenders, have to undergo sex offender programs. With regard to alcohol and drugs, a range of alcohol and drug programs is now available to provide the support for one-on-one and group sessions. The old Apsley Unit model is currently being planned for Division 8 of Ron Barwick to provide an actual live-in situation.

In alcohol and drug rehabilitation, we now have a more holistic approach and it is actually better than we had with Apsley. We had to repurpose the Apsley Unit during COVID-19, as with Division 8, but as soon as we do not require that anymore, we are going back to offering that live-in situation for more intense alcohol and drug program that is required.

Mr VALENTINE - I imagine that those who are exiting may not be exiting to a stable home environment, so housing is an issue. Is there anything that is being done in that respect to make sure that they are not only exiting with a brown paper bag full of clothes and \$20 in their pocket to catch a taxi to nowhere.

Ms ARCHER - You would have heard of the Beyond The Wire program. Since its commencement until the end of January 2022, we have had 139 participants who have been accepted in that program. As part of our funding commitment over the years, we have introduced a Prisoner Rapid Rehousing program. That is provided those exiting the Tasmanian Prison Service with transitional accommodation. That is the transitional arrangement that might be required before more permanent housing can be found. That program is provided in collaboration between a number of different services.

You may have heard us talking about the housing support that is provided by Anglicare, CatholicCare, Colony 47, Hobart City Mission and the Salvation Army.

Mr VALENTINE - That is regardless of the type of sentence that they have served? Open to all? How do you select inmates for that?

Ms ARCHER - Yes. Mr Thomas, on operational selection.

Mr THOMAS - There is a selection process but in principle, everybody will get referred based on their needs. Irrespective of sentence, crime et cetera, the starting point is if there is a housing need, then that is the referral that is made and then we work with the providers to see if we can identify suitable accommodation for them.

Mr VALENTINE - Okay. Thank you.

Ms ARMITAGE - First of all, just to make the record clear, the recidivism, it was mentioned 50.4. I'm assuming -

Ms ARCHER - We'll check that figure. I was going off the top of my head.

Ms ARMITAGE - I was assuming that maybe the 59.3 - that the other might not have included the Community Corrections offenders. They might have just been in prisons. I thought I'd -

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Ms ARCHER - We can check that. Has anyone got the figure to that? Where did I see 50.4?

Ms ARMITAGE - It was in *Hansard* from last year.

Ms ARCHER - That was return to prison, sorry.

Ms ARMITAGE - Yes. That's what I thought.

Ms ARCHER - I knew I had a figure in mind. It's the semi-photographic memory providing a figure to me but I assigned it to the wrong thing.

Ms ARMITAGE - No, that's fine. Just so that if anyone reading *Hansard* can clarify.

Ms ARCHER - Yes, so it's returning to prison. So, we have figures for returning to prison or returning to offending in Corrective Services. Yes.

Ms ARMITAGE - No, that's fine. It was just -

Ms ARCHER - Sorry, that's my bad -

Ms ARMITAGE - No, that's all right. I just thought that we can clarify it on *Hansard* if anyone is reading that.

Ms ARCHER - Thank you.

Ms ARMITAGE - That's all right. I don't think anyone has asked how many people, male and female, we actually have in prison at this time?

Ms ARCHER - Very good point. Mr Thomas is usually the bearer of those figures. Overall population we're usually at the moment 85 to 86 per cent capacity.

CHAIR - We struggle to get some clarity with the microphones with masks, so thank you.

Ms ARCHER - So, we need to speak closely, in other words. They're too polite to say.

Mr THOMAS - As of today, 633 people in custody. Of those, 589 are male, 44 female. So, that's 93 per cent and 7 per cent respectively.

Ms ARMITAGE - Thank you. The other question I have, you mentioned education. Are they still doing the TAFE courses? How many people are doing them and how successful have they been? Have they actually achieved their certificates?

Ms ARCHER - You're quite right, we have an MOU with TasTAFE also, with Libraries Tasmania. While I turn it up, someone can get some statistics for us in response to your question.

Ms ARMITAGE - Yes, I just wondered how many -

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Ms ARCHER - We've got an integrated prison education model, so there's that service level agreement that I was just referring to, which was signed in October 2020. That was between the TPS and TasTAFE and the secretary has those figures. So, we've not only expanded the courses available and always looking to expand even further, I am going to get the secretary to explain the figures. We've got TasTAFE and we also have University of Southern Queensland that offers online courses. We'll go to the figures now and I might say something further.

Ms WEBSTER - 1 July to 31 March, 229 enrolments in vocational education and training courses, which includes 43 enrolments in the Certificate for General Education for adults through TasTAFE and 40 language, literacy and numeracy assessments; 305 participants in Libraries Tasmania programs and services, including 165 recorded books on CD, 85 learner licence assistance program sessions and 55 literacy program participants. There has been a 26 per cent increase in the number of library loans to prisoners, just under 1000 books, magazines, CDs and DVDs on average issued each month. There are 25 University of Southern Queensland students and 27 participants in digital programs and regular supervised computer internet sessions.

Ms ARMITAGE - With the people who enter the courses, and I know it only - is it 2020 that it commenced?

Ms ARCHER - October 2020 we signed that service agreement but it has been built on ever since and there's also dedicated areas at Risdon for the purpose of TasTAFE delivery. Also, we've just installed a whole new range of computers. I told yesterday's committee in relation to classrooms that we've converted in Ron Barwick Prison for the availability of education and training. So, there's a distinct focus on providing allocated areas and that has required upgrades. What did we spend on that?

Ms ARMITAGE - How many who started have continued? What is the rate of dropout? Is it large? Do they continue when they start their TAFE course? They can continue when they leave prison if they're there for a short time.

Ms ARCHER - Yes, that's been the focus to ensure that if they are part-way through a course, they can continue. With TasTAFE there is no cost for the first year following their release so that helps and encourages them because there is no inhibitor.

Ms ARMITAGE - As long as they can find housing or something to continue.

Ms ARCHER - Yes, but on the education side we are trying to make it as easy as possible with a multi-faceted approach that I was referring to before.

Ms ARMITAGE - Has there been a very big dropout? When they start, they are very keen, but do we have many that fall away?

Ms ARCHER - Do we have the figures?

Ms WEBSTER - With those courses and programs that I mentioned, of 229, 103 have completed, but that doesn't mean the others have dropped out; they are still ongoing with their program; that completion is about 44 per cent.

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Ms ARCHER - It has certainly improved. What Ms Webster was referring to, with the library loans there has been a substantial increase. Not only does that demonstrate a substantial increase in literacy, but also that sustained learning that we just didn't have before.

Ms ARMITAGE - They need that to go along with their university courses or their TAFE, depending on what they are doing.

Ms ARCHER - We have recognised that they need computers for these online courses, so there has been a prison education computer network provided and that is special internet access. There need to be specific parameters around that, but it is for digital literacy and learning. That is provided in a number of different areas of the prison including the Mary Hutchinson Women's Prison as well, where there has been an upgrade. We are doing everything possible to encourage the education and learning aspect.

Ms ARMITAGE - Do you have a list of the type of TAFE courses they do? Particularly with the males, are they manual skills like mechanics, and the types of courses the females do? That would be good.

Ms ARCHER - We do have a list that we can probably provide on notice.

Ms ARMITAGE - I am happy to take it on notice to do with the female and male data, and the courses the University of Queensland offers, to know what they will have when they come out.

Mr WILLIE - Attorney-General, what are the current vacancies for correctional officers, and is the service finding it difficult to recruit and retain correctional officers at the moment?

Ms ARCHER - I am glad you asked about recruitment because there is intense recruitment going on.

Mr WILLIE - I did hear that there were a couple of Devonport rounds where there were no applicants - I see it's in the north-west.

Ms ARCHER - You are always so negative when we want to talk positively - this is the thing, we don't want to talk down the service.

Mr WILLIE - It's my job to ask questions.

Ms ARCHER - We are providing the funding. As I have said to unions, I have an absolute commitment to staff recruitment as demonstrated by having four recruitment schools this year; we have already got 24 enrolled in this course currently being undertaken. I met them all three weeks in and 10 are females, I might add, and we have been very interested in that; it is the highest ratio of females in a correctional officer training course we have ever had. We will have four in total this year; that brings us to over 270 additional correctional officers since 2016.

I have demonstrated an absolute commitment to funding as many correctional officers as possible. We are trying to attract people from all parts of the state. At the moment, the training is conducted in the south, but our long-term aim also is to make that statewide. For the moment, we offer it on site at Risdon; notwithstanding COVID, we still managed to hold two courses

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last year. There has been an intense recruitment campaign. We also have that intense recruitment campaign until 31 August and that involves national and international advertising, a social media campaign and website - a very intense campaign period to ensure we have those enrolments and that targeted recruitment we want.

As for any of the vacancy figures, I would have to find whoever would have them.

CHAIR - Vacancy figures?

Ms ARCHER - I am directed by you, I haven't the figures - whoever has them.

Mr THOMAS - I can give you the FTE figures.

Ms ARCHER - Not quite sure what you are after.

Mr WILLIE - Yes, FTE figures are good.

Mr THOMAS - As of 1 June this year, we have 416.4 correctional officers.

Mr WILLIE - How many vacancies are there?

Mr THOMAS - Vacancies is a little bit awkward to calculate Attorney-General.

Ms ARCHER - How so?

Mr THOMAS - Given the fluctuating nature of our numbers and the fact our recruits come on line and as they graduate they go into that pool, the vacancies fluctuate up and down.

Ms ARCHER - We are constantly recruiting is the answer.

Mr WILLIE - Attorney-General, you have an establishment figure and then you have the current employment FTEs, isn't the vacancy the difference?

Ms ARCHER - No, because I want as many as possible. I think that is what we are saying. There is a constant and concerted effort. We are also targeting people who are already qualified interstate and indeed, wherever they might come from. We have even recruited from New Zealand. A bridging course takes three weeks. It is relatively quick to actually get the additional staff online that have already trained.

That is why I say we have an absolute commitment to ongoing recruitment. There is no backfilling of positions because we are constantly recruiting to just ensure we have more officers rather than filling errors. We are actually ahead of the game.

Mr WILLIE - How many positions are you targeting to fill?

Ms ARCHER - I do not have a figure in mind. It is indefinite because we are in competition at the moment with police recruitment, because I know my colleague minister Petrusma is also heavily recruiting. It is a nice problem to have, we have more jobs than people available at the moment. We want to ensure we can continue to recruit for all of our facilities, particularly, the southern remand centre, in the north-north-west of the state, our reception

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prisons. We want to recruit state wide. That is why we cannot answer your question because I have not got a table in mind because it is indefinite, we just have to keep recruiting. You do get people that reach retirement age and that sort of thing. And we do have people from time to time obviously on workers comp.

That is a constant effort to recruit and why we are endeavouring this year to hold as many recruitment courses as possible. Four is probably the max we have been able to achieve because they are in selection process for the second course, which will commence shortly after this one completes. Then I think they are scheduled for September and November.

Mr WILLIE - Having more jobs than people, does have an impact on the operations of the prisons.

You have acknowledged the prison population remains very high and some units are above 100 per cent occupancy and lockdowns continue to affect the prison. Has this had an impact on cell open hours? Has that increased or decreased in the past 12 months across the TPS?

Ms ARCHER - You mean out of cell hours?

Mr WILLIE - Yes.

Ms WEBSTER - The total average out of cell hours for the TPS for 2020-2021 was 7.95 hours per prisoner per day. That was an increase from the previous year which had a total average of out of cell hours of 7.1 hours per prisoner per day.

Ms ARCHER - And that is despite going through COVID-19. Do not shy away from being open about the fact prison has had to have more lockdowns. And during the period of COVID-19 and we are still experiencing COVID-19 because of COVID-19 in the community, the prison is no different. The prison still needs to have measures in place and does have measures in place for isolation and to contain outbreaks. We had the recent outbreak which is being managed and contained very effectively. And I must say in comparison to interstate, the Tasmanian prison service and prison management I must thank, have done an extraordinary job at containing the spread.

More staff are always needed because staff are impacted by COVID-19 also, hence that can cause lockdowns.

Having more staff is obviously the desire to assist the situation, it certainly does not make it worse, that's for sure.

Mr WILLIE - My last question, and I am happy for this to go on notice. Can I please have the figures for inmate-on-inmate assaults for the last four years?

Ms ARCHER - We certainly have some recent figures. We will check. I am happy for the secretary to -

CHAIR - We usually ask for inmates-on-inmates and inmates-on-officers.

Mr WILLIE - We can add that too.

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Ms WEBSTER - The prisoner-on-prisoner assaults, Mr Willie. For 2018-19, serious assaults 13. For 2019-20, 16. For 2020-21, 12. Year to date, as of 30 March, is five.

For assaults, which as you know in RoGS has a different definition: 2018-19, there were 89. For 2019-20, 78. For 2020-21, 112. Year to date, 2021-22, is 81.

Ms ARCHER - Can I just add that assaults occur for a number of different reasons, not least of all the complexity of the prisoner population.

When people first come in, we do have situations where they may have alcohol and drug issues, and that can cause some problems. The figures can also get recorded - rather than there being one incident, there may be multiple assaults from the one incident because, naturally enough, staff come to aid of another staff member, and in the process may get injured themselves.

I want to provide a bit of background. We can look at raw statistics, but the human element of this is quite different. Obviously, officers are trained in de-escalation and preventing things getting to that point, but there are situations where if a prisoner wants to assault, and is in that frame of mind, then it is going to happen, regardless of those procedures and training that are put in place.

I do want to take the opportunity to thank all correctional officers, because it is a very difficult and extremely challenging job, and that's how we've been advertising it. The approach that has been taken with recruitment is that it's a very challenging job, but one that is very rewarding as well. Certainly, the camaraderie that gets established amongst correctional officers is quite amazing to experience.

Mr WILLIE - I do know some correctional officers, so I know the conditions they are working in are tough.

Ms ARCHER - It is, and that is why we are bringing online more modern facilities, because it makes it a change. I mean, just look at this place - it is quite different to where we used to be, amongst those pink-clothed chairs and quite dated facilities. It makes a real difference to you if you are in a positive environment. Prison facilities are no different.

CHAIR - Obviously COVID has a huge impact on the workforce availability. We could not leave this area without asking about prison overtime and the challenges it has presented.

Ms ARCHER - Overtime figures?

Mr VALENTINE - Channelling Mr Dean.

CHAIR - Well, he probably will not be watching, but I know that somebody will want to know this. I am acknowledging the COVID-19 situation as well, so I am not expecting that we are going to have a huge turnaround.

Ms ARCHER - No, but also more staff coming online. That is the other reason for continuing to recruit staff - to reduce the overtime as well.

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Ms WEBSTER - Year to date, overtime is \$8 567 026, but I understand around \$3 million of that is COVID-related. Just to put that in some context, last year's full year was just over \$8.4 million. So COVID has certainly affected that overtime.

CHAIR - We've regularly asked about correctional officers who are on leave, and workers comp numbers as well.

Ms ARCHER - There are about three different levels.

CHAIR - I am happy for you to break them up in those areas.

Ms WEBSTER - Year to date workers comp claims: from 1 July 2021 to 31 March 2022, there were 89 claims for the TPS - 48 related to physical injury, 37 psychological and all others, which could be bodily fluid or something along those lines.

They are the year to date figures for workers' compensation.

Ms ARCHER - We had figures of those who were on full workers' compensation, those who were returning to work and then those on modified duties. We have the head count. Of the 416.4 correctional officers, we have 40 not at work as a result of workers' compensation, a further 45 at various stages of returning to work and in addition to this, 24 correctional officers have returned to work with modified duties or reasonable adjustments and require ongoing treatment. That is contributing to the ability to maintain appropriate staffing levels, which is pleasing because of the modified duties aspect.

CHAIR - In the past there has always been that question on the continued relationship with those officers who are not at work and on workers' compensation, but still that engagement from TPS. Can I have some indication that is still occurring?

Ms ARCHER - Yes. There has been a different approach. The team in that area have worked hard to have a different focus. We have a dedicated injury management unit which is part of the agency's human resources branch and they are on site at the Risdon Prison complex Monday to Friday

The department regularly reviews its workers' compensation management program and practices to identify areas for improvement, including learning from the experience of injured employees. That unit is focused on early intervention and regular communication with injured employees, which is what you are referring to. There are supervisors and treating medical practitioners to ensure that everybody is involved in that aspect. The unit has implemented monthly case review meetings with superintendents to review each workers' compensation claim and additionally, new processes on claim liability determination include superintendents also.

The team continues to work closely with the TPS and the department of Justice Work Place Health and Safety teams to identify risks and implement controls to reduce work place related injuries in the first place. The revised injury management framework focuses on improved communication processes and accountabilities for all parties involved in the claims management process, along with intensive case management of all claims resulting in absences from work of 14 days or more. A key focus of the changes is to increase the level of engagement and support provided to injured workers to assist them with managing their injury.

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Maintaining those relationships with the workplace are critical, because the longer time you spend away from the workplace, the less likelihood of returning it seems. The agency, wide wellbeing support program has been established to provide a range of mental health and wellbeing services to employees. That is aimed at providing the assistance and support early in the hope that prevents any further injury with regard to psychological or mental illness that prevents someone from being able to work and making a workers' compensation claim.

Because it is a pretty tough work environment, that program is hopefully going to provide assistance at a very early stage to ensure we do not have people go off on workers' compensation in the first place.

CHAIR - The number of separations if that is available?

Ms ARCHER - There were 19 separations.

CHAIR - It can seem like the job you are looking for and not necessarily be what you are.

Mr VALENTINE - Chair asked the question about overtime. What is the biggest issue there trying to bring that under control? Is it the digital system you have in play cannot help you manage the overtime? Is it the fact you do not have enough trained people available to be able to -

Ms ARCHER - The department secretary can probably talk to that because I know that Ms -

Mr VALENTINE - It's been around a long time and it's continuing, isn't it?

Ms ARCHER - I know that Ms Webster's been doing a lot of work in this space, so I might give her an opportunity to explain that.

Ms WEBSTER - Thank you. We've already mentioned COVID-19, Mr Valentine.

Mr VALENTINE - I appreciate that. I know that's a special case and I certainly -

Ms ARCHER - Sorry, could we just allow Ms Webster to answer -

Mr VALENTINE - I'm just agreeing.

Ms WEBSTER - The other drivers of overtime are the intermittent need for us to maintain constant observations of prisoners who are at risk of self-harm and we can't always predict the numbers of those; unplanned hospital escorts - again, it's very difficult to predict what that might be at any time; unexpected excess of prisoner numbers in the reception prisons, for example; all of which require additional staffing. They are some of the things that we would say are unplanned reasons why overtime continues to be up and will always be an element of overtime within a prison for those exact reasons.

Mr VALENTINE - Just the nature of the work.

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Ms WEBSTER - Yes, absolutely and as the Attorney-General has also said, workers compensation, which we are looking at trying to drive down by providing better support for health and wellbeing of our staff.

Ms ARCHER - One thing we have noticed is with the video-conferencing coming online, it's making a difference in freeing up correctional officers. Had it not been for COVID-19 - although we've discovered this because of COVID-19 - once we've recovered from that and I hope that's not too far away, that's going to make a huge difference because at the moment for the escort arrangement, I think you need three correctional officers, or at least two, which takes those people out of a unit on any one given day. You can see how that can be a drain on resources and can often be unplanned if there are things beyond our control.

CHAIR - You're expecting that will continue even post the emergency?

Ms ARCHER - Yes, the reason for the investment in the IT infrastructure across the department including the Prison Service is to ensure that that continues post-COVID-19 because it is so worthwhile. Where prisoners are not required to attend court, if it is just an adjournment, for example, or a first appearance and therefore, as of right, they have an adjournment, they don't need to attend in person.

Mr VALENTINE - Are there other issues like there has to be an officer of certain seniority to undertake certain tasks, those sorts of things?

Ms ARCHER - I think Mr Thomas can explain that operationally.

Mr THOMAS - There's an element of that but they don't contribute to the levels of overtime in the way the secretary has explained. They do but they are much smaller amounts and we have a pool of staff that we can draw on in the event of such emergencies to cover those roles. It does contribute to it, but not to the level that these other items do.

Mr VALENTINE - And there'd be certain workplace agreements, things that you have to meet as well, wouldn't there?

Ms ARCHER - In terms of?

Mr VALENTINE - Just in terms of how long officers can work. They can't do double shifts or whatever over a certain -

Ms ARCHER - Exactly. Some of the work that's being done -

Mr VALENTINE - Just trying to get a handle on it.

Ms ARCHER - Yes. Some of the work being done to reduce overtime and other related salary costs is that an independent review of the roster was undertaken by Shiftwork Solutions, considered and introduced after consultation with staff. There has been ongoing improvement of the central rostering system and in particular, this year changes have been scheduled to support detailed and robust reporting requirements. The department's independent internal auditor has completed an audit of the central rostering system, which is called TimeFiler, an application. The overtime management process, as well as the recommendations, are being implemented. A key focus is also on the reduction of workplace injuries, as the secretary has

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noted; an increased focus on the proactive management of workers' compensation claims; and a continuous review and refinement of absence management strategies to address the ongoing level of unplanned absences. There are rostered and unrostered reasons.

Mr VALENTINE - Thanks for that. I appreciate that overview. It just makes it a bit easier to understand something that continually comes before us.

Ms ARCHER - Rather than figures that are isolated, yes.

Ms ARMITAGE - My question is about the contraband coming into the prison. I noticed last year the \$1.3 million for the body scanners, and it was hoped that they would be up and running in the first part of this year. I'm just wondering whether they are or when they're likely to be?

Ms ARCHER - The aim is the end of this year and the reason for is that body scanning technology involves x-rays and all sorts of permits are required. It had to go through public health in the first instance and all of that is being progressed. I have been advised regularly by my department, because I take a keen interest in this one. It is an initiative to reduce the need for personal searches, which has ceased in terms of practise for our youth, which came out as a result, as members would know, a recommendation from the Children's Commissioner. In relation to adults we have changed our strategies and body scanning will make a massive difference, but also to contraband because without any sort of removal or even touching someone, contraband will be able to be detected.

The body scanning technology will be with us by the end of this year, we hope as that is certainly the target.

Ms ARMITAGE - Yes, because it was anticipated last year it would be the first quarter of this year.

Ms ARCHER - Yes, and it is only because of the permit system, it is not for any other reason, the funding is there, the department are progressing it, it was held up with public health for a while, but it is being progressed, but we have had to order the technology and then it will have to be installed.

Ms ARMITAGE - Is it still four?

Ms ARCHER - Four what?

Ms ARMITAGE - Four body scanners. It was going to be three within the TPS and one at Ashley Youth Detention. Is one still going to Ashley?

Ms ARCHER - Absolutely. It will need to in the short-term because the closure is not happening immediately.

Ms ARMITAGE - With regarding to the no-smoking, I noticed previously, it was going quite well and patches were only available in the reception prison. If you can give me an update.

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Ms ARCHER - I think it is across the board on entry to the prison, but I will let Mr Thomas explain what has been provided.

Mr THOMAS - It is banned across the board and has been since 2014, with the exception of the two reception prisons where we allow prisoners to have them for nominally, five days or the duration of their stay, but as soon as they transition to their ongoing prison, then no patches are available and that was done in close consultation with public health.

Ms ARMITAGE - And it is going well, that prisoners are coping with giving up smoking? You have not too many assaults or assaults on prisoners or anything happening?

Mr THOMAS - No. I think it is well embedded now and accepted, we are eight years in now, there is no smoking permitted in our prisons, for staff or prisoners.

Ms ARMITAGE - And if I could comment on contraband.

Mr VALENTINE - I have heard they were smoking tea leaves and all sorts of things like that, is that going on still?

Ms ARCHER - We do not provide tea for that reason, is that not right, Mr Thomas?

Mr THOMAS - That is right, it certainly is. It has occurred, but was in the early days when prisoners were adapting to life without cigarettes. We do not really see to any great degree now they try to smoke tea leaves or any other items they might try to replace cigarettes with.

Ms ARCHER - Except we do not use tea bags anymore.

Ms ARMITAGE - With the contraband, obviously you have dogs for drugs and have the wand, what do you see mainly coming in and do you still have problems with drones?

Ms ARCHER - I do not think we have had a drone issue for quite some time.

Ms ARMITAGE - Yes, what is the normal and do you still get a lot of contraband being slipped in? Do you still catch a lot coming through?

Mr THOMAS - Our contraband numbers have gone down quite significantly in the last 12 months actually. It is a combination of COVID-19, we have not really allowed visitors in since the turn of the year, which is one of the main entries for contraband -

CHAIR - Probably end COVID-19.

Mr THOMAS - Yes. The other notable thing was during late 2020, early 2021 correctional primary health help and we were able to introduce the Buvidal injection that replaced the need for buprenorphine strips. Seeing as they are the worst issue and a buprenorphine strip for a prisoner each day. They just put it under their tongue and dissolves them, they will try to traffick them, Buvidal is a monthly injection, which prisoners have and they get on that subscription there.

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That's a much safer way of doing it. It means we don't have buprenorphine strips in our prisons readily trafficable.

Ms ARCHER - We suspect that's been the major change.

Mr THOMAS - That has been a significant contributor.

Ms ARMITAGE - Do you find many mobile phones slip through?

Mr THOMAS - Occasionally, but not many.

Ms ARMITAGE - Cigarettes? I guess people still might try to get them in.

Mr THOMAS - Again, occasionally we get them. We do have the figures if you want us to provide them.

Ms ARMITAGE - No, that's okay. I was just wondering what are the most trafficable things that people actually do try to get in the prison system.

Mr THOMAS - The contraband seizures in the year to date has been around alcohol, drugs and drug taking.

Ms ARMITAGE - So, ice would be one of the major ones. Is that for personal use, or for sale?

Mr THOMAS - A combination of both.

Ms ARCHER - It's quite expected, isn't it?

Ms ARMITAGE - The dogs have a good job there.

Ms ARCHER - I think body scanning is going to make a massive difference.

CHAIR - Bring on the end of the year. We will now move to Community Corrective Services, 3.2. Thank you, Attorney-General. Keep up the good work Ian. For a while we had a churn of directors, so it is good to see some consistency.

Output group 3.2 - Community Corrective Services

Mr VALENTINE - Minister, can you indicate how many offenders have been subject to community supervision orders for each year of the Budget since 2017-18?

Ms ARCHER - I might get Pauline van Adrichem up here. Pauline is Director of Community Corrections. Welcome to the table. Can that question be asked again?

Mr VALENTINE - Yes, it's in two parts really. Can you indicate how many offenders have been subject to community supervision orders for each year of the Budget years since 2017-18? Can you explain the complexities around determining its effectiveness in keeping

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people out of prison? Perhaps you can get the figures, and we can deal with other part through the Attorney-General.

Ms VAN ADRICHEM - The way we report our data starts with supervision commenced, parole imposed and home detention commenced and then completed.

I'll go through the commenced numbers, and then if you have further questions?

In 2017-18 there were 1154 supervision orders. In 2018-19, there were 1051. In 2019-20, there were 999. In 2020-21, there were 1075.

If I go to parole imposed, which is a form of supervision order as well, but it has different conditions, in 2017-18 there were 120 parole orders imposed. In 2018-19, there were 102. In 2019-20, there were 90. In 2020-21, there were 121 parole orders imposed.

Home detention orders commenced in 2018-19, with 31 orders in that year. In 2019-20, there were 127. In 2020-21, there were 217 orders.

For community service, in 2017-18, there were 784. In 2018-19, there were 679. In 2019-20, there were 514. In 2020-21, there were 539 orders.

Mr VALENTINE - Thank you. It's an interesting set of figures. I suppose I go back to the second part of the question: can you explain the complexities around determining its effectiveness in keeping people out of incarceration or out of prison. There are a couple of notes to this which try to explain it, but it would be good to get some handle on whether it is reducing prisoner numbers -

Ms ARCHER - It depends on what you are referring to specifically. If it is alternative sentencing options, like home detention - Community Corrections runs the compliance and monitoring unit, coupled with other initiatives that we have. The alternative sentencing option of home detention is keeping people out of prison for obvious reasons, if they are suitable for it, but there has been a really good uptake by the Supreme and Magistrates courts.

I changed the legislation to allow it explicitly to be part of a parole order as well and that gives that assurance of community safety. When an inmate is exiting the prison sometimes that routine can help them in their transition, so sometimes that is put as part of a parole order. Pauline is very familiar with the monitoring and compliance unit and the success that has had but that is probably something that has made a real difference in Community Corrections in keeping people out of prison. It is a successful alternative sentencing option for the courts, as is court mandated diversion with regard to drugs and giving people the deferral of their sentence for up to two years whilst they undertake strict rehabilitation and retraining opportunities. It has had a pretty good success rate too.

Mr VALENTINE - How long has that been in now?

Ms ARCHER - Court mandated, I will have to revert to Pauline how long it has been in place, but we did increase the 80 places to 120 places statewide.

Ms van ADRICHEM - It started in 2008 or 2009 and it was expanded to the Supreme Court in 2017-18.

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Ms ARCHER - I did not think it was as early as that. I thought it was more of a later initiative, but I stand to be corrected.

Mr VALENTINE - I could not remember either. I thought I remembered something coming through which meant it would have been after 2012, but that is okay.

Ms ARCHER - I think Vanessa Goodwin did something on court mandated diversion but certainly it is statewide and we have expanded it as well and we monitor the capacity. We are under the capacity of 120 but it has been an effective alternative as well, for those who can and wish to undertake it.

Mr VALENTINE - Can you provide us with data on the performance of electronic monitoring at this point?

Ms van ADRICHEM - The numbers that we are currently monitoring I can provide. For home detention we have 88 wearers as at 3 June. We also have combined orders where we have one wearer with a home detention and parole order. We have 26 family violence offenders we are monitoring. We have 30 victims who carry victim clips.

Mr VALENTINE - That was going to be my next question.

Ms van ADRICHEM - They are not attached as such. We have 50 parolees with electronic monitoring and three with parole and family violence orders so we monitor both.

Ms ARCHER - The family violence initiative was initially through Tasmania Police and we administered it for them. Now we have taken over the whole lot and get funded to do that as well.

CHAIR - That is a lot of monitoring.

Ms ARCHER - It is, and it is 24/7.

CHAIR - What are the staffing arrangements for monitoring?

Ms van ADRICHEM - We have 29 staff in the Monitoring and Compliance unit, six teams of four with one supervisor and three monitoring officers. We have three support staff and two casual staff members.

Ms ARCHER - When we brought that initiative in, we fully funded the additional staff for that and that is ongoing.

Ms ARMITAGE - Can I ask how many monitors there are? Not the ones that are being worn but how many do you have physically?

Ms ARCHER - I am not sure on that.

Ms ARMITAGE - If you have someone who needs a monitor can you get another one? What is the budget for it?

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Ms ARCHER - We will monitor what we have got and if we need to order more, then yes.

Ms ARMITAGE - Are they readily available?

Ms ARCHER - There is a time lag to order them.

Ms van ADRICHEM - We have 211 electronic monitoring devices in stock, which allows us to have stock available at five offices as well as the Tasmania Prison Service. We monitor - because we prepare presentence reports we can predict the demand, so we can order in advance should it be needed.

Ms ARMITAGE - Does it take long for them to come? Do they have to set up and to organise or do they just come ready to go?

Ms van ADRICHEM - They come through quickly. Some of the other jurisdictions have engaged Buddy Limited as well, so sometimes you'll get stock from New South Wales if they've got stock there. So, it's usually within 10 days if we need extra stock.

Ms ARCHER - There's quite a bit of cooperation amongst states because it's the same -

Ms ARMITAGE - And there's no budget issue with those? What is the cost of one to purchase, out of interest?

Ms van ADRICHEM - It's a monthly cost.

Ms ARMITAGE - It's rented?

Ms VAN ADRICHEM - Yes, it's leased. So, the first 100 are \$400 per month per item and any over 100 are \$285 per month.

Ms ARMITAGE - I guess it's still cheaper than prison.

Ms ARCHER - Yes. So, you've got the staff cost of the monitoring and compliance and then the actual device itself.

Ms ARMITAGE - So \$385 a day.

Ms van ADRICHEM - Yes.

Ms ARCHER - Which would be cheaper than prison in the long term.

Ms ARMITAGE - Thank you.

Mr VALENTINE - We can't buy them outright? They are simply not available?

Ms ARCHER - I think it is a far cheaper option to do what we are doing. I stand to be corrected but I'm getting the nod.

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Ms van ADRICHEM - It's for a service, so if we have equipment that's faulty we can simply return it and it comes back. Purchasing them outright would limit the availability of upgrading the equipment over time, so it's the best course of action.

Ms ARCHER - Yes, that makes sense.

CHAIR - That's why we lease our cars.

Mr VALENTINE - One last question, problems with them. How many wearers have attempted to divest themselves? Is it something you can talk about or not?

Ms ARCHER - I'm reluctant to - I hate talking about this because it gives people the idea of doing it, Mr Valentine.

Mr VALENTINE - Okay, well, let's not go there.

Ms ARCHER - Happy to talk offline.

Mr VALENTINE - No, let's not go there. I don't want to cause any issues. I was just interested to know how effective -

Ms ARCHER - I know it's an interesting point but we tend not to talk about it in case the idea is out there.

Mr VALENTINE - No, that's fine. I can -

Ms ARMITAGE - I guess you could look at it the other way though. If they do that then they could end up in prison. You could add the negative part to it if they do.

Ms ARCHER - They could and they regularly do. It is akin to escape.

Mr VALENTINE - If that is a concern let's not go there.

CHAIR - A slight increase in the budget for the coming year, about \$1 million plus. Is that for any particular initiative or is it just what we need to function in the way and keep people out of a \$385 a day prison cost?

Mr VALENTINE - It's certainly a lot cheaper to have this, isn't it?

Ms WEBSTER - It is part of our overhead reallocation which Mr Wailes can talk to if we needed it. They've had an increase in staff in Community Corrections, so we allocate overheads slightly differently -

Ms ARCHER - That explains it.

CHAIR - But the forward Estimate actually goes down when you look at the forward Estimate of 2023-24, there's actually a decrease in the allocation of funding.

Mr VALENTINE - And it was increased prior to the appropriation this year, now it goes down.

PUBLIC

Ms ARCHER - Can we explain that figure perhaps by getting Mr Wailes up? It usually means something.

CHAIR - Sometimes it's the pay cycle or something.

Ms ARCHER - Or the end of a program or something? Or do we need to take that on notice?

CHAIR - That was my general question.

Ms ARCHER - Can we do it on notice, as to what that decrease in cost is?

CHAIR - We need you at the table, Gavin. We can't hear you from over there. We can but Hansard can't.

Ms ARCHER - And the telecast.

CHAIR - Yes. A voice from beyond doesn't necessarily look professional. Thank you, Gavin.

Mr WAILES - Sorry, Attorney-General. That's a reduction in the funding for the Project Vigilance, which was provided last year for \$1.4 million, \$1 million this year and then it runs out next year.

Ms ARCHER - Project Vigilance is the family violence order funding.

CHAIR - Perfectly clear explanation we needed on the public record. Any other questions?

Mr VALENTINE - I am not sure you can do it, but the splitting out of recidivism for community correction versus prison?

Ms ARCHER - You mean return to offending? We did have that figure.

Mr VALENTINE - I thought there might have been a bit of an issue in identifying.

Ms ARCHER - I think we have those figures, I am just trying to find them for you.

Mr WISE - For people on community corrective services. The return rate to corrective services was 23.3 per cent and that figure has come down a couple of times in a row. The Australian average is 26.11 per cent, it is well beneath the Australian average. That is very different to the prison return to corrective services rate.

Mr VALENTINE - The question is they might exit the corrective services and then enter the prison system.

Mr WISE - That is incorporated into that 23.3 per cent. It is either going back into community corrections or going into prison.

PUBLIC

Mr VALENTINE - You cannot split them up?

Ms ARCHER - That is split isn't it?

Mr VALENTINE - No, I am saying, if they are with corrective services and they finish, then they go out re-offend and go to prison, that is one thing. They come back to corrective services that is another thing. I am just saying, there are two separate.

Ms ARCHER - There are and it is really then just an overall recidivism rate isn't it?

Mr VALENTINE - I was interested to know if you can actually measure recidivism per say.

Mr WISE - It is 17.9 per cent for 2020-21 offenders returning to community corrections within two years, and that 25.3 per cent to community corrections or prison. An additional 7.4 per cent going to prison.

Mr VALENTINE - Thank you.

Capital Investments

Ms ARMITAGE - With regard to the Risdon Prison complex and the comprehensive maintenance of critical infrastructure, including equipment replacement, could we have an explanation on what exactly that was?

Ms ARCHER - They would be the maintenance to the Ron Barwick I was referring to.

CHAIR - To assist with the COVID-19.

Ms ARCHER - Not only that, the upgrade for the classrooms, the upgrade.

CHAIR - The computers?

Ms ARMITAGE - Maintenance are critical for infrastructure, including equipment replacement.

Ms ARCHER - There is quite a significant amount we are spending on Ron Barwick in recent times. There has also been maintenance that needs to be carried out in the reception prisons, both Hobart and Launceston. We are not just talking about Risdon.

Ms WEBSTER - A lot of it is the RPC, so the replacement, upgrade and comprehensive maintenance of critical infrastructure for RPC specifically. Then an upgrade of the electronic security system at Hobart Reception Prison, which is providing new contraband control equipment and upgrades to all major security systems at the facility and an upgrade of the prisoner telephony system.

Ms ARCHER - The telephones, which was a long-standing problem, which has now been fixed by the upgrade.

Ms ARMITAGE - Thank you, Attorney-General.

PUBLIC

Ms ARCHER - Is there a Ron Barwick component. I am sure we did work on Ron Barwick and the new classrooms.

CHAIR - You will not be surprised there will be some questions on the northern correctional.

Ms ARCHER - Can I get someone else up to the table for that?

CHAIR - By all means. Who would you like to bring?

Ms ARCHER - I will bring Colin Shepherd, the Director of Strategic Infrastructure Projects and also responsible for heading up the project team that did all of the community consultation recently.

CHAIR - And when I visited the Empire Hotel in Deloraine.

Ms ARCHER - Yes, correct. One of the venues of the public consultations.

CHAIR - Can I have some indication of the allocated capital investment program? Was the \$3.6 million you referred to yesterday as the amount of money spent on the investigation of the two Westbury sites for the proposed northern correctional facility

Ms ARCHER - What was that figure you quoted?

CHAIR - \$3.6 million, is that correct?

Ms ARCHER - That is the total expenditure as at 31 March on the northern correctional facility, \$3.615 million.

CHAIR - Has that come out of the capital investment budget we have in front of us or is that a separate pot of money?

Ms ARCHER - It is out of the capital investment budget.

CHAIR - Thank you for that. It has been suggested \$90 million has been allocated in the state budget for future investigations into the northern correctional facility, following my notes here. Is that figure correct and if not, how much is expected?

Ms ARCHER - When you say it is suggested, where is that figure? Do you mean from the budget papers?

CHAIR - No. That is why I am wondering because there is not that type of allocation in the forward budget so I am looking for some confirmation.

Ms ARCHER - I am trying to work out where the suggestion has come from so we can answer the question.

CHAIR - From my sources.

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Ms ARCHER - That does not answer my question. I do not know what that is in reference to.

CHAIR - That is not correct then?

Ms ARCHER - I do not know whether Mr Shepherd can enlighten us? I do not know where \$90 million has come from.

CHAIR - He would probably like a \$90 million budget but he probably does not have one.

Ms ARCHER - The total figure is \$270 million we have allocated, but I am not quite sure what the \$90 million would be. I have not heard that figure.

CHAIR - That is fine. I was making sure I had that. It has also been suggested and this is from adjoining neighbours of the new identified sites, there were 10 other sites considered for a northern correctional facility. Can you confirm that is the case?

Ms ARCHER - We have been all through this in previous years

CHAIR - We have a new set of adjoining neighbours now.

Ms ARCHER - Absolutely. If I can briefly explain the process we have gone through. The Ashley site was not originally available because it is not big enough to house two, nor would it have been appropriate to have Ashley Youth Detention Centre and also house an adult correctional facility. Now that the Government has announced through the former Premier Peter Gutwein we will phasing out Ashley Youth Detention and moving to a therapeutic model for youth justice, which is not my area, it is minister Jaensch's area, has meant that site was available. It was therefore proposed by community and other advocates we should look at that site and how that came about.

The 10 sites to which you refer is referring to the original expression of interest process out of which we had a preferred site, which was that first site on the industrial estate in Birralea Road. We conducted an extensive nine-month consultation in relation to that site and as a result of that consultation period, we then announced a crown land site in preference to that and there was an advancement of that site and Mr Shepherd was involved in a number of things on that site and is the expert in that area, not me.

In amongst all of that and the timing, the Ashley site decision was made and it was certainly put by the community broadly - I am not suggesting that everybody suggested that or that everybody is happy either, I don't think everybody can be 100 per cent happy with a correctional facility going somewhere, not least of all direct neighbours, I appreciate that.

As a result of the latest community consultation we conducted, as you have rightly said, we have determined the Ashley site as the site that we now prefer for a northern correctional facility. It gives us some distinct advantages: we don't have to purchase that site; from a planning perspective, it is already zoned with an advantageous zoning for a correctional facility; and other advantages this site provides that the other site doesn't.

PUBLIC

CHAIR - There are only two local government areas in the state that have the right planning parameters for correctional facilities; does that impact on your decision?

Ms ARCHER - It hasn't dictated the decisions; it has meant the original expression-of-interest process was called as a result of my department and the project team at the time contacting every single council in the north and north-west to participate in that and identify sites they either had or knew of, or would encourage organisations or businesses or developers within their municipalities to submit a property should they have one.

There was that ability across that region; no, it wasn't a prerequisite. It was desirable, but it wasn't a prerequisite.

CHAIR - The moving of the AYDC will dictate what happens for a northern correctional facility if the Government decides to go ahead with using the Ashley site.

Ms ARCHER - I am not sure what the question is. I am not trying to be difficult; I am not sure what the question is.

CHAIR - The question is: if you don't have any sites for the new Ashley detention centre - the new therapeutic model, whatever it might be called - then that will impact on your ability to establish a new northern correctional facility.

Ms ARCHER - Ashley is closing.

CHAIR - Regardless of whether you have nowhere else to put them?

Ms ARCHER - There will be somewhere to put them; I am sure that the Government will identify an alternative because we are absolutely determined to have to implement a therapeutic model.

CHAIR - That was my question: will it impact? The answer is no, it won't. You were quoted as saying in *The Examiner* on Monday 7 February that direct neighbours to the Ashley Youth Detention Centre have provided positive feedback to the site being used as a northern correctional facility. You may well have been misquoted, but is that still your position given that you have received a document from a number of adjoining neighbours to the proposed site?

Ms ARCHER - I am not referring to the ones that oppose it. That came as a result of the work done, headed up by Mr Shepherd, so perhaps he could explain the conclusion that was drawn in relation to the neighbours because it involved more neighbours than the sample that you have provided. I appreciate there is that group of opponents.

CHAIR - That's the 12.

Ms ARCHER - Perhaps Mr Shepherd can be given an opportunity to explain.

Mr SHEPHERD - At the time that media article was printed, we had started the consultation with the new neighbours, and that was the group that we defined as within a two-kilometre radius. When we first tried to contact a number of those, we were successful, but there were also others that we were not able to contact.

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I think at the time the media article was printed, the initial response was positive to the announcement of potentially using Ashley as a future site for the northern prison. Subsequent to that article, we started to have more engagement with some of the other neighbours who I would say were not as supportive. It was really a function of the time of the work that we were doing.

Ms ARCHER - The project team made every effort to speak and liaise with every neighbour, whether it was in writing or telephone or whatever mechanism, but you can't force someone to speak to you either.

CHAIR - So, at this point in time, of those -

Ms ARCHER - I haven't received that. I had not at the time received that document but I have now since.

CHAIR - My understanding is there are 22 adjoining landowners in that two-kilometre radius.

Mr SHEPHERD - We identified 33.

CHAIR - Titles. They don't all have people living on the titles.

Mr SHEPHERD - No, we identified, I think 36 titles and we identified 33 property owners. So, we were able to contact and directly engage with 25. And we left messages on answering machines for another seven. There was only one property owner we were unable to contact.

CHAIR - So, where are now with our community consultation process of those adjoining neighbours that have been able to be contacted? I'm interested in an update.

Mr SHEPHERD - As you would be aware, we conducted the consultation recently and we gave an opportunity for people to come in and talk to us. We've also published the report, which is now publicly available, which lists the outcomes. We've also published all of the individual submissions that we received through that process.

It was a very useful exercise for us because we saw what we'd expect: a divergence of views from strongly supportive to conditionally supportive to not supportive. It gave us a lot of information from the community including the adjacent neighbours as to some of the concerns that people had and that's why when I say 'conditionally supportive', there are things that were raised that we believe we could deal with through the planning process.

Ms ARCHER - One of those things is the rehabilitation focus and the education and training which is something that I've been pointing out painstakingly. Now that it gives us the opportunity to build a facility, not only modern and state of the art, but with a real focus on rehabilitation, education and training and that sort of thing. That has come out of a direct result of consultation because some people, in fact a lot of people raised that they would be more supportive if that was addressed, as well as a number of other issues that I'm sure Mr Shepherd could touch on that were raised.

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CHAIR - But the proposal still intends to have a maximum security facility?

Ms ARCHER - It has always got to have the parameter of being secure for the safety of the community. In terms of housing, it's going to be those inmates progressing through their sentences in classified minimum, medium and a remandee section and with a real focus on rehabilitation and exiting, hopefully, with more positive outcomes. But you have always to have that secure parameter for the purpose.

CHAIR - Has there been any consideration of compensation to any of the adjoining landowners who may well believe that their properties have been devalued with the establishment of a correctional facility?

Ms ARCHER - I'm not sure at this stage that we say that that's a consideration. We would like to address people's concerns and meet and continue the community consultation about the concerns people have so that we're given the opportunity to address those. Some of the fears and concerns can definitely be allayed because some of the information can be misinformation that is spread around.

I realise there will be some people who will never want to be next to and located to a facility like that. They are currently next to a youth detention centre and what we're proposing is larger scale in terms of inmates but it will be an even more secure facility to ensure community safety, that's for sure. We really would like to be given an opportunity to work with those who oppose it rather than be thinking about that at this stage.

CHAIR - On behalf of those adjoining land owners that I represent and have signed this piece of paper, I add - and this is a quote:

We the aforementioned support an Ashley site redevelopment for youth. We do not support an adult prison for this site.

They have lived with AYDC in the vicinity for many years now and feel like that was part of their life but they're certainly not comfortable with what is being put forward. But it's my job to represent.

Ms ARCHER - Absolutely, but we would like to have meaningful consultation with everyone.

CHAIR - What do you expect will be the time frame? You've made it clear that the AYDC site will be closed for youth detention. What are you planning?

Ms ARCHER - Yes, there's a lot that can be done whilst Ashley is still in operation. I will ask Mr Shepherd to explain the process now in terms of the due diligence that can be undertaken whilst we don't have complete access to the site as Ashley is still operating.

Mr SHEPHERD - The next six to nine months we'll be looking to finalise our due diligence. We've already done a fair component of that but it's largely been a desktop exercise. We'll now have the ability to access the site and do some of the final due diligence.

Once we have completed that, we will then be able to move into the design phase and we would expect that towards the end of next year we'd be able to issue a request for tender for the

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design for the actual new correctional facility. We've got a couple of threshold questions that we are working through, particularly regarding the future use of the potential repurposing of the current facility on the site. That's something that we need to understand a bit better but our time lines are largely dictated by the announcement that Ashley would close in September 2024.

CHAIR - So, no real time frame at this point in time for when works might start post that time frame of due diligence and then the rest?

Ms ARCHER - We've got a bit of an indication but I would hope that from the other perspective that vacating the Ashley site maybe earlier than predicted and we might be able to move on earlier. It's all going to depend on when we get total availability of the site but certainly, we'll do the due diligence and the planning and everything that we possibly can beforehand so that once that's vacated we can hopefully move into the building stage.

CHAIR - Thank you. I think I've exhausted my areas of scrutiny at this point in time. Any other members have any questions about capital works?

Mr VALENTINE - Yes, I do have a question.

CHAIR - Thank you, Mr Valentine.

Mr VALENTINE - Thank you, Chair.

CHAIR - You're probably sick of hearing from me.

Mr VALENTINE - No. It's regarding the Southern Remand Centre. Over the five budget cycles since 2018-19, the estimated total cost of the new Southern Remand Centre has increased from \$70 million when announced in the 2019-20 budget to \$85 million in the 2022-23 budget. It also appears that the completion date has increased from 2020-21 to 2022-23. Can you outline why the construction time line of the facility has increased from three years to what now appears to be five years and what the expected total final cost of the facility will be? Can you also indicate when this facility will be fully operational?

Ms ARCHER - Without letting the cat out of the bag, it will be fully operational soon.

Mr VALENTINE - Okay. Sorry, have I just -

Ms ARCHER - So, the \$85 million - the breakup of that includes two accommodation units, which are identical in terms of onsite. There's a dedicated health facility, as well as upgrades to shared facilities. So, that additional \$15 million is essentially allocated for the upgrades to the shared facilities within the Risdon Prison complex, the visit centre, the prisoner processing, the health facility and the gatehouse.

So, we've managed to achieve all of that for that. The design of the new SRC provides a positive environmental experience for both the staff and the remandees. I am pleased to report the centre's construction has been completed, the security systems have now been installed and are operating as they should. We are now in the process of commissioning the facility, which is that last phase and we are conducting site specific training for the staff ahead of it being able to receive prisoners soon.

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Mr VALENTINE - The extra money has been an extension of the original project you are talking about?

Ms ARCHER - I will ask Mr Shepherd to explain that.

Mr VALENTINE - I am interested because of the extra costs, the Public Works Committee only saw maybe a certain portion of that project.

Ms ARCHER - Absolutely. I have Mr Shepherd to explain that.

Mr SHEPHERD - The Southern Remand Centre was a \$70 million capital investment cost and a new kitchen was an additional \$15 million and that sits within what we call the Southern Remand Centre program -

CHAIR - \$15 million for a kitchen?

Ms ARCHER - We are explaining that.

Mr VALENTINE - It must have been a little under \$15 million.

Ms ARCHER - Can Mr Shepherd explain why it was allocated that amount?

Mr SHEPHERD - That gives you the \$85 million total and as the Attorney-General has alluded to, there was an additional amount of money spent on upgrades to the RPC which were needed because of the additional impact that would result from the opening of the Southern Remand Centre.

Mr VALENTINE - I am looking at the figures and thinking, Public Works sees \$15 million plus projects. How was that other \$15 million made up and whether it was more than one project perhaps and not originally envisaged.

Ms ARCHER - You are probably correct in saying that because it is the shared facilities and also the completion of the kitchen which is going to be a large component of being able to provide additional education and training. Hopefully, having a more modern kitchen we can have some hospitality courses. That is the aim, to have a kitchen that is more up-to-date with what we need in the prison site.

I also highlight the reason I say the Southern Remand is a more positive environment is because of the multi-purpose spaces available for therapeutic programs, education, sport and recreation. This is all for remandees. There is a new satellite health clinic, a basketball court, barbeque areas, spiritual reflection space and fixed gym equipment. There are private video Skype rooms for remandee use and for legal consultation family visits and tele-health. It is a particularly light and bright structure. It is a good design and one which we would emulate in any further projects we undertake.

Mr VALENTINE - People can attend court as well for any other purpose?

Ms ARCHER - We have video and Skype facilities in there also.

PUBLIC

Mr VALENTINE - Thank you for that. Given the length of time, COVID-19 may have impacted over that time as well.

Ms ARCHER - COVID-19 was sort of a factor. There was the supply of something slow coming, I recall.

Mr SHEPHERD - There has been some minor delays with the original completion date of the SRC, but my understanding was that was associated with signing the GCS contract and also some additional requirements from the parliamentary Standing Committee on Public Works to approve. Since the project has got going, I would contest it would have come in very close to our original date. We were probably only three to four weeks behind. It was pleasing that it came in on budget and that was against the back-drop of COVID-19 where there have been significant challenges in the construction industry, both in labour and supply. It is a real credit to the project team that managed this project.

As the minister says, to the lead contractor -

Ms ARCHER - Hansen Yuncken, they were fantastic.

Mr VALENTINE - Project management was in-house?

Ms ARCHER - Yes.

Mr SHEPHERD - It was a guaranteed contract sum; project management was done by the contractor and we managed the contractor as they worked through that process.

Mr VALENTINE - Because you don't often have large projects like that and the fact you have been able to manage it in house is quite good.

Ms ARCHER - Mr Shepherd has made a huge difference to that area. He heads a really good project team because of the fact we have major projects within Justice and with the Burnie court complex, the northern correctional facility, the southern remand. They are major projects. It adds to \$400 million, Mr Valentine. That is pretty significant.

Mr VALENTINE - Presumably you learn a few lessons on the way through.

Ms ARCHER - It is indicative of a few things in my portfolios, yes of moving sites and a lot comes out community consultation we have taken on board and changed direction. I do not shy away from the fact, and rightly so, in a lot of instances. Yes, we have learnt a lot along the way. Mr Shepherd wants to say something.

Mr SHEPHERD - I was going say, obviously the [inaudible] sheeting in such project groups has been in place for a few years now. I only joined the team recently; a lot of the credit goes to the people who were there before me. We learn out of all of our projects and I think this comes to some of the earlier points of transferability of knowledge of some of our projects. We certainly know now a lot more than we did and we can roll all of those learnings into our future projects. We feel really confident and well placed with the skills and the knowledge we have to roll out the \$400 million plus construction projects on the books over the next few years.

PUBLIC

Mr VALENTINE - Out of interest what project management methodology you use? interest.

Mr SHEPHERD - We use a contemporary project manager methodology.

CHAIR - Pretend its your own money. That is a good way to look at things.

Mr SHEPHERD - I think we are very conscious it is taxpayer's money.

Ms ARCHER - That is why we had the Public Works Committee.

CHAIR - They failed at few hurdles.

Ms ARCHER - I would not say failed, no. I think that it came out of purely community consultation.

CHAIR - MyState Arena, huge fail. We should have been in charge, Attorney-General.

Mr VALENTINE - I was actually serious about the methodology; whether there was an established methodology you used.

Mr SHEPHERD - There are established methodologies. Well, that is more of an assurance process gateway. But there are established methodologies through templates we use from Premier and Cabinet. We have a project management framework we operate to. It is very similar regardless of the projects, but having said that we also have to adapt depending upon any of the nuances.

Ms ARCHER - That framework, Mr Valentine, has what we consider having someone from Treasury, having someone from the different areas so it is across government skills in that area. Am I wrong?

Mr SHEPHERD - No. That part of the framework we have a series of government structures where we set up steering committees and expert reference groups and those sorts of things.

Mr VALENTINE - I am well aware of those. I have been in there, years ago in another life. Thank you, Madam Chair.

CHAIR - I did by interjection talk about the significant overrun of another project. I was serious. Some departments could learn from Mr Shepherd and his team.

Ms ARCHER - That is high praise. He will take that praise.

CHAIR - On behalf of his team. Thank you and thank you for being generous in acknowledging your team.

Ms ARCHER - The whole team to be commended for the work they do. And each project has its unique differences.

PUBLIC

CHAIR - Attorney-General, I do not want to rehash the northern correctional facility but I want to get an assurance from you that you will respond to the email you said you received and the information that came through on 5 May. There has not been a response to that at this point in time.

Ms ARCHER - I acknowledged I received that email and I am in the process of being able to settle a response. As I said, it would be good if we could have an ongoing dialogue with people to address their concerns and certainly through the project team. Obviously, with hearings at the moment, have not been able to get back to that. I do apologise to the people watching, I will respond.

CHAIR - Because there's only one way to have open dialogue and that's to engage.

Ms ARCHER - It's just been a busy time, which is no excuse but we will. Yes. I agree, that's the whole purpose of having a project team that carries out this consultation.

CHAIR - They have a newly elected member. It's always important.

Ms ARCHER - Recently re-elected? Gee, who could that be?

CHAIR - First time elected as the member for McIntyre.

Ms ARCHER - That's true.

CHAIR - First time elected as the member.

Mr VALENTINE - I thought you were talking about somebody else.

CHAIR - No. First time elected.

Ms ARCHER - No, I didn't. I meant - but I'd forgotten about that.

CHAIR - Yes. Appointed previously but elected this time.

Ms ARCHER - Understand.

CHAIR - Thank you.

Mr VALENTINE - The first member for McIntyre.

CHAIR - First elected member. Any other questions in this area? If not, the time being a couple of minutes past 4, I would like to suspend the broadcast and invite everyone to take a break and be back at around quarter past or a tad after, to commence our scrutiny of workplace safety and consumer affairs. Thank you, Colin.

Ms ARCHER - Yes, that's good. We have them on standby, so that's good. Thank you.

CHAIR - So, I'm not sure, Rod, if you're staying with us or -

Mr WISE - No, I won't.

CHAIR - You won't.

Ms ARCHER - Thank you.

Sitting suspended from 4.00 p.m. to 4.15 p.m.

**Output Group 4 - Regulatory and Other Services
4.1 WorkSafe Tasmania**

CHAIR - Welcome, Attorney-General and your team. We have a new member at the table. We will start with WorkSafe Tasmania.

Ms ARCHER - I have Ginna Webster, my department Secretary; Ross Smith, Deputy Secretary, Regulations and Service Delivery; and Robyn Pearce, Executive Director of WorkSafe Tasmania, who also carries out the independent regulator function.

CHAIR - Do you have any overview?

Ms ARCHER - I do and will keep it as short as possible. This portfolio deals two separate areas of workplace safety and the Consumer Affairs portfolio. Incidentally, it is the same as what was known as my building and construction portfolio previously; it has only been renamed in relation to its accurate description.

The Budget provides funding of \$750 000 to extend the additional COVID-19 WorkSafe Inspector funding that we allocated in last year's budget, so it is extended for a further year. The reason for that is throughout the pandemic, WorkSafe Tasmania has worked with all industry sectors to assist them to respond and recover from the pandemic. This additional allocation will allow them to continue to support businesses across Tasmania, and to manage their COVID-19 risks in the same way they manage other work health and safety risks in their businesses as we continue to transition to living with COVID-19.

I am pleased to confirm that the Budget provides funding of \$150 000 towards the development of a workers' memorial park in Elizabeth Gardens at Invermay. Sadly, every year a number of Tasmanians lose their lives as a result of their work and the impact of their loss on families and friends is devastating. This funding will allow the workers' memorial park to be developed. The new federal government, in its campaign, made quite a significant commitment, I think around \$300 000. This will provide a significant boost to that memorial and should be able to proceed now, and with our funding on top of that, proceed to being a good memorial indeed. It will serve as not only a remembrance for loved ones, but also as a reminder of the devastating consequence of workplace accidents.

The other part of my portfolio of Consumer Affairs deals with the Consumer, Building and Occupational Services side of my portfolio. The obvious thing in that portfolio is my commitment to further strengthening consumer protections within our building regulatory framework by reintroducing home warranty insurance that was abolished in 2008. At the moment, we have a consultation paper on our proposed model which was recently available for consultation and closed for submissions yesterday, being 6 June 2022.

PUBLIC

Our Government has acted quickly to deliver financial assistance to those property owners impacted by more recent building company insolvencies and we have already provided \$2.3 million in assistance to ensure that those homeowners are not disadvantaged while we develop our home warranty scheme.

In addition, I am developing further legislation to strengthen protections for consumers under our building regulatory framework which I expect will be out for consultation shortly. This will include moving disputes regarding the building regulatory framework from the court process to the next phase of the newly formed TasCAT, which we have already referred to earlier today. In recognition of this, there is an additional funding of \$1.9 million in the Budget to TasCAT.

That is a brief overview of this portfolio area. It is still within the Department of Justice. The only thing I don't have is the small portion of the planning component that hasn't gone over to DPAC.

CHAIR - Thank you for that brief overview.

Mr WILLIE - How many inspections have been conducted by WorkSafe in the past 12 months and what is the average time for an inspection to be completed when a safety issue is reported? Do all reports result in inspections, and if not, what is the threshold for an inspection?

Ms ARCHER - I will invite Ms Pearce to address that question, if she is able.

Ms PEARCE - As at 31 March 2022, there have been 3026 workplace inspections conducted by inspectors. We don't keep statistics on the duration of time between the notification or a complaint and an inspection, so I am not able to provide that information. With regard to the threshold, we apply the National Compliance and Enforcement Policy, which jurisdictions have agreed through Safe Work Australia. That sets out the matters that are considered in determining the allocation of resources and that will generally go to those incidents where there is the most serious harm or potential for the most serious breaches in the first instance.

Our inspectors will, in the first instance, be looking to attend those serious incidents where there may have been a fatality or a serious injury. The next category would be those where there are dangerous incidents that have a potential for a serious breach or serious injury. Following on from that we are then looking at complaints, and as you can imagine we get a broad range of complaints. Those are triaged to identify those where there may be the most serious potential for injury within them. Finally, we are looking at proactive inspections.

Mr WILLIE - It was 3026. How many of those did you find issues that needed to be addressed and make directives for improvements?

Ms PEARCE - Certainly, I can pull up the number of notices that have been issued. In relation to COVID-19 at 31 March there were 24 improvement notices issued. I will get the full amount as soon as I can.

Mr WILLIE - Has there been any non-compliance with those notices?

PUBLIC

Ms PEARCE - All of the notices in this financial year have been satisfied. There has been only one occasion when a notice has not been satisfied for COVID reasons and an infringement notice was issued.

Ms ARCHER - Basically, WorkSafe Tasmania has taken an educative approach in COVID-19 which I think I mentioned at last year's hearing.

Mr WILLIE - The impact on businesses has been profound.

Ms ARCHER - It is been significant. It is in the commission of that it is only when there are circumstances that warrant a notice after numerous attempts.

Ms PEARCE - In relation to other matters, as at 31 March, there have been 299 improvement notices issued, 94 prohibition notices and three infringement notices issued.

Mr WILLIE - I am after the number of WorkSafe inspectors, the FTE figure and a head count, and broken down by location, please.

Ms PEARCE - There are 49.5 inspectors in the establishment, which is a head count of 51. I will go FTE first, in the north-west there are 9.8 FTEs, 10.4 in the north, 17.6 in the south, 4.7 in the accreditation and dangerous goods team, which operate statewide and 7 in the mines team. As head counts in the same order, its 10 established positions in the north-west, 11 in north, 18 in the south, five in the accreditation team and seven in the mine's inspectorate. That is the number of positions we have funded.

Mr WILLIE - How many vacancies?

Ms PEARCE - As at 31 March, there were 10 permanent vacancies, and two fixed term vacancies.

Mr WILLIE - Have you got a location for those as well?

Ms PEARCE - Yes, there were four permanent vacancies and one fixed term vacancy in the south, three permanent vacancies in the north-west, one permanent vacancy and one fixed term in the north, one permanent and one fixed term in our mines area and one permanent in the accreditation team.

Mr WILLIE - Is it hard to recruit? I imagine you need a particular skill set to work with WorkSafe.

Ms PEARCE - Yes, it is difficult to recruit. We often get good fields, but not necessarily having the skills that we require. We get a mix of being able to satisfy the positions and in most part, we will get recruits in. We tend to find that we need to train them more than we probably did a number of years ago.

On occasions, certainly for the higher-level positions, our team leader positions and senior inspector positions, when they become vacant they are much harder to fill. These tend to end up being filled internally because we have already got people with the skill set, unless we get particularly good candidates externally.

PUBLIC

Ms ARMITAGE - I am just trying to find the commitment from the federal government. Regarding the Elizabeth Gardens in Invermay I was trying to find how much the Labor government had promised.

Ms ARCHER - I think it is about 300 but I will stand to be corrected. Do you know?

Mr WILLIE - Something around that figure.

Ms ARMITAGE - Looking on the union website, they haven't got to it.

Ms ARCHER - I can explain the reason. When I was last approached it was a figure of \$150 000 and I think it escalated because of a reimagined design and building costs and those sorts of things. Federal Labor made that commitment and I think I'd already made ours of \$150 000 thinking it was going to fund the whole thing. Essentially there's a windfall and there'll be a very good memorial now because I'm still committed to providing that but we'll work with the local council and we'll work with the new federal government on it in any event.

Ms ARMITAGE - That was part of my question, how will it progress? Will it be working with Launceston City Council? I go every year on 28 April and the people there obviously, have had loved ones die -

Ms ARCHER - Absolutely.

Ms ARMITAGE - And they've been desperately wanting to have it finished and now with this commitment -

Ms ARCHER - And now it will. There's been -

Ms ARMITAGE - Any idea of a time frame? Before next year?

Ms ARCHER - There has been various iterations and funding that has been provided through the WorkCover Tasmania Board and it was determined through that process that there were not sufficient funds to be able to be provided. That's why in this budget I've put some allocation. It will involve working with the local council, yes and it will involve working with the new federal government. I'm sure that those discussions will occur quickly now. I am not sure of time frame but as far as I'm concerned obviously, once our budget has passed, that money is free to provide.

Ms ARMITAGE - It would be nice if it could be before 28 April next year, when they have their next year's memorial.

Ms ARCHER - Absolutely it would. Yes, it is certainly a target date.

Ms ARMITAGE - I don't believe they're wanting anything huge; barbecues and a few other nice facilities.

Ms ARCHER - We'll work towards - we'll liaise with all levels of government that are required, the people we've been dealing with and take it from there and try to ensure that something is ready, or at least part ready for that date.

PUBLIC

Ms ARMITAGE - For next year. Lovely, thank you.

CHAIR - Last year I asked a question in this area about a specific incident where there was a formal request for prosecution under section 231 of the act for WorkSafe Tasmania for incidents involving the Bob Brown Foundation during protests at Que River in 2020.

Ms ARCHER - I do recall.

CHAIR - I was given the answer that there was an investigation into the incident involving the Bob Brown Foundation and it would be completed before February 2022. Has the investigation concluded and what was the decision on the request for prosecution?

Ms ARCHER - That is a question for Ms Pearce, being an independent regulator decision.

Ms PEARCE - Thank you. The investigation has been completed. An investigation file was prepared and provided to the Office of the Director of Public Prosecutions for consideration and the Director of Public Prosecutions decided that a prosecution should not be brought against the Bob Brown Foundation, based upon the evidence available and applying the DPP's guidelines for prosecution.

CHAIR - Okay. Was the person who made the request for prosecution notified of the decision?

Ms PEARCE - Yes, they were.

CHAIR - In accordance with the legislation?

Ms PEARCE - Yes, they were.

CHAIR - Thank you. I appreciate that. Tick that one off my list. Members, any other questions in regard to WorkSafe Tasmania? No. Thank you.

Ms ARCHER - Thank you.

CHAIR - Thank you very much, Robyn.

Output 4.4 Consumer, Building and Occupational Services

CHAIR - We have Peter Graham joining us at the table.

Ms ARCHER - We do, thank you. Peter Graham bears a number of titles but I'll invite him up as Executive Director of CBOS, which is Consumer, Building and Occupational Services.

CHAIR - Known to all of us.

Ms ARCHER - Absolutely.

PUBLIC

CHAIR - Thank you. So, I'll kick off, if I might. It's not new to most people, Attorney-General, that we're in a building boom.

Ms ARCHER - Absolutely.

CHAIR - I expect that means there are issues with building and with consumers, builders and the like. What are the numbers of complaints and how those resolutions and particularly in the negotiation and mediation process.

Ms ARCHER - If I could give a general sort of overview before Mr Graham can address those specifics, because there is probably less disputes than you think, although there have been obvious issues with building defects, which has caused me to look at the building regulatory framework which we updated significantly in January, 2017.

Because of some cases coming to light, and certainly as a result of strong media attention we have looked at it and I can say we will be bringing in some strengthened measures in relation to that framework. I can go into that in detail in other part if you would like me to. But also, as I have mentioned, putting the building disputes into TASCAT, which will make a huge difference to those people who are unable to resolve their disputes in the early phase, either themselves or through CBOS. I will get Mr Graham to address their process there, but in some cases and it is sort of a smaller amount of cases, the dispute cannot be resolved. It might end up for a decision and that is where, I said, as being necessary for a faster and cheaper resolution for everyone is to go to give the original jurisdiction to TASCAT being a tribunal and not a court.

Because what is prohibitive in the parties at the moment, is the huge legal costs involved in a court process. I wanted to give that overview of the process in terms of the regulatory framework at the moment provides the various requirements, for example written contracts, prior to that that written contracts were not required under the legislation and there are certain powers and mechanisms CBOS can use in relation to bringing parties to the table. I might get Mr Graham to address that and your specific numbers question.

Mr GRAHAM - In the 2021-22 financial year to date we have received 599 contacts regarding building services more broadly. The reason I use the word contacts is that is anyone who is calling us for help, any kind of form of contact. Most of those are resolved with advice, information, how to engage with their builder or their building surveyor to get a corrective action and then a very small number actually resulted in investigational, active management, then an even smaller number than that results in something like infringement.

For example, in the current 2021-22 financial year to date, in the building services - that is builders and the associated services with builders, we have issued 18 infringements. It is a much smaller number that actually get there. What we do find is that, for many people, building a home is the most complex contract they may enter into and they do not necessarily have the skills to navigate and manage. We try and give them the information and the tools to do that, and overwhelmingly, that results in a successful outcome. Of course, in the event investigation or infringements are needed, we do follow that process through.

CHAIR - Out of the 599 contacts been received, obviously this is a two-way street, it is not always the builder or the building company that may well be at fault, it could be you have an unreasonable client as sometimes the expectations are quite high.

PUBLIC

Ms ARCHER - I am glad you recognise that, because people assume it is always the builder and I am sure it is not always.

CHAIR - Is it possible to have a split and whether, of those 18 infringements, were they all for builders or was there some onus on a customer, client to comply?

Mr GRAHAM - Yes, you are definitely right there. There can be a range of reasons that things do not go according to plan in building projects and can involve decisions taken by the builder or decisions taken by a customer.

Our engagement with both builders and property owners tries to get that relationship back on track, so they can resolve the issues themselves and is often quite successful. When I mentioned those numbers before, the 18 relates to licensed parties so, all on the building side. It would be rare there would be penalties for a property owner in the context of a building dispute, but they may do things not in their interests, for example, that means there is a penalty to them, but not one from the regulatory system.

CHAIR - My understanding is that under the building disputes legislation there is no compulsory mediation process for an aggrieved person, whether it be the builder or the client. Is that something you have addressed your mind to, Attorney-General, in any way, shape or form? It is okay to have a disputes mechanism, but if there is no compulsory compliance there, how do you get two people at the table without going through a tribunal or court process.

Ms ARCHER - I will get Mr Graham to explain what the process is. I understand what you are saying with it not being compulsory, but CBOS makes every effort to mediate. It is only when that mediation fails or there is a refusal to, because you cannot force mediation and even under legislation, if there is a requirement for mediation, you still might have someone not turn up for mediation.

I am mindful in the changes we are making. There is a three-pronged approach which I can get to in a minute. Perhaps if Mr Graham explains what they can currently do under the current regulatory framework?

Mr GRAHAM - Yes. The current regulatory framework, which is the Residential Building Work Contracts and Dispute Resolution Act provides for mediation and is not compulsory, but it is an avenue towards accessing other dispute resolution processes under the act.

CHAIR - Which are expensive.

Mr GRAHAM - The minister mentioned the changes she is proposing around TASCAT and one step to access TASCAT in those reforms would be participating in mediation as a step towards accessing the dispute resolution mechanism.

Ms ARCHER - Perhaps if I could briefly explain and it will not take long. It is exactly what we are going to do.

CHAIR - There are probably 598 other people who are interested in this.

PUBLIC

Ms ARCHER - Great. It is something I have not mentioned before. What I mentioned before are the current powers we provided in the 1 January 2017 changes to the Building Act which provided the regulatory framework after the performance of building work which we did not have. We amended the Occupational and Licensing Act to include licensing and conduct investigation of building service providers such as your builders, building surveyors, designers, architects, engineers and council permit authorities and then there was the Residential Building Work Contracts and Disputes Resolution Act which included the significantly expanded consumer protection mechanisms to which Mr Graham has referred.

As stated in budget Estimates hearings last year, I tasked my department to have a look at strengthening that building regulatory framework even further, because there were some complaints that building disputes could not be resolved without going to court. The first thing was my response in relation to providing original jurisdiction for residential building disputes to TASCAT. That is a faster, easier and cheaper mechanism. The budget includes \$1.9 million in recognition of those increased priorities and obligations for TASCAT.

The second priority is amendments to the Building Act 2016 to provide a clear mechanism for defect rectification if required, following the completion of building work. Presently under the Building Act, consumers have limited remedies available for defects which occur after the completion of the building process. At present, minor defects must be addressed within six months of completion and consumers can make a civil claim for any damages suffered as a result of defective building work. The proposed amendments that I will introduce will extend the protections available to property owners under the Building Act for an additional 24 months after completion of the building work. I think that will make a huge difference.

Lastly, this legislation will again amend the Building Act and the Occupational Licensing Act to establish greater accountability for statutory office holders in the building approval and enforcement process. If I can explain, this includes the role of local councils and council officers responsible for approvals and enforcement of the Building Act. Recent failures of the permit authority were responsible for the bill rise in Glenorchy, in my electorate and indeed the member for Elwick's.

There was a subdivision, McGill Rise, that has unfortunately highlighted the need for our Government to be able to step in and perform the function of a permit authority under the Building Act through CBOS, or to direct a council to undertake its approval and enforcement functions as the development permit authority, which did not occur in that case.

The introduction of this legislation will build on the reforms we made in 2017, so I am hoping it significantly addresses the issue of defects, the issue of needing to be able to step in when the permit authority or the responsible council fails to act and providing that cheaper mechanism when it gets to that stage where the dispute has to be resolved by an independent person on a tribunal. We would give that to the tribunal as opposed to the court process, which can be lengthy and costly.

CHAIR - What's the time frame for your amendment bill?

Ms ARCHER - Very shortly, this year.

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CHAIR - You have resisted, in the past, to have an inquiry or select committee inquiry into it.

Ms ARCHER - I don't think it is necessary because we are making all of these changes, we are acting now, and a significant amount of work has been done by Mr Graham and his team in relation to what we can do to further strengthen the regulatory framework, which I have just run through in terms of extending that period from 6 months to 24 months.

Basically, what I have heard loud and clear is that people don't like the cost of going to court; they want a cheaper mechanism to resolve disputes if that dispute cannot be resolved through these other mechanisms. I'm afraid to say it, but I think it is a political stunt of needing an inquiry. We will be putting these things in place this year and acting as quickly as possible, so I just think to have an inquiry that could run over a 12-month to two-year period and delay this, meanwhile we have defects arising and more building work happening, that is not what a responsible government would do.

CHAIR - Is there anything that you haven't addressed in your amendment bill that just appears to be too hard at this point?

Ms ARCHER - I don't think so; I think we have really been quite brave in putting these things forward. We have felt that the building regulatory framework was quite strong, but I said to CBOS, 'Can we take another look, what could we improve?' and this is what we have come up with.

CHAIR - Thank you.

Ms ARMITAGE - It is interesting though; firstly, with regard to the inquiry, I have had builders request it with me, but to me it is a bit like Health: I actually don't know when you would finish it or where it would go.

CHAIR - I've got a plan.

Ms ARMITAGE - I'm not sure if I can support you. I feel a bit like the Attorney-General on this one; I have actually looked at it and I think we need to see what is coming up because I feel it would be so unwieldy, I am not sure that it would be beneficial as opposed to causing more problems. My questions are: with regard to Consumer, Building and Occupational Services, has the cessation of funding in the 2021-22 budget for the Property Agents Board, has that moved somewhere else or was it just funding for one year? Can you give me a bit of information?

Mr GRAHAM - Last budget, the Government gave the Property Agents Board \$552 000. The purpose of that funding was to ensure that they could sustainably manage their operations while they moved to a new funding model. That funding model commences in the next financial year. It changes the way in which the fees for property agents are structured to put that organisation on a sustainable funding footing going forward. That one-off funding was effectively to ensure that the board remained financially healthy while those changes to the arrangements were put in place.

Ms ARMITAGE - Can you tell me the amount again that they gave them?

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Mr GRAHAM - It was \$552 000.

Ms ARCHER - We actually extended it too, didn't we, because of COVID-19? We extended it for another year.

Mr GRAHAM - There had been supplementation provided in the previous year.

Ms ARMITAGE - It is just that the difference here is significantly more than \$500 000. So 2021, \$5 140 000 down to \$3 million and the explanation is just with regard to the - page 160, budget paper no 1.

Mr GRAHAM - I understand that that relates to the overhead redistribution of costs of budgeting within the department. Mr Wailes can probably answer in a bit more detail but in essence, the only things that were in the CBOS budget in current financial year that aren't in next financial years, are the money that was for the Property Agents Board.

Ms ARMITAGE - The notes should be a little clearer because it does say the decrease reflects the cessation of funding for the 2021-22 budget and this year it was \$520 000 and that is almost \$2 million there. There is a little bit of a discrepancy there that probably should be explained a little bit better.

Ms ARCHER - Do you want me to explain it a bit better? Can you explain it better, Mr Smith or not?

Mr SMITH - It is in terms of the reallocation of corporate overheads across the department, which is probably a fairly standard process in a lot of agencies from time to time where you revisit the appropriate allocation.

Ms ARCHER - Mr Graham wants to add to that.

Mr GRAHAM - It is important to note in the context of CBOS's overall budget, that a much smaller portion of our budget actually comes from appropriation. CBOS is predominantly funded by fees and levies and other things placed on the consumers and industries that benefit from the regulation. Probably about \$16 million of our budget per annum comes from those revenue sources and then the three or so that come from appropriation.

Ms ARMITAGE - I appreciate that. It appears to be a discrepancy and I am thinking more so than explaining now. Perhaps in budget papers because anyone reading sees it is almost \$2 million as opposed to \$500 000. Perhaps some of the money could have gone to the Property Agents Board to get them to improve their -

Ms ARCHER - If you look at footnote 1, I am very happy for you to supplement.

Ms WEBSTER - Through you, Ms Armitage, there is a footnote there at the top of 2022-23, footnote 1 against all the budget working down on page 160.

Ms ARMITAGE - I didn't look at that little tiny one up on the budget as well.

Ms ARCHER - It is probably a little bit confusing. The department can take that that on notice for next year.

Ms ARMITAGE - I did not see one up there before I have never noticed that before. The other question I have is with regard to mutual recognition with most states. How are we going, if people are registered in connection with the equivalent occupation in accordance with the mutual recognition principle? I have constituents in the past who have moved to the mainland when they haven't had work here only to find they weren't recognised on the mainland with the qualifications they had here and needed to return.

Ms ARCHER - That is as a result of National Cabinet that one. In December last year, members might recall parliament amended the Mutual Recognition Act to be able to mirror the details of the automatic mutual recognition licencing reforms contained in the Commonwealth's Mutual Recognition Act 1992. On 25 May - and you may not be aware because you don't necessarily watch our House intently and I appreciate that -

Ms ARMITAGE - Not all the time.

Ms ARCHER - On 25 May this year I tabled the Occupational Licensing (Automatic Mutual Recognition Consequential Amendments) Bill 2022, which I'll refer to as the bill, which amends seven acts relating to licensing. It removes any final legal hurdles and will allow the commencement of the automatic mutual recognition scheme in Tasmania from 1 July this year.

Examples of occupations that come within the scope of the automatic mutual recognition scheme include the building and construction industry, which covers architects, engineers, building designers, building surveyors, builders, gas fitters and plumbers. Also conveyancers who transfer land; property agents, including real estate agents; auctioneers and property managers. Motor vehicle traders who buy and sell vehicles, new or used and security agents, including inquiry and commercial agents and their employees. Many other licensed occupations will benefit from the automatic mutual recognition scheme. However, they sit outside this portfolio, so I'm just referring to the ones that sit in CBOS

Ms ARMITAGE - Electricians and others don't sit inside your portfolio, or they do?

Ms ARCHER - Yes, they do. I just haven't given that complete list, sorry. I am talking about anything that sits outside of building and construction and the things that I've just listed.

Ms ARMITAGE - Any tradies that aren't required in perhaps building a house, for example, that you would have, tilers, electricians, builders?

Ms ARCHER - I'll let Mr Graham answer that.

Mr GRAHAM - So, we don't licence sub-trades in Tasmania, tilers and others. We require the builder who engages the contract to have a licence and then is responsible for the work of the sub-trade, including fixing anything. So, that wouldn't be covered by the scheme but the traditional trades, as you say, electricians, plumbers, gas fitters and builders are covered by this.

Ms ARMITAGE - So, they can now go to the mainland and get work, be recognised? Or they will be once the bill -

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Mr GRAHAM - Yes, the bill to enable to scheme passed in December last year. That was the Mutual Recognition (Tasmania) Amendment Act. Since that time there have been exemptions in place while states get ready to implement. As the minister said, we're moving forward to a 1 July commencement here. That will enable people from interstate to come into Tasmania.

Each state is doing that at their own time frame. Some states are very far-advanced. South Australia is a very good example of that. Licence holders from Tasmania can now operate in Tasmania based on their Tasmanian licence and other states will do it progressively. It's not necessarily that there is a one start date per state, it can be done by the class of licence. South Australia has done it for a lot of licence classes. New South Wales has done it for some. Others are still working through it, like Victoria, but the expectation is that there will be mobility between jurisdictions.

Ms ARMITAGE - How is WA? They always seem to do it differently. They run their own show.

Ms ARCHER - I was about to say the same thing.

Ms ARMITAGE - Are they mutually recognising Tasmania?

CHAIR - They don't recognise the rest of Australia, let alone Tasmania.

Mr GRAHAM - I don't think they are right now but I don't think they've ruled it out like they do some other cooperative initiatives like this.

Ms ARCHER - Their Attorney-General has this portfolio as well and I know him very well.

Ms ARMITAGE - You might have to redo your expectations.

Ms ARCHER - I might have to speak to him, yes.

CHAIR - Is the white card included?

Ms ARCHER - Is the what?

CHAIR - Is your white card included in that?

Ms ARCHER - Yes - white card.

CHAIR - They take a bit of getting, you know.

Ms ARCHER - They do.

Mr GRAHAM - I'm not sure.

Ms ARCHER - Take it on notice?

CHAIR - That's all right.

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Ms ARCHER - It's Workplace. I can get Robyn to come to the table and answer it, if you'd like? I forgot. It's Workplace Safety, of course.

Ms ARMITAGE - It's just that the Chair has a white card and she may want to do some work somewhere else at times.

CHAIR - I just wondered whether I could whip over to Victoria and use my white card?

Ms ARCHER - Is there an easy answer? There's already recognition within the act apparently.

CHAIR - Thank you. I have some questions regarding the Rental Deposit Authority, which is always of interest. Can I have the total amount of funds held by the RDA as of June 2022 if that's available or the closest date?

Ms ARCHER - I actually happen to have that figure on hand faster than anybody else. So, as at 2 June 2022, the Rental Deposit Authority held 45 597 active bonds, totalling \$59 million. As at 31 March 2022 the revenue for the financial year 2021-22 is \$102 828.51.

CHAIR - Thank you. The income generated from the bond holdings, does that cover some areas of administration?

Ms ARCHER - Was that what I just said, the revenue.

Mr GRAHAM - The amount the minister mentioned was the revenue. That funding is used to administer the Residential Tenancy Act, both the office of the Residential Tenancy Commissioner and the Rental Deposit Authority.

CHAIR - Can I have the quantum of bonds in total held by the RDA at June 2022 and then the nearest available date for 2021, 2020, 2019, 2018, 2017 and 2016? If you have not got them all, I understand.

Ms ARCHER - We have the figure of the bonds, but I am not sure about the value.

Mr GRAHAM - As at 2 June 2022, it is \$59.0 million. I will then go in earlier years. In 2021, \$56.8 million, 2020 \$53.1 million, 2019 \$49.3 million, 2018 \$46.3 million and in 2017 it was \$43.7 million.

CHAIR - You do not go back to 2016?

Mr GRAHAM - No.

CHAIR - That is fine. Thank you for that information. The Residential Tenancy Commissioner and a bit of background.

Ms ARCHER - Who happens to be Mr Graham.

CHAIR - There are continued reports of concern with the standard of private rental properties their clients are paying for or are proposed, for various private rental programs and

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this includes non-compliance with smoke alarms, mould, heating, lack of maintenance and repairs. It is suggested many tenants would be reluctant to report these issues as they fear repercussions, such as a rent increase or possible eviction. In respect to the standards under the Residential Tenancy Act, the minimum standard and can you give me some idea of how difficult the situation is and whether are some avenues to address some of these issues.

Mr GRAHAM - The Residential Tenancy Act does have minimum standards. These are standards that need to be met to let a property. These are things like ventilation.

CHAIR - This might be a long-term property, Peter?

Mr GRAHAM - Any property where the lease would be a Residential Tenancy Agreement. These are things like ventilation, sanitation, window furnishings, heating and those kinds of things that would make a house appropriate to live in.

The Residential Tenancy Act has had minimum standards in place since about 2014-15. We get -

CHAIR - A myriad complaints?

Mr GRAHAM - A reasonable number.

CHAIR - Do we have a number?

Mr GRAHAM - In 2020-21 we received 33 minimum standards complaints and for the year-to-date to 2 June 2022, we received 34 minimum standards complaints.

CHAIR - Are they all investigated?

Mr GRAHAM - All complaints are investigated as a matter of course. Some in the current financial year would still be under investigation. Where those things occur, we would engage with the tenant and the landlord. Typically, that is enough to get the landlord to rectify whatever is needed.

The most obvious things that happen are heating and water ingress, leaky roofs and things like that. That is the kind of stuff we are talking about, to get that addressed. Where that is not, I can issue an order for repairs to require it to be done and we will do that and can also issue infringements, if necessary. Our approach is to try and support voluntary compliance in the first instance and usually that is successful, but there are those other options.

Mr VALENTINE - Do you have numbers on those you actually do take further action on you mentioned?

Mr GRAHAM - Yes. During 2020-21, 16 minimum standards complaints were resolved without orders for repairs or fines being issued; 13 resulted in orders for repair or the owner completed the repairs following contact from the commissioner; three complaints were withdrawn and one exemption was provided to the minimum standards. In the financial year to date to 2 June 2022, there have been two infringements for a breach of the minimum standards, an additional infringement for someone failing to comply and 11 repair orders.

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CHAIR - Thank you. What type of penalties are enforced when there are penalties?

Mr GRAHAM - There are monetary penalties -

CHAIR - Monetary - like a penalty unit?

Mr GRAHAM - Yes.

CHAIR - But not extensive? It's a bit of a deterrent to fix the issue if you give them too big a penalty.

Mr GRAHAM - Yes. I think the standard one is around \$1600.

Ms ARCHER - It's far better just to do it.

CHAIR - Okay. My next question is about how much has been spent on residential tenancy support programs in Tasmania during the last two financial years, including rent relief and landlord support funds.

Ms ARCHER - That was an initiative through COVID-19 and it was very much welcomed. The Tenants' Union was very supportive of that initiative and I thank them for their support through that period. From 1 July 2020 to 31 December 2020, for rent relief, \$1 777 494.16 was paid to tenants; from 1 January to 30 June 2021, \$768 968.85 was paid. The Landlord Support Fund did not commence until September 2020. Amounts paid to 31 December 2020 were \$639 557.60 and from 1 January to 30 June 2021 - because that's the date these funds ceased - was \$1 007 442.57. The total amount of support given to tenants and owners: the rent relief amount paid was \$2 709 735.51. The landlord support amount was \$1 647 000.17. Total amount paid from both funds was \$4 356 734.68. The funds closed on 30 June of last year.

Significant government support provided in rent relief on top of the federal government's initiative of JobKeeper was very welcomed by a lot of tenants and landlords. We recognised that landlords needed support as well throughout this period and then there were the amendments that I put through to enable matters to be resolved in repaying any amounts that were in arrears.

CHAIR - Was reducing rent by mutual agreement a separate bucket of money?

Ms ARCHER - That's a question for Mr Graham.

Mr GRAHAM - No, it was a condition of those funds, particularly the rent relief fund that the landlord and tenant would agree a rent reduction. There were at least 2475 agreed rent reductions as part of that process, but there may have been others outside what was achieved from the funds as well.

Ms ARCHER - There was a really good relationship between landlords and tenants in most cases.

CHAIR - Thank you very much. I think we've got all of those questions covered.

PUBLIC

Mr VALENTINE - You did the COVID-19?

CHAIR - Yes, they were the figures that we just asked for under the rent relief and landlord support.

Mr VALENTINE - Yes, that's fine. As long as we got them all.

CHAIR - We have got all of those. If there is nothing else, we again thank you very much Mr Graham for your time today and compiling all that paperwork. I expect when the amendment comes to the House we will be seeing you again.

Ms ARCHER - Are we at the end of this one, chair?

CHAIR - We are at the end of this one and will now move to your portfolio as the Minister for Arts.

Ms ARCHER - Before we do, it has been a long day for everyone and I would like to thank in particular, my department secretary Ginna Webster who has been sitting beside me all day and yesterday. I thank them for their enormous amount of work. Members of this committee are very gracious in acknowledging the amount of work is done by all of our staff in our departments. I personally thank them all for their time today, but the enormous amount of preparation that goes into Estimates and I hope they get some satisfaction. I do read it and I do use it.

CHAIR - As we know, you have a huge amount of staff that do not necessarily get to the table. Always good to see Kerrie, Rowena and Jacqueline and all those that support you along your journey. Thank you very much.

Sitting suspended from 5.06 p.m. to 5.11 p.m.

Output Group 5 Cultural and Tourism Development

CHAIR - Attorney-General, we invite you to introduce your team at the table and provide an overview under the portfolio of Arts.

Ms ARCHER - To my right I have Angela Conway, Acting Deputy Secretary of Cultural and Tourism Development. To my left is Mary Mulcahy, our new Director of Tasmanian Museum and Art Gallery, her first Estimates, so be kind.

The Arts are an area all of us attend many things in our electorates and for me state wide. Delighted to give the committee an update in relation to our strong investments particularly to sustain support for our pretty diverse art sector. And the Budget continues our Governments record of delivering sustained and effective support. And in doing so, Tasmanian Museum and Art Gallery is the custodian of our state collection as members would know and it is a critical centre of education and discovery that tells unique Tasmanian stories and connects arts, science, culture and our environment. TMAG is vital for our economy, especially our visitor economy and we are providing to future proof TMAG with a \$1.3 million investment in additional funding across the Forward Estimates.

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This includes \$100 000 towards the development of TMAG strategic vision, to progress plans for a reimagining cultural and arts facility and support future partnerships for local Tasmanian communities.

As part of our commitment to TMAGs future and sustainability, we are progressing the TMAG vision and increasing operational support to ensure an important institution such as this continues to play a vital role for the research culture and the arts both now and into the future. And of course, directly benefiting jobs in the state's economy.

Obviously, I want to welcome our new Director Mary Mulcahy. She has been in the role since April and have no doubt her extensive experience, knowledge and congeniality will be of enormous benefit to our state's official museum and art gallery. I thank her in her first Estimates hearing.

There are other initiatives in the state Budget including the inaugural Tasmanian Literary Awards, that is reimagined from the Premier's Literary Awards. There is addition funding of \$90 000 committed in this Budget bringing the awards total amount now to \$125 000, providing direct support to Tasmanian writers through an expanded program of awards with there being seven awards now. I am happy to explain that in greater detail.

There is also consistent core funding for both Screen Tasmania and Arts Tasmania.

We have also obviously had significant COVID-19 funds throughout the period of COVID-19, totalling almost \$13 million now. That is not recurrent expenditure, they were COVID-19 measures. There is no cut to the arts budget as some have said. It is just the end of COVID-19 measures as we see that.

But there is \$1.2 million uplift in annual funding for our arts organisations. That is no built into the forward Estimates. That is a significant increase in funding. As I said the COVID-19 measures we have had have led to around 4000 paid opportunities for arts organisations and museum workers in 2021-2022.

In closing, we continue to deliver on our culture and creative industries recovery strategy 2020 and beyond. It is a really important document we created for a future direction and in response to our COVID-19 recovery.

As Arts minister, I remain committed to listening to our very broad and diverse arts sector or arts and cultural sector. Obviously, we have had challenges throughout COVID-19 with response to that with additional funding and specifically, what is still running in relation to COVID-19 funding in particular is our \$2 million live support program which at this stage, is running until 30 September this year. But like with all of our COVID-19 measures, everything is open to reviewing and seeing where we are at with COVID-19 at that point in time. Thank you, Madam Chair.

CHAIR - You will be pleased to know the secretary of the department of State Growth and the deputy secretary, Kim and Amanda have arrived. I am not sure if you wanted to invite any of them to the table. There is a bit of to-ing and fro-ing between rooms through this process. They are engaged in conversation and have not heard a word we have said.

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Ms ARCHER - We have Ms Conway who is here to deal with our questions.

Ms HOWLETT - Minister, could you please outline the Tasmanian Government's support for TMAG as outlined in the 2022-23 state Budget and how that will benefit the Tasmanian community?

Ms ARCHER - As I said in my opening statement which I covered largely a lot of this, but I will emphasise the importance of TMAG to our economy and to our visitor economy and particularly, now we are in that phase of transitioning out of COVID-19 and more events and more festivals are taking place. There is Dark Mofo at the moment and TMAG always participates in those activities.

There is a \$1.3 million injection of additional funding across the forward Estimates to TMAG, which includes \$100 000 for the TMAG vision. That is included because, as I said yesterday in Budget Estimates hearings in the other place

CHAIR - You actually got to arts, that is wonderful.

Ms ARCHER - Yes, and you will notice I have allocated an hour this year as opposed to half an hour, because we always run out of time and going to take the direct benefit of that.

The \$100 000 for the TMAG vision is as a result of needing a future strategic direction for TMAG. The TMAG board, under the Cultural and Creative Industries Act, has a function for strategy. There were significant things done with regard to stage 2 and stage 3 development quite some years ago.

The strategic vision is timely to look at, particularly what might be ideal for redevelopment nearby. It is no secret the Dunn Street car park is in front which is Hobart City Council and as we have a former Lord Mayor of Hobart at the table and I am a former alderman of Hobart City Council, we know about Dunn Street car park. It would be lovely to not have a car park and transform that into something else.

There is \$100 000 attached to have a look at that and to create partnerships and work with the community and in particular, the City of Hobart but also prioritise strengthening partnerships with Tasmanian communities, including our original custodians and first people of lutruwita Tasmania, the Tasmanian Aboriginal people in driving our Government's pathway to truth telling and treaty in the arts. It is an important area that we can do that.

There is \$250 000 commitment annually across the Forward Estimates in operational support for TMAG which plays a vital role in research culture in the arts. Additionally, there is a continuation of COVID-19 support to TMAG of \$200 000 in this Budget, to ensure services are able to continue to be delivered in a COVID-19 safe way. There is quite significant investment this year in initiatives for TMAG to ensure its sustainability now and into the future. On top of that, there is \$3.8 million allocation from our \$50 million Public Building Maintenance Fund which was an initiative throughout COVID-19, a stimulus initiative announced our pathway to economic recovery to keep our building and construction industry operating at the time. Further works are also being supported by joint funding from both our Government and the federal government through the Southern Tasmania Extreme Weather Event Community Recovery Fund. Members may remember the heavy rainfall event that occurred in May 2018 causing a flood and weakening the heritage precinct of TMAG, in

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particular the front wall. All of that work is able to proceed now and be carried out. That is my answer to that.

CHAIR - Thank you very much. It's terrific to have Mary on board. Any new director would come with some aspirations and vision about what they see. I'm interested in the conversations you have had with the new director about that direction. You have a direction, and the new director would also have a vision.

Ms ARCHER - Yes, exactly. Of course, strategic vision is very much governed by the TMAG board, headed and chaired by Brett Torossi. I meet with the Chair of the board and the board, but more frequent meetings will occur with Mary as the year progresses. I've allowed her to get on top of her brief before needing to meet with me in any detail, other than we have had an initial meeting and as to -

CHAIR - Prior to today?

Ms ARCHER - Yes. Not for today; we've already had a meeting with Mary coming on board. We'll delve into more detail now that Mary is across TMAG and the staff, and all those things I wanted to allow her to do first. I'm very happy for Mary to address that question of what her aspirations might be in the short, medium and long term, if she has any at this stage.

CHAIR - Please feel free to remove that mask and share your vision. You might have to lean over a little bit. You probably have a very soft voice by the sound of it, unlike myself.

Ms MULCAHY - Not when I was teaching.

Ms ARCHER - Pretend you're teaching because we like loud voices.

Ms MULCAHY - I'll probably deafen everyone. Look, I'm really interested in the T in TMAG because we're not the Hobart Museum and Art Gallery. I'm interested in understanding how we can work on that T for Tasmania. That's not taking over the world; it's working in partnerships with organisations around Tasmania, and also looking at things like technology and how we can reach, say, the north-west coast of Tassie. If we can reach people on the north-west coast of Tasmania, we can reach anyone in Australia; we can reach anyone in the world. One of the exciting things about TMAG and our collections is it's unique to Tasmania; if it's unique to Tasmania, we've got some interesting things to say on the national stage and also on the international stage, particularly about our scientific collections and also our cultural and heritage collections. That's my immediate thought and what I've discussed with the board.

Ms ARCHER - Our digital transformation had already commenced as well, so I'm very interested to progress that further because, as Mary just said, the international reach is quite extensive once we can fully transform access to the collection online.

CHAIR - Can I ask about the volunteers? COVID-19 presented a huge challenge to all organisations who rely on volunteer effort. Given that a lot of our volunteers may well be of a more senior age, that doubly presents a challenge. I'm just interested in the number of volunteers and whether those volunteers who were volunteering at TMAG have come back, or have we lost a few as they've taken up other interests?

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Ms ARCHER - Do you have that on hand, Mary, because I haven't - I remember seeing the number. Do you have it there?

Ms CONWAY - I have a number - sorry. Excuse me, I'll just address it. This is just from a TMAG report, Mary, so feel free to jump in. I think we have about 106 volunteers on the books at the moment. I believe that's just from a data report we ran. I am not sure how that compares to what we had pre-COVID-19 though.

Ms ARCHER - I have something here in one of my notes that TMAG volunteering remains strong with thousands of hours recorded by 65 active independent volunteers, as well as by those involved with our advisory panels and related groups, such as the TMAG Foundation and the Friends of TMAG. The 65 active independent volunteers are the ones that you would see as the interface at the museum. Then there are the associated volunteers through the other groups, the Foundation and the Friends. In the year 2020-21, 8076 hours of volunteers were recorded, and in 2021-22, 6544 hours of time have been volunteered. The drop would probably reflect periods of closure.

CHAIR - Thank you for that. Supplementary to that, Mr Valentine.

Mr VALENTINE - Thank you, and welcome, Mary.

CHAIR - You will be seeing a lot of the member for Hobart.

Ms ARCHER - It is his electorate and he is the former lord mayor and he loves the arts. He is very supportive of arts.

Mr VALENTINE - Well, he tries to be. Nevertheless, I notice with your visitation for TMAG, it really has taken a hit over COVID-19, as a lot of places did. It was 264 870 in 2019-20 down to 128 168 in 2020-21, then it goes 150 000 in 2021-22, as a target. Do we know how on track we are to reach that this year? I would be interested in that.

More particularly, the visitor engagement is a different story and under 2020-21 there is 369 607 so, quite clearly, this is in the digital sphere as well, and the target of 375 000 ended up to 465 000, which is quite a lot more than the 150 000, more than three times as much.

Ms ARCHER - I have some actual figures here if you would like them.

Mr VALENTINE - I would not mind the actual figures.

Ms ARCHER - So, you are right, it did reduce during COVID-19 for obvious reasons. TMAG's online visitation and digital engagement has varied during COVID-19, so 2018-19 was pre-COVID, so that was 235 237 people visited the website or engaged with TMAG on social media. In 2019-20, this figure was 179 170. In 2020-21, it was 232 838, so we are seeing an increase and an uptake here because of COVID, I think with more people online. In 2021-22, to date, it is 157 591 consumers.

Mr VALENTINE - So, is that both online and through the door?

Ms ARCHER - That would be website and social media. Regarding on-site visitation, in 2018-19, pre-COVID-19, 214 557 people visited TMAG compared with 171 719 in

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2019-20, and 128 168 in 2020-21. To date, in 2021-22 to the current day it is 105 550 visitors to TMAG. We have not had a full financial year, of course.

Mr VALENTINE - There is just an interesting discrepancy between the budget papers on 2019-20 through the door, which is 264 870.

Ms ARCHER - That might be because we prepare those well in advance, could it be?

Mr VALENTINE - I am not sure why that is, but that does not matter. I suppose my question is, you are not expecting the through the door to increase between 2021-22 and 2022-23? I found that interesting that the target of 150 000 had not moved. Do you see that there is a likely issue going forward, or is it just hard to calculate?

Ms ARCHER - I think we will ask the director to address that.

Ms MULCAHY - It is interesting that it took quite a while after COVID-19 before people started coming back into the museum. Even now we have still have people who are quite hesitant. We have just lifted the numbers and the restrictions on public spaces, and we have started to do more of the programming. We have recently had the *Winter's Tale* production by Blue Cow so we are starting to see people coming back in. Dark Mofo is one of those big peaks in numbers -

Ms ARCHER - I think it can be explained if I can give a friendly interjection, when people came to do tours, there were restricted numbers where there had not been before at TMAG. Because that was for an extended period of time, that very much restricted the visitation rate. I cannot remember the actual number of restriction, but it was only small groups that went in at a time as opposed to people attending TMAG, unlimited and unrestricted. That was an extended period of time.

Mr VALENTINE - With respect to the vision of being a statewide engaging entity, it is interesting when we did the Built Heritage Tourism inquiry, the likes of the Zeehan museum which actually happens to be part of TMAG, or it was -

Ms ARCHER - It still is. We have regional museums that we fund.

Mr VALENTINE - That was getting something like 17 000 visitors a year and Brickendon, Woolmers was getting 26 000 visitors a year.

Ms ARCHER - I imagine there is going to be much more of a focus on Zeehan as well because of something being filmed later this month, Bay of Fires with Marta Dusseldorp.

Mr VALENTINE - I was interested in that concept that you have been putting forward and how actively would we be looking to engage with those regional facilities to make sure that they get visitations so it will look like a hub and spoke model of some sort.

Ms ARCHER - Certainly from my perspective, I would like to see that because we are responsible for these regional museums. TMAG takes care of those and funds them as well so they are very much part of the TMAG vision.

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Mr VALENTINE - And the Queen Victoria Museum and Art Gallery (QVMAG) for that matter.

Ms ARCHER - QVMAG is owned by Launceston City Council but we have an agreement where we provide significant funding, in the millions and we continue to do so. It is an entity that does not house the state collection although it has some brilliant exhibitions admittedly. There is a partnership arrangement -

Mr VALENTINE - Collaboration.

Ms ARCHER - Collaboration is a better word, thank you, but it is a Launceston City Council-owned entity.

Mr VALENTINE - I appreciate that and I am sure the member will want to go there.

Ms ARMITAGE - For the record, it was given to us in the 1940s if I remember for a peppercorn rental. Foolishly, we took it. There could be a museums bill just like we have the stadiums bill.

CHAIR - The vision might be a museum like the wine routes.

Mr VALENTINE - That is what I was saying about the hub and spoke, call it whatever you like.

CHAIR - That is a bit more romantic than a hub and spoke model.

Mr WILLIE - With regard to the vision, are there particular Aboriginal groups that you are consulting with through that process? Is there going to be any Aboriginal employment outcomes from that work?

Ms ARCHER - I am giving TMAG money to carry out this work and it is very much in that initial stage. I imagine is that because of the report that was handed to the Government by professors Warner and McCormack in relation to truth telling and treaty, that is relevant to the possibility of TMAG working with them for something that is focused at reconciliation with the utilisation of part of the site for that.

Mr WILLIE - And the management of collections?

Ms ARCHER - That would be the sort of thing that would be looked at. It is fair to say we have a pretty good relationship in conversation now and connectivity to the Aboriginal community because of the issue of the return of the petroglyphs and although it has been difficult at times, I know that our former director, Janet Carding was very involved in that process. And I know Mary will be equally if not more involved in that process and I am very happy for you to address that further and how you see that vision playing out.

Ms MULCAHY - We also have the Tasmanian Aboriginal Advisory Committee that advises for TMAG, an incredibly important voice and conversation we had with that group of people.

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The petroglyphs return you mentioned has been a really important conversation and we continue those conversations about ensuring the petroglyph is returned to Preminghana and will probably happen maybe, this year. But that is with the community to determine the time of that.

I have worked on quite a few science technologies and (inaudible) on Aboriginal and Torres Strait Islander programs on the mainland and one of the things I think is incredibly important about this is conversation and co development and ensuring and engaging early with Aboriginal and Torres Strait Islander communities. What was really important in those conversations was the petroglyph and with the previous conversations and I see that some will continue.

Mr WILLIE - Any employment outcomes?

Ms ARCHER - We have not got the vision yet, but that is a possibility depending on what we are able to achieve in terms of truth telling and treaty and whether or not there is something that we can do on that site that actually focusses on that. Obviously, we would have discussions with the Aboriginal community about what opportunities might be there for them. I do not want to preempt those conversations. I am very much going to leave that to TMAG through Mary and the board, that is their realm. That is how the strategic vision will be carried out because it is the realm of the board under the act. And then, I am sure after that they will come back with a suggestion, but I am really sort of hoping it will be a positive outcome.

CHAIR - Thank you. Any other questions members? Again, congratulations on your appointment and thank you for your time today.

5.2 Arts Industry Development

Ms ARCHER - We have Dr David Sudmalis coming to the table while I fix my folder.

CHAIR - Welcome. Are you Dr or David.

Ms ARCHER - Dr David, he is the Director of Arts Tasmania. Incidentally, he was the Acting Director at TMAG for quite some time and enjoyed his time there immensely I think, but has returned to us at Arts Tasmania.

CHAIR - The initial lines of questioning will come from the member for Hobart, who as we have already indicated is a strong supporter of the arts.

Mr VALENTINE - That is very kind, Madam Chair. Clearly visitation as far as the arts are concerned took a significant hit with 122 431 in 2019-20. 46 623 in 2020-21. 300 000 in 2021-22 and 300 000 in 2022-23. That is a huge uplift. That is a big vision there. How are you planning to make that happen?

Ms ARCHER - I am happy for David, we are at that end of the day where we are on first name bases, to address that.

Dr SUDMALIS - Thank you for that question. The targets in the out years and that 300 000 people visitation is based on a premise that would be the number we would expect to receive should there be no COVID-19 issues arising. When those numbers do come in at the

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reporting period, there will be the presentation of the actuals and the explanation of the COVID-19, how can I put it, interruptions or impact upon those visitation figures.

Mr VALENTINE - So what was 2018-19 like? I do not have that figure.

CHAIR - We only have 2019-20 in our Budget papers. Page 284.

Ms ARCHER - Yes, I've got that. I'm just looking at the footnote. It doesn't take us back that far. Which year do you want, Chair?

CHAIR - It's 2018-19.

Ms ARCHER - On page 354 of last year's budget paper - we do have it and I'm happy for you to say that.

Ms CONWAY - I just have a copy of the previous budget paper, so I can -

Ms ARCHER - Trusty copy handy.

CHAIR - That's why she's acting as deputy secretary.

Mr VALENTINE - She knows I always refer to the previous budget papers and I've got it too.

Ms CONWAY - Yes. I can tell you the actuals for 2018-19: attendance at selected cultural venues was 324 000.

Mr VALENTINE - And I should have known that because I looked in that paper.

Ms ARCHER - It's on the record now.

Mr VALENTINE - It's on the record.

CHAIR - Bet you would have been one of the 324 000.

Mr VALENTINE - Yes, I would have been a few of those.

Ms ARCHER - Me too.

Mr VALENTINE - Yes, I'm sure we make up a good 100 000 of these. Can you outline why the appropriation is increasing over successive budget cycles and what additional outcomes are being achieved as a result of that increasing appropriation?

Ms ARCHER - Would that be because of our \$1.2 million into the forward Estimates on Arts organisations and indexation?

Mr VALENTINE - And indexation?

Ms ARCHER - Yes.

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Mr VALENTINE - How much are you allowing for indexation, out of interest?

Ms ARCHER - That's a very good point. Does it say it in the budget papers?

CHAIR - Amanda, come on down.

Ms ARCHER - I think Amanda is our trusty person.

Ms CONWAY - Yes, it varies a bit over the forward Estimates; it's about \$250 000 in 2022-23, \$347 000 the following year, \$423 000 and \$459 000.

Mr VALENTINE - Okay. Thank you for putting that on the record. I noticed that it had taken a dive earlier but it's good. The question. The likes of the Tasmanian Theatre Company, which is a professional theatre company, are no longer being funded this year, if I'm correct.

Ms ARCHER - Peer assessment, yes. It's part of the unfortunate process but it's an independent peer assessment under the act for a reason. That's so that I don't make any biased decisions or anything towards organisations, but it's a situation where I can say that Arts Tasmania has been in close contact with the Tasmanian Theatre Company to see if they can be of any assistance in further and future applications. I can get Dr Sudmalis to address some of that in a moment because I think it's pertinent. I'm sure you will recall that when we had a period where no theatre companies were recommended, I created a Tasmanian Theatre Fund for two years to ensure that major theatre companies could continue for that period and it was very well received.

Having said all of that, I think I might ask Dr Sudmalis to provide a little background on why some of these things occur. I very much take the recommendations of the expert peers as being what should occur. If I change a decision, then that creates a precedent and then I'm reaching in and making decisions again, which is not the purpose of the act. The purpose of the act is to create an independent assessment process and I respect that greatly, having set up that act after Dr Vanessa Goodwin did a significant amount of work on it as well. Incidentally, it's the first bill I took through parliament as a minister.

Mr VALENTINE - Is that right?

Ms ARCHER - Yes, the Cultural and Creative Industries Act - not Justice, it was an arts act and it's the only one in the arts sector that I've taken through. Having said that, I might see if Dr Sudmalis has anything to add in relation to his conversations and moving forward.

Dr SUDMALIS - Thank you, minister. There is little to add other than to say that even as late as earlier this week, we remain in conversation with the remaining operational staff of the Tasmanian Theatre Company and members of the board to ensure that documents are to us allow us to pay any residual payments in a timely manner, that may assist in moving them to a position where they can submit an application to the next organisations round -

Mr VALENTINE - Because they do not consider themselves closed.

Ms ARCHER - No, they are in a period of superhiatus.

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Mr VALENTINE - Yes, there are in a superhiatus at the moment and recess,

Ms ARCHER - I think there are a number of issues from a number of different angles.

Mr VALENTINE - They do provide a very important platform for development opportunities for performing arts. It is always worth recognising, but it was just the sustainability side in the preambles, it talks about a sustainable industry.

Ms ARCHER - We are doing everything possible we can to assist them, it is fair to say, in terms of guidance on future applications and, as David just said, ensuring we have the necessary documents so we can release residual funding.

Mr VALENTINE - The answer partly answers my next question, which was what funding models are being applied to see a fair distribution of resources? Basically, how is the department picking the winners, it must be terribly hard.

Ms ARCHER - It is not the department. If I can explain, the expert peers basically know the pool of funding. The appointment for a maximum ceiling this year or we are looking at doing that in terms of funding of a maximum is \$250 000, that is something we are looking at. At the moment, with arts organisations, we are looking at timing and fairness. Because it is a larger pool, do we look at more people being able to share in that so there is no one dominant amount by having a maximum ceiling or whatever. It is in the very early stages of having a look at the arts organisation funding now we have injected additional funds.

But in terms of the process, the expert peer panel make that assessment, there are certain guidelines they take into account and there is a return on investment and all sorts of issues like that. For arts organisations also, I will let the expert explain the process because I am sure Dr Sudmalis is able to talk about the expert peer process much more readily than me as to how the peer panel assesses matters at present.

Mr VALENTINE - Can you go to the point of how the peer panel is chosen or what that mechanism is?

Dr SUDMALIS - I might start there because that leads us through the narrative. Under the act, an application made to a program for arts funding is assessed by an independent expert peer panel. That peer panel is comprised of representatives from, not just the Tasmanian arts and cultural sector, but they can be further afield.

Ms ARCHER - That is to resolve conflicts and things like that, sorry to interrupt.

Dr SUDMALIS - The experts on those panels have applied to be on those panels and they have been approved to be on those panels as meeting a standard of being a reasonable person of esteem in the arts and cultural sector.

Ms ARCHER - Can I add they come from a very broad range and there are a lot on that register, do you know the current number?

Dr SUDMALIS - It is well over 300 and our peer panels, for organisations,

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Ms ARCHER - They are not all there, that is just the selection, it is the pool from which we choose a diverse group for each type of grant funding we are looking at.

Dr SUDMALIS - When individuals are being invited to sit and assess a round of applications, a number of things are taken into consideration at the point of invitation. We begin the invitation process after applications have been received, so we can factor for known conflicts of interest and we can also factor for regional spread of peers, we can also factor for gender representation of peers, Tasmanian Aboriginal representation in the peer groups as well and critically importantly, art form expertise so that there is a broad mix that has the expertise to consider all applications made to that round.

Mr VALENTINE - I am glad it is you doing the choosing.

Dr SUDMALIS - It can take some time to factor those elements in and account for conflicts of interest. When that panel is authorised and duly appointed, they are sent all applications to read and pre-score and that forms a preliminary ranking list which informs the discussion when - prior to COVID-19 - panellists would meet in person but latterly have been meeting online.

At the end of the assessment meeting, which is rigorous and tied very much to the three criteria of quality, planning and benefit, peers are asked to undertake one final consideration and that is to look at the regional spread, the art form spread. I've just been given 362 is the exact number.

Mr VALENTINE - To put it on the record.

Dr SUDMALIS - To calibrate the results to consider the impact of their recommendations across the ecology for all of Tasmania. If I could pick up on something that Mary noted a moment ago, they are not the Hobart Museum and Art Gallery and Arts Tasmania is not Visual Arts Hobart.

Mr VALENTINE - I can appreciate that. What are the shining lights at the moment. What are the areas that are excelling, if I can put it that way?

Dr SUDMALIS - Arts Tasmania recently completed the administration and management on a COVID-19 specific fund called New Work for New Markets

Ms ARCHER - I have not announced it yet, but go right ahead.

Dr SUDMALIS - What was impressive, notwithstanding the projects that have been supported, is the quality and insight of the broader Tasmanian art sector who have changed a lens of operation.

Ms ARCHER - It has been impressive, I must add to that. Going online, digital, Van Diemen's Band in particular is one example

Dr SUDMALIS - It is a stand-out in this field. The strength of the new idea, the strength of considering market as a way of sustaining artistic practice, is refreshing and in many cases, quite new for a number of the applicants. That has been the most impressive thing that I have seen of late.

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Ms ARCHER - If I can add, the very early stage of COVID-19, we had the digital side of things and people going online and creating things for online access and we had Van Diemen's Band participate in that. We saw a lot of different organisations adapt to that change.

The arts and cultural sector was one constant throughout COVID-19 by providing that entertainment and instead of it being a live performance, it became online and digital and a lot adapted really well to that. We saw that with the screen industry as well. That is something that came out of COVID-19 that was very positive. There were a lot of negatives for the industry during COVID-19 but there was a positive from it as well. Lifting people's spirits. They still had some entertainment as well.

Mr VALENTINE - Thank you for that. I presume possibly there could be some education then coming forward for people in how to interact with that space. Would that be right?

Dr SUDMALIS - Indeed it is.

Mr VALENTINE - Thank you.

Ms ARMITAGE - With regard to the COLLECT Art Purchase Scheme, is that still proceeding? I am wondering how many more years? How much funding has been put aside for it and how much has been taken up?

Ms ARCHER - Yes it is and I am happy for you to address that if you can find it.

Dr SUDMALIS - There are now plans to cease the COLLECT Art Purchase Scheme. It has been around -

Ms ARCHER - For 10 years, yes.

Dr SUDMALIS - Even a little bit more. I note that in the current financial year, 323 art works with a combined value of about \$1.28 million have been supported for purchase under the scheme. Over the life of the scheme, it is just over 6400 works at about \$20.5 million.

Ms ARCHER - That is since its launch in November 2008.

Dr SUDMALIS - It is considerable.

Ms ARMITAGE - It is an excellent scheme.

Ms ARCHER - It is and I know that you are a great supporter of that scheme.

Ms ARMITAGE - Our local art gallery in Launceston mentions it at every exhibition.

Ms ARCHER - That is terrific. That is its design and its purpose, so that is great.

CHAIR - And at my local gallery as well, Scottsdale Art Gallery.

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Ms ARCHER - Scottsdale, wow.

CHAIR - They are prolific supporters of it.

Ms ARCHER - Great. Good feedback.

CHAIR - How many art facilities encourage it? Do you have a number or is that too hard to break down? Participate might be a better word.

Dr SUDMALIS - There are 25.

Ms ARCHER - There you go, 25 participating arts businesses.

CHAIR - They are going a great job, aren't they?

Ms ARCHER - They certainly are.

CHAIR - Thank you. Any further questions? I am going to take the opportunity to make a comment if I might in regard to the Dorset community. We have a decorative arts society and they hold a lot of events in the repurposed Mechanics Hall. We have never had a lot of culture in our rural community but it has been exceptional the number of various events they have hosted so I want to thank Ally Mercer and her team for what they do.

Ms ARCHER - Terrific. I must visit some time.

CHAIR - Some time when we are having an event I will invite you.

Ms ARCHER - Definitely, please do.

Ms ARMITAGE - We have a very good art exhibition this week.

CHAIR - I have opened a can of worms.

Ms ARCHER - I am bound to come out with something you mean?

CHAIR - I think you can start hanging pieces above and below.

Ms ARCHER - I haven't any room in my office any more but I would possibly have room at home. I have to move things around.

Mr VALENTINE - There are great little events in Scottsdale where you can get things.

CHAIR - The member for Hobart and his lovely wife, Lady Valentine, recently visited and it is her birthday today as well so happy birthday, Lady Valentine.

CHAIR - As I said earlier, I think I have completely lost control but we are nearly there. Thank you very much, Dr David Sudmalis.

Screen Industry Development

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Ms ARCHER - We will get Alex Sangston up for this, he is the Executive Manager of Screen Tasmania.

CHAIR - And for some time now too.

Ms ARCHER - Yes.

CHAIR - Welcome.

Mr SANGSTON - Thank you.

Ms ARCHER - We are almost there, don't worry.

Mr SANGSTON - About six years.

CHAIR - Six years, is that all?

Mr SANGSTON - It is over, six-and-a-half years.

CHAIR - Gosh, time does fly.

Ms ARCHER - That is right. I remember you had only just started when I trashed your first speech, in a humorous way.

CHAIR - Screen industry development and I invite the member for Launceston.

Ms ARMITAGE - I do have a lot of questions. Starting off and looking at figures and it is always good to get an explanation of the figures in the budget books because I can't find that little 1 that it was last time up above budget. On 5.3 on page 295, 2020-21, \$4 950 000 and then down \$1 730 000, but the explanation -

Ms ARCHER - At footnote 9?

Ms ARMITAGE - In the footnote was that the decrease in screen industry development primarily reflects the funding profile. My understanding was that there was \$2 million extra funding given, so obviously there was a lot more -

Ms ARCHER - Over a two-year period.

Ms ARMITAGE - It was two each year, was it?

Ms ARCHER - No, it's an initiative over two years. There hasn't been a decrease in funding; there's been a lot of people going around saying there's been a cut to Screen when there hasn't.

Ms ARMITAGE - There was \$2 million added onto the \$1 730 000 doesn't actually come up to \$4 950 000, that's all, so I'm just questioning whether -

Ms ARCHER - I'll let Mr Sangston explain.

Ms ARMITAGE - Yes, thank you. Just to clarify.

CHAIR - Who looks after the budget?

Mr SANGSTON - Thank you, minister. The difference between last financial year and this one, as you pointed out, is the \$3 million which was the Screen Innovation Fund, as the minister mentioned before, which is being delivered across two years, last year and this year - sorry, this year and next year. There was also an additional amount which we provided the previous financial year, which was \$500 000 across two financial years. The difference is effectively the cessation of that \$3 million and the \$250 000 from the previous year.

Ms ARMITAGE - The problem is that the footnotes don't add all that in. They just say something about the other and all of a sudden it doesn't balance up.

Ms ARCHER - No, and that causes the misinterpretation.

Ms ARMITAGE - That's my first question, thank you. Next question. What is the plan for the long-term growth of the screen industry and how might it assist proven practitioners like, for example, someone like Vicki Madden who - or was it *The Gloaming* and *The Kettering Incident*, *Blood Brothers*, people that we know -

Ms ARCHER - We've just funded something for Vicki Madden, haven't we?

Ms ARMITAGE - so that they can sustain a living here?

Ms ARCHER - There's quite a lot going on in this space. I will let Mr Sangston explain, but I think it's fair to say that the screen industry is a real shining light for our cultural and creative industries, particularly as a filming destination. I'm really proud of the fact that there are so many productions that come here and film in Tasmania. I think we were the first state to be able to film again as we emerged from COVID-19, with restrictions and things, but we were basically a bit of a safe haven - it's funny I should say 'haven' - for *Rosehaven* series 5 we were up to; they came and filmed that and I think they were the first productions coming out of COVID-19. As I mentioned, we have *Bay of Fires* starting later this month filming in Hobart and moving to the west coast, which is really exciting for our regional areas. I know that Mr Sangston will be able to run off a whole heap more than me but I think -

Ms ARMITAGE - Yes, the plan would be really good for the future.

Ms ARCHER - You mentioned Vicki Madden but we do have production development funding, which is sort of like the funding to get the project started and if they've already got backing of a production company, then the likelihood of them moving to the next phase and getting the backing of both maybe further funding from government and other sources increases. I'll let Mr Sangston explain all that. I can only really provide an overview but he has intimate knowledge.

Ms ARMITAGE - He can explain the plan for the future of the industry in Tasmania, to try to keep these people here.

Ms ARCHER - Yes.

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Mr SANGSTON - Thank you, minister. Absolutely. The plan as it's laid out is effectively the Cultural and Creative Industries Recovery Strategy that the minister launched at the end of 2020.

Ms ARCHER - Seems like yesterday.

Mr SANGSTON - Yes, it does. Which outlines the broad policy aims that the department and the Government are outlining as we emerge from the pandemic in the creative industries. How that operates within the screen industry sector is - we've had two key aims: get as much production activity going as possible because it's a strong economic driver, and to develop talent and content that is ready to shoot in the future. Your reference to Vicki Madden is very apt.

Ms ARMITAGE - Vicki lives in my electorate, so I'm aware of Vicki.

Mr SANGSTON - I think in the last 12 months we've funded three projects that Vicki has in development and while our development programs aren't huge amounts of money, they'll keep the lights on. The aim of funding projects going into development is that they're ready to be pitched to broadcasters and then able to go into production in the future. Effectively, what we're doing is trying to get ready for the next *Gloaming* and the next *Kettering Incident*.

Ms ARMITAGE - I must admit, I saw *The Gloaming* on a flight to WA. It was great to see Hobart and Tasmania and for everyone else to see them.

Ms ARMITAGE - My next question is what plans are there to support and develop the industry in the north of the state, which appears to be neglected in development and opportunities.

Ms ARCHER - I do not think that is the case, we try to spread it around the regions.

Ms ARMITAGE - My understanding is it is neglected and if you could explain to me how it is not, I would be grateful.

Ms ARCHER - *Bay of Fires* is another one is certainly going to the regional areas and West Coast, I will get Mr Sangston to identify.

Ms ARMITAGE - I guess north I am talking more Launceston and surrounds.

Ms ARCHER - Absolutely, but I am just talking about, when we are talking state-wide, we are not just Hobart centric.

Ms ARMITAGE - Oh no I did not, I was just saying..

Ms ARCHER - Okay, if I could just get Mr Sangston.

Mr SANGSTON - It depends on what programs you look at and I ran some numbers this afternoon, our project develop programs, which if you look at the projects we funded this financial year, over 50 per cent of the expenditure of projects which would shoot outside of Hobart, which I think we are quite proud of, and we have a number of projects we have funded

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in development in particular that are from Launceston production companies, including in the last financial years. *Flat Earthers* from Blur Films, *Makers Treehouse* from Bidlink, *Finneagans Field* which is a Vicky Madden project, *Black Eyed Kids* which is a Vicky Madden project and *Emotional Whiplash* can't remember the name of that production company. On top of that we have got a number of projects we have looked at doing in the northwest coast, including projects with cultivate productions and as the minister mentioned, *Bay of Fires* on the west coast and *The Tailings* before that.

CHAIR - Is it Coles Bay.

Ms ARCHER - No, it is called *Bay of Fires*. It is the name of the series being filmed by Marta Dusseldorf, she is co-creator and lead actress in it. It is really exciting, it is \$1.5 million investment, \$1 million from our screening innovation fund and \$500 000 from the regional grant because of the production largely being filmed on the west coast. There is a real buzz and excitement.

Mr SANGSTON - There is a reason it is called Bay of Fires.

Ms ARCHER - We cannot talk about it, if we can just talk about this as being a pretty exciting project that is going to employ 80 cast and Tasmanian cast and crew, coming off the back of *Deadlock* means that there's continuous work for our creatives in screen for 10 months of this year, which I think is the first time ever.

CHAIR - Apologies member for interrupting, I was a bit overwhelmed by that.

Ms ARMITAGE - That is quite all right, no problem at all I was going to say your area of Deloraine would be good for shooting films. The Screen Tasmania Strategic Plan, now this plan does not replace that.

Mr SANGSTON - It sort of does.

Ms ARMITAGE - Because I noticed, on the State Growth website, the Screen Tasmania is quite out of date, it probably needs to be sorted, it actually has a plan, or has the strategic plan from 2017-2021. It says nothing about the new one and it also has the current members of the Screen Tasmania expert advisory group saying they were appointed on January 29 for 24 months, and lists them and obviously, 24 months. It is on the State Growth website and it is quite out of date. Could you update me and is that the new plan?

Mr SANGSTON - This is a broader plan, which covers the whole sector, which means it does to a certain extent replace the Screen Tasmania strategic plan, because as you correctly pointed out it expired at the end of 2021

Ms ARMITAGE - Might be wise popping it up because as I said the State Growth website is quite out of date and with regard to Screen Tasmania.

CHAIR - That might be something the secretary of the Department of State Growth might like to take onboard.

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Ms ARMITAGE - Can you tell me please who is now on the expert advisory group? I would assume from reading they were appointed for 24 months, unless they have been reappointed, they would no longer be there as of January 21.

Ms ARCHER - They have been.

Ms ARMITAGE - It has not changed. How many members from Tasmania - because they do not all have where they are from - and how many from the mainland. Could we have that please. How many Tasmanian members?

Ms ARCHER - Do you want me to run through who is on it?

Ms ARMITAGE - Absolutely, we have plenty of time.

Ms ARCHER - We have the chair, Chloe Rickard from Jungle Entertainment; Imogen Banks from Kindling Pictures; Sue Clothier, Utopia Media; Michael Cordell, CJZ Entertainment.

Ms ARMITAGE - Could we have where they are based?

Ms ARCHER - I am about to mention that.

Ms ARMITAGE - I thought you were going to do it as you said, where they are from.

Ms ARCHER - I see, no, not on the same page. Mike Cowap, Princess Pictures; Dr Kristy de Salis, Giant Margarita, which is a games development company; Katrine Elliot, Art Screen Events; Sue Maslin, Film Art Media; Tony Thorne, director designer of Little J & Big Cuz.

All members were appointed for two-year terms from 1 July 2021. Four of the nine members are Tasmanian-based, one from outside Greater Hobart plus one ex-pat Tasmanian and one who lives here part-time. Pleasingly, and consistent with our women's strategy, six of the nine members are female.

Ms ARMITAGE - Do you believe that the group would benefit from having more Tasmanians, given that it provides advice on which projects should be successful under Screen Tasmania's funding programs?

Ms ARCHER - It is quite deliberate, Ms Armitage, and I will tell you why it is deliberate.

Ms ARMITAGE - That is what I am trying to find out.

Ms ARCHER - It is deliberate because these people also apply for grants themselves and there are regularly conflicts with regard to Tasmanian applications. When we have people who can hear matters who do not have conflicts because they are not applying - and Mr Sangston will correct me if I am wrong - it is actually advantageous to have a good representation from interstate because we will not have those conflicts arise.

Quite often when I am reading recommendations from the Screen Tasmania Expert Advisory Group (STEAG) it will say such and such declared a conflict of interest and did not

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take part in the decision-making. To avoid that scenario from occurring too often it is quite good to have a balance of people from Tasmania and interstate.

Similarly, we have people who come from screen area, project development, games development and those sorts of areas so there is a broad range of creatives there as well.

Ms ARMITAGE - What is the selection criteria in order to obtain a grant for a project?

Ms ARCHER - They vary according to the different grants, wouldn't they, selection criteria?

Mr SANGSTON - The assessment criteria do differ program by program. Broadly speaking, production investment program is largely an economic-based assessment and the project development program is a little bit broader. It takes into account things like the experience and the likelihood of the team getting the project into production. There is creative assessment in that as well.

Games development differs again; that is a little more economically focused and industry development is largely about the extent to which the funding would increase the industry's capacity to take projects into account in the future.

Ms ARCHER - Some things are a return on investment as well. There might be a target of three to one ratio where there is a definite return on investment for taxpayer's money, and rightly so.

Ms ARMITAGE - Some would be exposure for the state.

Ms ARCHER - Also, traineeships which we call attachments. Those attachments moving on to more permanent employment out of it as well, which we are now seeing because of so much money going into Screen we are now seeing people trained up. So more productions are coming to Tasmania and using our people who are now trained through those attachments. It is quite exciting to see the progression.

Ms ARMITAGE - It is interesting, I must admit, watching something and seeing people you know as extras.

Ms ARCHER - There is that, but I am thinking also more behind the camera as well. It is quite amazing. When we say cast and crew, traditionally we all think of the cast and the people who are in front of the camera but there are so many Tasmanians now who are actually involved in the production side of things. It is really exciting.

Ms ARMITAGE - Thank you.

Mr VALENTINE - That is why it is possible now.

Ms ARCHER - We have built a base, so to speak.

CHAIR - Any more questions on Screen Industry Development? If not, we will move now to Grants and Subsidies.

Grants and Subsidies

CHAIR - This question might fit in here. I should have asked it when Dr Sudmalis was here, but I might get away with it.

Out of the \$4 774 000 that's allocated, can I have an indication of what programs, initiatives and projects have been funded out of that relating to the arts industry? Is there a list of those?

Ms ARCHER - Ms Conway has what has been allocated.

Ms CONWAY - In table 11.13 in the budget paper there is a heading for Grants and Subsidies, and then it will give you a breakdown -

CHAIR - What page is that please, Angela?

Ms CONWAY - Page 300.

Ms ARCHER - Yes. We have the TSO, Ten Days on the Island and Theatre Royal.

CHAIR - No smaller programs and initiatives?

Ms CONWAY - There are only three things we funded.

CHAIR - I should have asked that question back in Arts Industry about the programs, initiatives and projects. Is it too late to ask for a list of those to be provided?

Ms ARCHER - No, that's fair enough.

CHAIR - Thank you, my apology.

Ms ARCHER - Just in Arts Tasmania?

CHAIR - In Art Industry Development, so Arts Tasmania - just a breakdown of the programs, initiatives and projects.

Ms ARCHER - Do you want the non-recurrent ones in the COVID-19 programs that we ran?

CHAIR - Yes please, that would be great. I'm asking for another member and it got buried.

Ms ARCHER - That's all right, we can include the COVID-19 initiatives because they were quite expensive.

CHAIR - Thank you, I appreciate that, minister. Any other questions about Grants and Subsidies now we have been pointed to page 300 where they are all listed?

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Ms ARCHER - There is quite a significant amount of funding that goes to those three organisations. I am very happy to report as well the federal funding and recognition TSO and Terrapin Puppet Theatre get as well.

You'll notice that those three entities are our three biggest funding commitments, TSO being our state orchestra and a very good one and well-respected one around the country at that. Ten Days on the Island is well known to us all and of course Theatre Royal has undergone a complete transformation with the Hedberg and doing very well with future sustainability because of the income-generating stream that we now have in that very much purpose-built and designed facility.

CHAIR - Will Ten Days on the Island events continue to be held in the regional areas as well?

Ms ARCHER - Yes, they are still having the same design of where they split it over a number of weekends and they go to the different regions. I think that model has worked really well for them. I can't speak for the board as to what their future direction might be, but I imagine they will stick with that model because it has been successful.

CHAIR - I can again provide that feedback that I did a short while ago about having those opportunities to attend a cultural event in the regions and some of the rural areas that I represent.

Ms ARCHER - People travel, particularly to east coast venues; we have had a lot of people travel to see various things that have been there.

CHAIR - Bay of Fires.

Ms ARCHER - The real Bay of Fires.

Mr VALENTINE - I have one question. We were talking about the minerals museum in Zeehan, for instance. Is that wholly supported by TMAG or does it get grants every year?

Ms ARCHER - We've gone out of that output ages ago. I don't think I can answer that entirely about funding.

Mr VALENTINE - I'm just looking at the grants.

CHAIR - You can ask about that on the Floor. It's not on the grants list.

Mr VALENTINE - No, it's not - that's why I asked the question but clearly, I've missed it.

Ms ARCHER - No, it relates to TMAG, so it's quite different.

CHAIR - Members, any further questions in regard to Grants and Subsidies or perhaps you might have been like the Chair and overlooked a question and we might sneak it in? If not, Attorney-General, with your very varied portfolios, the committee sincerely thanks you for your time today.

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Ms ARCHER - Thank you, it has been a good day and we finished early.

CHAIR - I thank everybody you have had with you. Rowena has been there constantly, the entire day, and she had a lot of supporters as well. It didn't matter how hard I tried, I could not get Amanda to the table, so I don't know what happened there.

Ms ARCHER - As well as thanking all of my Arts people from the Department of State Growth, I thank my office staff. For some of them, it is their first Estimates and they probably didn't know entirely what to expect other than reading *Hansard*, so thank you. I don't think I can say they have enjoyed the experience, but they've supported me well, particularly my chief of staff, Rowena.

CHAIR - Again.

Ms ARCHER - A fabulous job at managing all of us, including me.

CHAIR - It was obviously Liam's first time on Hansard with our committee, and it is also Simon's first time in the big chair as part of the secretary's support.

Ms ARCHER - It ran smoothly, thank you.

CHAIR - Thank you to you all and, minister, if there is anything that you would like to discuss after we finish today, then please take the opportunity to see me afterwards. I'm happy to provide an opportunity for further discussion.

Ms ARCHER - Thank you very much, Madam Chair.

The committee adjourned at 6.21 p.m.