



PARLIAMENT OF TASMANIA

TRANSCRIPT

LEGISLATIVE COUNCIL

ESTIMATES COMMITTEE B

Hon. Elise Archer MP

Tuesday 24 November 2020

MEMBERS

Hon Rosemary Armitage MLC
Hon Ivan Dean MLC
Hon Jo Palmer MLC
Hon Tania Rattray MLC (Chair)
Hon Jo Siejka MLC
Hon Josh Willie MLC

WITNESSES IN ATTENDANCE

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

Ms Ginna Webster, Secretary, Department of Justice

Ms Kerrie Crowder, Acting Deputy Secretary, Corrections and Justice, Department of Justice

Mr Gavin Wailes, Director of Finance, Department of Justice

Ms Penelope Ikedife, Administrator of Courts, Supreme Court, Department of Justice

Ms Ann Owen, Manager, Births, Deaths and Marriages, Department of Justice

Mr Nick Evans, Deputy Secretary, Regulation & Service Delivery, Department of Justice

Ms Catherine Edwards, Manager, Victims Support Services, Department of Justice

Mr Andrew Hawkey, Tasmanian Electoral Commission, Department of Justice

Mr Daryl Coates, Director of Public Prosecutions, Office of the Director of Public Prosecutions

Mr Michael Varney, Director, Crown Law, Department of Justice

Ms Amber Mignot, Director, Child Abuse Royal Commission Response Unit, Department of Justice

Ms Brooke Craven, Director, Strategic Legislation and Policy, Department of Justice

Mr Wayne Johnson, Director, Monetary Penalties Enforcement Service, Department of Justice

Mr Nick Evans, Deputy Secretary, Regulation & Service Delivery, Department of Justice

Ms Amanda Russell, Acting Deputy Secretary, Corporate, Strategy and Policy, Department of Justice

Mr Michael Easton, Chief Executive Officer, Integrity Commission

Mr Richard Connock, Ombudsman, The Office of the Ombudsman

Ian Thomas, Director of Prisons

Emily Chase, Manager, Safe at Home, Department of Justice

Robyn Pearce, Executive Director, WorkSafe Tasmania, Department of Justice

Peter Graham, Executive Director, Consumer, Building and Occupational Services

Tim Baker, Secretary, Office of the Secretary, Department of Primary Industries, Parks, Water and Environment

Louise Wilson, Deputy Secretary, Office of the Secretary, Department of Primary Industries, Parks, Water and Environment

Ester Guerzoni, Senior Executive Officer, Executive Services Heritage Tasmania, Department of Primary Industries, Parks, Water and Environment

Jason Jacobi, Deputy Secretary, Parks and Wildlife Service, Department of Primary Industries, Parks, Water and Environment

Gary Davies, Director, the Royal Tasmanian Botanical Gardens, Department of Primary Industries, Parks, Water and Environment

Janet Carding, Director, Tasmanian Museum & Art Gallery

David Sudmalis, Director, Arts Tasmania

Alex Sangston, Executive Manager Screen, Screen Tasmania

The Committee met at 9.00 a.m.

DIVISION 6

Department of Justice

CHAIR (Ms Rattray) - Good morning everyone. Welcome to you, Attorney-General, and your team. This is Estimates Committee B, and I invite you to introduce your team at the table. If you need some interchange during the day, there are two clean chairs there, but if anyone else comes, please take a chair from those in the corner and then just swap them over. We are COVID-19 safe and looking to meet all those requirements, Attorney-General.

We will, as always, invite you to provide an overview. Before we do, I just want to say that we will be breaking at 11.15 a.m. for morning tea, no matter where we are in the output groups. Then we will come back at 11.30 a.m. with the DPP, to facilitate his part of the hearings. We will then continue on after that. Over to you, Attorney-General.

Ms ARCHER - Thank you, Chair. With me I have my Department Secretary, Ginna Webster, and also Acting Deputy Secretary, Kerrie Crowder for Corrections and Justice.

At the table, you will notice I have a number of departmental staff behind me; I thank them for their presence today and, indeed, their perseverance. We will call up those members as we require.

Just as an overview, which I will try to keep as short as possible, because I know you like to get into your many and varied questions, I always feel extremely privileged to appear before the House - indeed, our committees, and this particular committee - as Attorney-General and Minister for Justice. The seniority of that role is never lost on me in terms of the duties and functions that I carry out as First Law Officer of this state.

I will, throughout the hearing today, outline significant funding commitments contained in the 2020-21 State Budget that will continue to improve access to justice and to support victims, something that has been a key focus of mine since taking on these essential portfolios.

It is, in fact, partly due to the difficulties posed by the COVID-19 pandemic, and the Government's agile response, that I can detail that we have put \$1.8 million in funding over two years for new or replacement videoconferencing and recording equipment at the Magistrates Court and the Supreme Court, at their facilities, and also the Tasmania Prison Service. These facilities will make it easier, and indeed safer, for the people to access our courts, and ensure we remain agile as well.

The entire legal profession, including our courts, our tribunals, our legal assistance sector, and indeed our private practitioners, adopted new ways of working during COVID-19, to maintain those high levels of service through innovative solutions, if you like.

I take this opportunity at the outset to thank them all for their tireless work over this period, and as they continue to do over the course of the year, and in particular the past six months. Their work has been exemplary, as has my department as a whole. I do hope we get an opportunity to go through our response to COVID-19 within the department because it

truly has been extraordinary and I am very proud of their efforts, particularly in our prisons when we get to that later.

Alongside our investment in technology, significant funding will also be available to improve court infrastructures, specifically in Burnie. In the 2018-19 Budget the department provided funding of \$15 million for the Burnie Court Complex. In this Budget, \$2.9 million is provided in the 2020-21 year so that work can start on developing that new court precinct at Mooreville Road.

Meanwhile, the legal assistance sector has been provided with \$640 000 per annum which equates to \$2.6 million over four years in additional operational funding to assist the Tasmania Legal Aid and the state's Community Legal Centres to maintain their core service levels under the Australian Government National Legal Assistance Partnership Agreement. That is the top-up funding. Additional funding of \$2.3 million over four years has been provided to Tasmania Legal Aid for its serious cases' fund - namely, complex criminal trials. That will help reduce the backlog of complex criminal cases waiting to be processed through the Supreme Court.

Meanwhile operational funding of \$3 million over four years, or \$750 000 per annum, has been provided to the Office of the Director of Public Prosecutions within its separate Budget allocation to assist them to deal with workload pressures essentially. An additional operating services funding of \$550 000 per annum has also been provided for Crown Law legal risk management to enable Crown Law to meet increasing demand for its services from the Government and agencies. That is specifically in response to our massive infrastructure build which relies heavily on Crown Law services both in the Office of the Solicitor-General and more so in the Office of the Crown Solicitor.

They are just a few tempters in the overview of what is contained in the Budget, but I am very pleased even with a difficult budget in our recovery from COVID-19, that our essential legal services have received additional funding and we continue to embark on our major infrastructure spend also in the area of Justice.

CHAIR - Thank you very much, Attorney. Are there any questions members on the overview? Obviously, we will get to all those output groups.

Mr DEAN - There are many questions.

CHAIR - We might never get into the output groups.

Ms ARCHER - I love how you go into the output groups. It is very orderly.

Output Group 1 Administration of Justice

1.1 Supreme Court Services

Ms ARCHER - We would like to get the Registrar of the Supreme Court to the table if we could because no doubt some of your questions might be assisted by his help. That is Jim Connolly, the Registrar of the Supreme Court.

CHAIR - Welcome Jim. Always lovely to have you at the table.

Mr DEAN - You mentioned the backlog in the Supreme Court and that is not a bad place to start. We were told going back a number of years ago now that the relief judges brought in would fix that problem or would certainly see a decrease. It hasn't. In fact, the numbers have sadly blown out a lot in this last year again and quite a few old cases as well within that court. How can we be satisfied an extra judge is going to help with that decrease because the workload currently coming into the Supreme Court, as I understand it - and correct me if I am wrong - is increasing, not decreasing. However, we have passed recent legislation which may assist when that is proclaimed and working. Where are we with the Supreme Court? What is the real situation?

Ms ARCHER - Thank you for your question, Mr Dean. As members know, there are a number of causes for backlogs, not least of all this year with COVID-19. We did have a period where the courts needed to restrict their activities as much as any other area. None of these are excuses; I am stating what the facts are. COVID-19 had a significant impact. As you would be well aware, management of the Supreme Court is a matter for the Chief Justice. I meet with the Chief Justice regularly, and particularly during COVID-19 provided whatever assistance through my department secretary they required in that regard. It was very much a team effort in relation to COVID-19 and the advice that needed to be sought for safety reasons. In relation to backlogs, there is no one silver bullet.

You mentioned the legislation we've dealt with. I think that will go a long way. The preparation of the implementation plan is being carried out in relation to those measures which will make a significant difference to the workload of the Supreme Court. Currently, they are dealing with a lot of matters that can easily be dealt with in the Magistrates Court and that act will ensure that a lot of matters that shouldn't really get to the Supreme Court remain in the Magistrates Court.

In particular I'm thinking of those matters that now have a different jurisdictional limit for property cases but, in terms of criminal cases, a lot of matters can be dealt in the Magistrates Court, and you are very well aware of those.

Mr DEAN - So we're shifting a lot of the load into that court and that matter will be dealt with shortly, of course, but -

Ms ARCHER - There has been an additional magistrate been put on in the Magistrates Court and you yourself acknowledge that from next year we will have a seventh judge as well. That is something the Chief Justice has been calling on for some time and I'm very pleased that will occur next year and will make a significant difference. We must note there are no backlogs in the civil jurisdiction of the Supreme Court; it is entirely in the criminal jurisdiction.

The court, of course, doesn't have control over the number of matters that come before it and, again, as I say, it's the Chief Justice's domain to manage the court, what matters are heard and, indeed, to monitor the backlog situation. It is for the Government to provide funding and the policy framework to try to reduce those backlogs. We acknowledge there has been an improvement in finalisation rates.

The Chief Justice has put on extra hearing time and that is in periods where they don't usually sit - in times when they don't usually sit as well, in the day - to increase the amount of matters that they get through. Having acting judges, of course, has been a great initiative. I know the Chief Justice is very supportive of the acting judges and, indeed, I am also giving consideration to some -

Mr DEAN - They are continuing to work, are they, the relief judges?

Ms ARCHER - They are continuing to work. I will closely monitor their continued value as well because they also play a role in enabling the court to deal with conflicts-of-interest situations, and also allow time for our permanent judges - if you like, I will call them - to write their reserve judgments and, therefore, the acting judges can take on some trial hearing matters while judges can deal with their own backlog of reserve judgments as well that they may have. It is a multi-pronged approach.

A number of significant things are being done but the legislation that has been now passed through parliament, the two different pieces of legislation - the Court Backlog and Related Matters Bill, which was a Justice miscellaneous bill, and the Magistrates Court package - when fully operational will go a long way to reducing those backlogs. In conjunction, we now have an additional magistrate. I take the opportunity to congratulate Ms Hartnett again on that appointment as the additional seventh judge at the Supreme Court.

Mr DEAN - You mentioned the civil jurisdiction. The civil jurisdiction hasn't gone down, Attorney. In fact, there has been a very slight increase. It certainly hasn't come down.

Ms ARCHER - There is certainly not a backlog, though. I was referring specifically to there being a backlog and Mr Connolly can probably shed light on the statistics, but certainly as I was going through the statistics that have been provided to me, the civil -

Mr DEAN - The pending cases older than 12 months have gone out, so you would immediately assume from that that perhaps other cases are not dropping either but probably I'm wrong -

Ms ARCHER - No, but civil jurisdiction, Mr Dean, as you might be well aware is a different jurisdiction, and I used to practice in it. Sometimes the length of the matter will be entirely out of control but for the parties, entirely out of control of the court, other than case management. Appearing back regularly before the judge or associate judge in relation to procedural matters with some matters simply cannot be brought on for hearing. Indeed, they cannot be brought on for hearing until they have had a mediation either. There might be valid reasons as to why something is not ready for mediation or hearing - for example, medical reports and other expert evidence is required.

Mr DEAN - My point is they have not dropped off, unless there has been a drop off in the other area and the older cases are continuing to blow out, one or the other. With the extra judges and with the new judge to be appointed, and when is that likely to happen?

Ms ARCHER - I might throw to the department secretary, Ms Webster, because the department manages that process with an independent expert panel and the usual judicial protocol is followed by myself after I receive a recommendation from that panel.

PUBLIC

Ms WEBSTER - Thanks, Mr Dean. We will be advertising for that judge very shortly using the judicial protocol to appoint as the Attorney-General mentioned. It will be very early in the new year and they will be ready to commence in the next financial year.

Mr DEAN - The next financial year, that is 2021-22 you are talking about?

Ms WEBSTER - That is correct.

Ms ARCHER - They do get a process of judge's school before they commence so we have to allow time for that.

Mr DEAN - So with the extra judges still sitting and with the increase of another judge in 2021-22, what facilities will you require? Do you have the facilities in the Supreme Court such as buildings to be able to accommodate the extra judges, plus the new judge? What is the position there around the state or are sitting times going to be extended?

Ms ARCHER - The extension of sitting times is a backlog measure I know is being adopted by the Chief Justice, so that is entirely a matter for him. It is something I fully support because with more sitting time, they really can tackle that backlog. Of course, it is a matter of having the space available and because of COVID-19 there have been obvious restrictions in place in that regard. It has also meant adapting some of our civil courts used for criminal cases, because about 90 per cent of civil jurisdiction cases usually settle. I do not want to mislead, so it is around about that figure if it has not changed in a number of years and so those civil courts are vacant for hearings. To allow the configuration of those courts to be used for criminal matters is a sensible thing. I do not know if Mr Connelly wants to add anything in relation to the measures the court has taken throughout this period.

Mr DEAN - There maybe some numbers around the percentages whilst they are in this document I saw them and the numbers are there. If we can have the numbers for the civil jurisdiction, I would like last year's and this year's.

Mr CONNOLLY - Okay, just responding to the capacity of the court to accommodate an additional judge. We have a spare chamber in Hobart where the judge will be based. Up until 1995, we had seven permanent judges based in Hobart and then upon the retirement of one of them in that year, there was no replacement. It has been that case up until now so there is chambers accommodation available and we have spare chambers in the criminal building also. The arrangements we put in place during the COVID-19 period for accommodating court business, we have been running one criminal court in the criminal building and one in the civil building as we cannot use both in the criminal building, because the jury facilities are not sufficiently large to allow for the physical distancing. We had one in each building and have modified the civil building to make it more amenable for jurors by increasing the size of the jury room and also putting a dock in that civil court building; eventually we hope to run a secure corridor from the holding cells to the civil building.

As far as the civil case load goes, I think it is important, as the Attorney-General mentioned, to recognise that the criminal case load and civil case load are quite different, in the sense that the criminal case load is driven by the court and the Crown getting trials ready to proceed, whereas in the civil jurisdiction, it is very much up to the parties to determine the pace of the litigation.

PUBLIC

There may be many reasons why civil cases can't proceed. Injuries need to stabilise, expert reports need to be obtained, negotiation, mediation, all that sort of thing.

While the number has increased statistically on the books, the actual demand for hearing time, or trial time, in the courts for civil matters can always be accommodated, because it is quite a small percentage of cases that actually go to hearing. If you wanted to get a matter on for trial in the civil jurisdictions of the Supreme Court today, we could give you a definite listing date in no more than three months time. It is quite a lot. More condensed than in the criminal.

Mr DEAN - The point I was trying to make was that the civil jurisdiction hasn't dropped off, as the Attorney-General alluded to. The cases haven't dropped off.

Ms ARCHER - I didn't say they had dropped off. I said they were not in backlog - that our backlogs didn't exist with civil cases. The backlog issue, and the problem, is in the criminal jurisdiction. I certainly didn't mean to mislead in that regard. The backlog issue is just in the criminal jurisdiction, not civil.

Mr DEAN - On the security around the Supreme Courts throughout the state - here, Launceston and Burnie. What is the position there, Attorney-General, and have we had any security breaches in the financial year just passed?

Ms ARCHER - I can certainly talk about the enhancements, but in terms of breaches, I am sure Mr Connelly can address that, with the intimate knowledge he has on what goes on, on a daily basis.

CHAIR - We didn't get those numbers.

Ms ARCHER - Oh, the civil numbers. Let's go back and do that, and then we will do the security.

Mr CONNOLLY - For non-appeal cases. This is drawn from the Report on Government Services - RoGS. The pending case load for those greater than 12 months increased from 265 to 325 in the 2018-19 financial year. It is an increase of -

Mr DEAN - And the 2019-20 financial year?

Mr CONNOLLY - I don't have those figures here.

CHAIR - Are they available?

Mr CONNOLLY - Those figures are not yet published. They will be in the Report on Government Services that is published in January each year. This coming January.

Mr DEAN - So aren't they available now? It is 2019-20. We are quite a few months ahead of the end of the financial year.

Mr CONNOLLY - No, they haven't been published.

Mr DEAN - Haven't been published, but are they available?

Mr CONNOLLY - They will come out in the Chief Justice's annual report, which is about to be tabled. I can't pre-empt that.

Mr DEAN - So, the report is coming out shortly. Thank you for that.

CHAIR - Annual reports are usually tabled in October, aren't they?

Mr DEAN - Yes, I thought they were too.

CHAIR - We will follow up with that.

Ms ARCHER - Question the timing from the Chief Justice at all? I am sure he's been busy.

CHAIR - The First Law Officer isn't. I doubt that this committee will.

Mr DEAN - If I am not mistaken, Estimates have taken place much closer to the end of the financial year previously, and these figures have always been known, to my knowledge, during the Estimates processes.

Ms ARCHER - I think you have always been disappointed that it hasn't been up to the day, because we can't supply those figures.

Mr DEAN - Criminal jurisdiction are available. I will check my Estimates folders previously to see, and come back to you on that. If we can have the security issue?

Mr CONNOLLY - Security incidents range from minor to major, as you would know from your previous life. I have an estimate here of the number of incidents statewide in each of the three registries; it totalled about 55 incidents during the year and they relate to everything from a minor verbal altercation that was potentially going to overflow in the public waiting areas between rival groups, to a most serious incident involved an assault by a remandee in the dock in the Burnie Supreme Court in September, causing injuries to a prison officer, unfortunately. We had a big scuffle in the Hobart Supreme Court in October where three defendants who were due to appear were involved in an assault and we had a rapid response from our security officers.

CHAIR - An assault on each other?

Mr CONNOLLY - Yes, because they were from rival groups. This is not uncommon in courts, unfortunately, but it is the nature of the business we do. We have about 13 security officers statewide in our three court locations and they are well trained. They respond well and they contain these incidents.

Mr DEAN - So coming from that, is the security an issue? Is there more work being done around the security within the court precincts to try to ensure that some of these things don't get out of hand? The police keep raising it as an issue with the Magistrates Courts.

Mr CONNOLLY - Yes, I'm aware of that. It's a combination of procedural responses and architecture for example. A few years ago, we modified the Hobart Supreme Courts, in

fact we did it statewide, as a result of an incident where a member of the public invaded the well of the court from the public gallery so we put up more barriers, that kind of thing, but a lot of it is the skill of the security officers and the psychology involved in de-escalating incidents as they are arising.

Ms ARCHER - Mr Dean, you will recall that following a review and the introduction of the Court Security Act 2017, which came into force on 1 July 2018, that the Government provided security enhancements - \$450 000 for capital works and also \$120 000 for recurrent additional security, and the court spends around \$850 000 per annum on security.

Those enhancements were to the better perimeter security; criminal courtroom modifications at the time; separate access for jurors; and a security gate across the driveway leading to the holding cells and basement garage under the Criminal Court building; improved security measures at even the civil registry counter; the additional CCTV installations in Burnie and Launceston; and also the upgrade of holding cells in the Launceston Supreme Court. That was as a result of a review not that long ago and those enhancements were carried out.

Mr DEAN - Were there any ongoing security risks taken against prosecutors, for instance, within the Supreme Courts or persons appearing? Were any threats made against their actions?

Mr CONNOLLY - I am not aware of anything, no.

Mr WILLIE - I am assuming charges were laid in all those incidents?

Mr CONNOLLY - I think they were reported to the police.

Mr WILLIE - So we would have to ask police that?

Ms ARCHER - The procedure would be they get reported to the police, as Mr Connolly has said, and then the police investigate. It is no different from than if we have an incident in the prison, for example - it is the realm of the Tasmania Police to investigate any criminal activity reported to them, whether or not they lay charges.

Ms PALMER - Attorney-General, can you please update the committee on how the Tasmanian Government is allowing for better access to justice as a result of COVID-19 as well as bringing Tasmania in line with other Australian jurisdictions?

CHAIR - You probably were not expecting that question.

Ms ARCHER - No, but when I was addressing the backlog question, I was toying with the idea of mentioning it at that point because obviously there have been some unprecedented impacts to the criminal justice system because of COVID-19 due to physical distancing requirements and the Supreme Court temporarily suspending jury trials. This is a direct response of that social distancing requirement and not being able to accommodate the number of jurors we require for a criminal trial in that one jury room. There were restrictions and I am pleased to say criminal jury trials resumed on 21 July in Hobart and Launceston. Due to the size of the courtroom in Burnie, it was not possible to conduct jury trials and also comply with public health guidelines with the physical distancing and room density limits. The result of the suspension of criminal jury trials in Tasmania due to COVID-19 is obviously multifaceted.

Delays in hearing matters have an adverse impact on all parties and place the whole justice system under additional pressure, as we have been talking in terms of backlogs, so COVID-19 had an impact there.

I am very pleased to announce I have asked my department to explore options in draft legislation for the introduction of judge alone trials or criminal trials without juries, as it is also known. This is as a result of some direct discussions I have had with the Chief Justice. The judge alone trial is obviously a criminal trial without a jury. The judge would make all the decisions a jury would normally make and their decisions have the same affect of that of a jury. Introducing judge alone trials in Tasmania would provide an additional option for judges in the Supreme Court to conduct criminal trials whilst maintaining the necessary COVID-19 physical distancing requirements, which seem will be with us for some time.

We do not currently in this state have an option for a judge alone trial, unless the accused pleads guilty to an indictable crime which is a more serious crime, as members will know. They are entitled to be tried before a judge and a jury in the Supreme Court with the jury determining whether they are guilty of an offence. The jury determines the facts, the judge determines the law. The section 361 of the Criminal Code provides for trial by jury and jury trials are a fundamental part of Tasmania's criminal justice system and will remain so under this.

It would provide accused persons remanded in custody pending trial with an option to have their case brought expeditiously. The avoidance of any delay may also have a positive impact of victims of crime by bringing forward the resolution of matters and reducing the waiting time to give evidence and therefore the clarity of their evidence. The introduction of the option of judge alone criminal trial would actually bring Tasmania into line with a number of other jurisdictions such as the Australian Capital Territory, New South Wales, Queensland, South Australia and Western Australia.

Mr DEAN - They have had them quite a long time.

Ms ARCHER - Yes, they have, and there are other jurisdictions which have specific provisions only in relation to COVID-19, but my proposal is to extend it beyond COVID-19, not least of all because it seems the new normal seems to be with us for some time.

In April this year, Victoria introduced the ability on a temporary basis as I just said, so Victoria was an example. Trial by judge alone for indictable offences is not available in the Northern Territory, just for completeness, or in any jurisdiction where an accused has been charged with a Commonwealth offence, because it is protected under the Constitution. A number of key local stakeholders have indicated broad support for the concept of judge-alone trials, in fact some of them have been -

CHAIR - Even the Tasmania Law Reform Institute - TLRI?

Ms ARCHER - I don't have specific detail with me but I can could certainly get someone -

CHAIR - That would be something we would be interested to know.

Ms ARCHER - No, I won't guess that. I am sure someone can advise in that regard shortly.

In relation to a number of legal stakeholders, they have been talking to me for some time about this option. I am drawing to a close, but this is a critical component because an accused's right to a trial by jury should always be that. It is a right and it is their choice, but we are looking to consult when the bill goes out, on four key elements of instances in which the option for a criminal trial without a jury would be considered, and that is mainly based on the work already commenced in other jurisdictions. We have already done that jurisdictional comparison, and that is the accused or the prosecution may apply for a judge only trial; that the accused and any co-accused must consent, so co-accused in the one trial, you can't have one agreeing to it and not another co-accused; a judge may make an order if it is in the interests of justice to do so; and that a judge in a judge only trial can make any finding that a jury can.

I am also proposing that there be a protection in relation to the provision of the certificate that the decision has been made of the accused's free will, and that there has been no coercion and that sort of thing. That type of protection, which I believe the ACT has, in consultation with the chief, is a very good measure at ensuring that a defendant's rights are maintained in this process and that it is purely their choice to proceed like this if they are happy to make that election. So, it is entirely voluntary and of their own consent. Even if the prosecution applies, the defendant would need to agree to it as well. It can't be forced unless the judge decides it is in the interests of justice to do so. I expect the feedback we get by way of submissions will address that issue as well, how best we can deal with that situation.

I plan to commence that stakeholder and public consultation on a draft bill before the end of the year. Work has progressed nicely on that since the department was able to resume their normal roles post the immediacy of the emergency of COVID-19. I look forward to receiving that feedback on this initiative, which I think will go a long way, Mr Dean, to addressing backlogs.

CHAIR - Before I hand over to Ms Armitage for 1.2, Magisterial Court Services, can we have the number of employees in this particular area? It is something we have always put on the public record for the Tasmanian community to have access to.

Ms ARCHER - While the department secretary is finding this, I can answer your query about the TLRI. The stakeholder consultation I have had has been in my regular catch-ups so the bill going out will be the specific key stakeholder consultation, but I have certainly already spoken with the judiciary, the Tasmanian Bar Association, the Law Society of Tasmania and Legal Aid Tasmania, in my meetings with them where I raise a number of different issues and will consult with other stakeholders and the community.

CHAIR - You've just taken our question on notice, off notice.

Mr DEAN - A quick question on the Supreme Court?

CHAIR - We were waiting for numbers. We will have those first and then your quick question before we leave this area.

Ms WEBSTER - I have data from 30 June 2020 which, for the Supreme Court, including Law Library, is 59.1 FTE, and that is a head count of 74.

Mr DEAN - I addressed the backlog in the Supreme Court, but I would like to ask a question in relation to any extra workload coming into the Supreme Court. Do we have any figures on that? In other words, extra cases coming in if we look back, say, to the 2018-19 and 2017-18 years, the amount of work coming in?

Ms ARCHER - Do you mean new cases coming in?

Mr DEAN - New cases coming into the Supreme Court and the area that is bringing most work in, is it the drug area, sexual crime? Do we have those figures as well?

Ms ARCHER - I'm not sure if we have the breakdown, but I will allow Mr Connolly to address that. He is looking positive.

Mr CONNOLLY - I am just noticing that, in the year ended 30 June this year, there was an increase in sexual offences - particularly in what used to be called 'maintaining a sexual relationship', which is now called persistent sexual abuse of a child or young person.

The underlying numbers are smallish. It went from 10 to 21, but it accounts for a 110 per cent increase. The next biggest increase was in aggravated assault, from 21 cases to 31; rape increased from 24 cases to 28 cases committed to us during that year; aggravated burglary went up from 18 to 20; wounding went up from 46 cases to 51; and aggravated armed robbery, from 28 cases up to 30.

So, they are the nature. In those categories, they are creeping up, but there have been decreases. For example, common assault, or Criminal Code assault, reduced by 20 per cent, from 143 down to 114.

Where one goes down, another one might go up. It might be more serious cases. Assault, or grievous bodily harm, instead of assault.

Mr DEAN - Do we have any percentages on the actual increase in new cases coming in to the courts?

Mr CONNOLLY - The lodgements themselves?

CHAIR - Minister, while Mr Connolly is searching for those figures, you indicated in your responses to Mr Dean that the Supreme Court would be taking more time in delivering justice, yet the Budget doesn't reflect that there is a real increase there.

Obviously, Magisterial Court has an increase, but not the Supreme Court. Are you expecting them to do more with the same amount of funds?

Ms ARCHER - I think you're probably looking at Operational. There is certainly more there, in relation to the seventh judge, which was in last year's budget, to put towards the wraparound services of what that judge will need. A lot of it is in relation to that. I am looking to my department secretary, because overall I know there is an increase in operational funding, and just wonder if we can provide any detail there. Or whether it is in the outer years.

PUBLIC

CHAIR - Well, there is some in the forward Estimates, but not in this year's Budget. There is about \$110 000 or \$115 000 that I can see.

Ms ARCHER - It may well be, as I say, the funding for the seventh judge.

CHAIR - I don't think that is going to cover the cost of a judge, with all due respect.

Ms ARCHER - No. The seventh judge was fully accounted for in the 2019-20 Budget, as I understand.

Ms WEBSTER - That is from reserved by law funding as well, so that wouldn't be showing in our operation budget.

Mr DEAN - Mr Connolly has those figures.

Mr CONNOLLY - The number of new criminal cases lodged in the last financial year decreased slightly - 3 per cent, from 667 cases to 647 - but it is important to compare that figure with one, say, five years ago. It is actually 30 per cent higher. We were 449 cases five years ago, and we are now sitting on 647 lodgements.

Mr DEAN - One further question, which is fairly important, looking at the real net recurrent expenditure per finalisation. There was a significant decrease this year, from \$19 000 to about \$13 500.

I was having some difficulty understanding what the footnote actually means. It talks about -

Historical financial data has not been adjusted for inflation, as a result, these figures are not directly comparable between years.

CHAIR - Do you think that means 'I'm not sure why'?

Mr DEAN - Yes. It could be a question mark.

CHAIR - I am sure the Attorney-General will know exactly why.

Mr DEAN - Yes.

Ms ARCHER - We're going to call up our finance man - Gavin Wailes, our Director of Finance.

CHAIR - Thank you, Gavin. Welcome. An explanation to that note.

Mr WAILES - Sorry, which note was that?

CHAIR - Note 2, page 172 of Budget Paper No. 2.

Mr DEAN - If you look, it is also on page 170.

Mr WAILES - Okay. Yes.

Mr DEAN - And the footnote is on page 172.

Mr WAILES - Typically in the Report on Government Services submission we adjust the previous figure and bring it up for CPI, whereas in the RoGS information we have this year we're unable to do that for the two prior years. These are the actual recurrent expenditure per finalisation rather than adjusted into the most recent year's dollars, if that makes sense.

Mr DEAN - Right. So, it's not in your current and/or recent year dollars.

Mr WAILES - Yes. For next year, the 2019-20 actual will probably increase by about 2 per cent for indexation -

Mr DEAN - Right.

Mr WAILES - - to make it comparable with the 2020-21 figures.

Mr DEAN - Right. I was just wondering why. It was the first time I've seen it, maybe it's the first time I've looked closely at it.

Mr WAILES - Yes, it is there every year.

Mr DEAN - All right.

Mr WAILES - But because we've got three years of actuals this year, we were unable to do that with our submissions to RoGS.

Mr DEAN - Yes. Thank you for your explanation.

CHAIR - More forensic this year, Gavin. Thank you. Now we will move to 1.2, Magisterial Court Services.

Output Group 1 Administration of Justice

1.2 Magisterial Court Services

Ms ARMITAGE - I might start off with an article in the newspaper which I'm going to use -

So, the budget declares that criminal lodgements in the adult criminal jurisdiction of the Magistrates Court have decreased by 2.3 per cent.

Is this because fewer crimes are occurring or are fewer lodgements as a result of underfunding of the Director of Public Prosecutions Office as reported in the *Mercury* on 12 November? That article reads -

CONTINUED government underfunding of the state's prosecution service means accused criminals are avoiding justice and victims and witnesses are suffering as a result

...

Statistical tables included in the annual report show the number of matters discharged without proceeding to trial or sentence increased to 203 last financial year. Five years before, the figure was 79. Mr Coates noted that more accused criminals, who would ordinarily have stayed in prison awaiting trial, were being granted bail because of the backlog.

Do you have a comment, Attorney-General?

Ms ARCHER - I do, and what I can say about the DPP and, no doubt, we will be going through that also when you will have a chance to speak to Mr Coates yourselves later, is that I and the Government fully acknowledge the increasing workload in the Office of the DPP. I fully acknowledge they require additional funding. In this Budget we have put in additional funding of \$750 000 per annum, which is \$3 million over four years.

I continue to monitor actively this and regularly meet with the DPP himself on these matters, on the areas where there might be significant backlog or that needs particular attention. I know following the Royal Commission into Institutional Responses to Child Sexual Abuse, that a distinct focus - and rightly so - has been on clearing child sexual offence or other sexual offences. There has been a concentrated effort to deal with those matters and quickly so there is less traumatising for survivors.

Indeed, the memory recall for survivors, as you would appreciate, over time can decrease so it's critical we deal with and prioritise those matters. I am very pleased we have been able to put additional funding there. As members would appreciate, certainly from what I have said in previous years, when we put additional funding into the DPP, we also need to also put additional funding into Legal Aid Tasmania and also attention on the courts because it is a triangle, if you like. Where you increase resources somewhere, you need to do it elsewhere, which can put overall pressure on our budget.

Mr DEAN - And when you increase the police service, you need to increase everything else.

Ms ARCHER - Yes, and there is no better friend of the police service than our Government. We have put a lot of funding into Tasmania Police and rightly so. After previous cuts, it needed to receive that top-up to get the numbers back to a level that is appropriate, but in turn it means that more offenders are being caught and charged, and that is a large part of the component of seeing an increase in workload. That should be a good thing because these people are breaking the law and they need to be brought to justice, so I appreciate there are flow-on effects to that and we are dealing with that in close conjunction with the Office of the DPP.

I am sure Mr Coates will be able to shed light on the statistics on where the significant increases are and he brings me up-to-date each year and each quarter on where those pressures

are. That helps inform me in terms of my policy reform as well, to ensure we are responding to particular areas, if we can have better procedures or we can deal with matters more swiftly in court. There might be a legislative fix to something, and not necessarily monetary all the time.

It is not just concentrating on one fix by throwing money at everything, it is about a whole range of things that I have tried to do as Attorney-General, and if we get to our legislative reform agenda, what we have done in terms of procedures and crime has been significant.

Ms ARMITAGE - The question really was the decrease of 2.3 per cent. Do you believe that many of the cases aren't going to the Magistrates Court? There is such a backlog that many cases are being discharged without going to court.

Ms ARCHER - That is a question that would be appropriately dealt with by the DPP. There would be a number of factors I am sure Mr Coates would be able to say inform his decision not to proceed, but I wouldn't like to think, and I don't believe it is the case, that people are not being brought to justice for matters that should go to court. I know he gives very careful consideration to a whole range of issues before that type of decision is made and I don't think it is fair to say that in all of those cases, it is because of budget.

The DPP also receives additional funding for the summary jurisdiction. Some time ago we provided that funding because quite a few specialist cases are dealt with in the Magistrates Court and in conjunction and/or collaboration with Tasmania Police, the DPP runs some of those cases for Tasmania Police. Again, Mr Coates will be able to shed some light on that work as well.

I recognise there are pressures within our criminal justice system and I am doing everything possible to address those through funding and other measures such as legislative reform. We have done that with the significant package we have just put through both Houses regarding the backlog and the Magistrates Court matters.

Mr DEAN - It's the police prosecutors who really determine most of what goes into the court.

Ms ARCHER - Summary jurisdiction? It is, and that doesn't always fall on the DPP. The summary jurisdiction, being the Magistrates Court, the prosecutors are largely Tasmania Police prosecutors but they seek advice and I know that the DPP's office regularly provides that assistance in terms of what might happen with proceedings but, as Mr Dean just said, it is a matter for Tasmania Police in the summary jurisdiction, apart from those matters that are assigned to the DPP.

CHAIR - And the member for Launceston reminded him that he asks the questions to you, not answers for you.

Ms ARCHER - I will leave that to you, Chair.

Ms ARMITAGE - Obviously, with the Magistrate's Court we are looking at the number of cases pending older than six months, older than 12 months as has been mentioned and I do refer to a variety of different articles, but the longer that a case is pending obviously, the harder it is for witnesses to come forward. It contributes significantly when some of these cases

coming up are discharged or held back on many occasions, that the witnesses are no longer available or there are problems with getting witnesses. Are these some of the main delays?

Ms ARCHER - I do not have the personal knowledge to be able to answer that correctly. It really comes from the prosecution itself; again, the DPP might be able to assist in that regard, because we do not have Tasmania Police appearing before this committee, not being my output. It is a factor; it is always going to be a factor, and one of the reasons the DPP has prioritised sexual offences is for that very reason, because we know a lot of those cases can be historical. Certainly, in the civil jurisdiction we have dealt with the limitation period to allow matters to still be pursued by way of civil claims as well as the redress scheme, but memory can be an issue in those cases. Memory can always be an issue in any case and so a prosecutor, I would imagine, when they are making a decision will also take into account whether it is a major or the only factor; that is not something I can answer.

At this stage, though, because we are dealing with the Magistrates Court, I might get the Administrator of the Magistrate's Court, Penny Ikedife, up to the table.

Ms ARMITAGE - Perhaps we can have an answer as to what has caused the increase in the number of pending cases older than six months in the Magistrates Court civil jurisdiction.

Ms IKEDIFE - Thank you. There was a large increase in the 2020 year in the fourth quarter due to the COVID-19-related measures we needed to put into place to preserve safety and follow social distancing guidelines. Largely that would fall into the six-month category increase in cases.

Ms ARMITAGE - We do not have a separate line item for the Magistrates Court?

CHAIR - You are in the right area.

Ms ARMITAGE - With regard to the Coronial Division of the Magistrate's Court, what outcomes have been achieved by the implementation of the Tasmanian Suicide Register which commenced in 2017?

Ms ARCHER - I am just trying to work out if that will go to something Ms Ikedife should deal with or I can. Obviously, that register commenced in November 2017 in the Coronial Division of the Magistrates Court. It is a state-based suicide surveillance system that gathers detailed information on people who die by suicide in Tasmania and the circumstances surrounding their death. I would like to say at this point if anybody watching this broadcast has issues or is impacted by what we say at this committee, services are available for them to call. I am very conscious, particularly with yesterday's hearing before the Premier, that some people watching this telecast may be deeply affected by some of the matters we discuss before this committee. All suspected suicides in Tasmania are investigated by coroners and so the Tasmanian Suicide Register has been deliberately placed within the affinity of the coronial setting. It is a collaborative project between departments of Health, Justice and the Magistrates Court, and also makes evidence-informed recommendations to prevent suicide. Just looking ahead to see if I can answer your question more effectively, what was your specific inquiry, Ms Armitage?

Ms ARMITAGE - What outcomes have been achieved by the implementation of the suicide register?

Ms ARCHER - Broadly, there's that collaboration or inter-agency approach with the courts, so the Department of Health has obvious relevance here as well as Justice and, indeed, the Magistrates Court. As to how that operates in practice, I might ask Ms Ikedife if she has any response in relation to how the coroners might find the usefulness or otherwise of that register and the process, because I'm very conscious that I shouldn't speak on behalf of the coroners themselves.

Ms IKEDIFE - The Tasmanian Suicide Register is obviously a coherent and useful location for coroners to be able to access suicide information, and then to use that information to make recommendations in relation to their findings on particular matters.

It also provides a basis for a number of research organisations who apply to the Chief Coroner for permission to access the Tasmanian Suicide Register data, and, subject to her decision as to the suitability of the release of that information, they can access the information for research purposes, including a current project looking at identifying and addressing risk factors for suicide in the context of COVID-19, and multiple other applications that have been received by the Coronial Division for access to that data.

Ms ARMITAGE - Thank you. Two more quick questions, if I may.

CHAIR - Then I'm going up the other end of the table, to my left.

Ms ARMITAGE - Just a slightly different area, still in Magistrates Court, obviously. The Budget states that the cost per finalisation of adult criminal cases in the Magistrates Court has increased due to the decrease in finalisations. Can you please explain how and why this occurs?

Ms ARCHER - That might be another statistical -

Ms ARMITAGE - It's just unusual that the costs have gone up because of the decrease. I'm assuming they're taking longer - maybe that's why.

Ms ARCHER - Yes.

Ms ARMITAGE - I don't want to answer my own question, but -

Ms ARCHER - Again, I'm happy for Ms Ikedife to address that.

Ms IKEDIFE - It's due to the fact that there are a certain number of static expenses - for example, the cost of employing a certain number of magistrates, and when those costs are divided by the number of cases, if there's a reduction in the cases coming in, it increases the cost per finalisation.

Ms ARMITAGE - Because there's still the same number of people actually in that area?

Ms IKEDIFE - That's right.

PUBLIC

Ms ARMITAGE - Thank you. One last one. What effort does the department make to promote alternative dispute resolution as a way to better control civil and administrative cases ending up before the Magistrates Court?

Ms ARCHER - I'll ask Ms Ikedife again on that procedure.

Ms IKEDIFE - In relation to civil cases generally, and also restraint order and family violence order applications, there's a conciliation process that the parties can enter into. Sometimes that's at the direction of the court, and sometimes it's on the request of the parties, and that enables them the opportunity before an experienced conciliator to explore the possibility of a consent resolution to the matter.

Ms ARMITAGE - Is there a backlog for conciliation?

Ms IKEDIFE - No.

Ms ARMITAGE - There's no large waiting list?

Ms IKEDIFE - No.

Mr WILLIE - I have a couple of staffing questions. The first one is what is the actual, not tendered, amount the department has spent on contracting out security services at the magistrates courts around the state? I know we have moved past it, but can we get the Supreme Court, too?

The other question I have, minister, is you've appointed new staff to work in the courts to provide family violence support, which is a good thing. Can you confirm how many of these positions are permanent versus fixed term?

Ms WEBSTER - I can give you the FTE number for the Magistrates Court. I might just take a little bit of time to get fixed-term versus permanent. Magistrates Court, 73.8 FTE as of 30 June, with a headcount of 77. I will just need to take a bit of time to get that other information.

Mr WILLIE - What about the new staff for family violence support? Is that separated, or is it all included?

Ms WEBSTER - For the Magistrates Court. I am not sure if Ms Ikedife has that figure. I may have to take that on notice.

Mr WILLIE - I am happy for you to take it on notice.

Ms WEBSTER - Through you, Attorney, I can tell you the Supreme Court spent approximately \$850 000 per year on security in 2019-20, and that was the cost of employed and contract security guards.

Ms ARCHER - I did say that during the output, yes.

Ms WEBSTER - The Magistrates Court figure for 2019-20 is just over \$1.3 million.

PUBLIC

CHAIR - Any more?

Mr WILLIE - No, but I'll be happy to take the family violence questions on notice.

CHAIR - That's fine, and if you get them before the end of the day, if not we will be sending a letter. Got something else to add?

Ms WEBSTER - The family violence is one in Burnie, and one in Hobart.

Mr WILLIE - Are they fixed term or permanent?

Ms WEBSTER - I will have to take that on notice.

CHAIR - Fixed term. Are we hearing fixed term?

Mr WILLIE - Both fixed term? Thank you.

CHAIR - I will go to Ms Palmer, and then back to Mr Dean.

Ms PALMER - Minister, can I ask how the Tasmanian Government is assisting the courts to respond and recover from the COVID-19 pandemic?

Ms ARCHER - Thank you Ms Palmer, and thank you for your attendance on this committee and interest in this matter. I know that COVID-19 has been a difficult time for everyone.

CHAIR - The member for Rosevears certainly felt the COVID-19 impact -

Ms ARCHER - I felt very responsible for that at times. No doubt we will deal with that when we get to the Tasmanian Electoral Commission issues.

It has been a difficult time, and I am sure all members agree.

CHAIR - At least, we are safe in Tasmania.

Ms ARCHER - Yes, that's true. At the peak of the COVID-19 pandemic, \$6 million was provided to the Department of Justice to complete a range of projects as part of our Government's \$50 million Public Buildings Maintenance Fund, as part of our overall government response to COVID-19.

That was particularly to provide stimulus to building, construction and related industries, but also assisted government departments to undertake some maintenance that needed to be done and could be brought forward, was ready to be done and indeed could be done because of the closure of various assets, as well. For the Magistrates Court, \$400 000 was provided in works to upgrade infrastructure across the Magistrates Court sites around Tasmania, and they are currently progressing.

Ageing air-conditioning units in the Hobart, Launceston, Devonport courts are all being replaced, and the contracts have been awarded to local firm Contact Electrical, with work expected to be completed by the end of October. My notes might have required a little updating

there, so I assume it has been finished. Contact Electrical was awarded a separate contract to upgrade the switchboards at the Hobart Magistrates Court building. These projects, valued at almost \$350 000, are among a number of initiatives our Government is undertaking to upgrade court and prison infrastructure across the state.

Upgrades to Launceston Magistrates Courts protected witness room, and family violence waiting room will commence in the coming weeks, while further electrical work to upgrade switchboards at the Launceston site has recently been completed. These two projects, with a combined value of over \$40 000, were also funded through that maintenance fund.

With the Supreme Court, \$300 000 will enable criminal jury trials to occur in a courtroom traditionally used as a civil court, which we referred to earlier, allowing the Supreme Court to better manage the backlog of criminal trials in more appropriate facilities.

A Tasmanian company, Walker Builders, has been engaged for the first stage of the works, which will see the Court 1 jury room increase capacity from seven to 12 jurors, and provide better facilities and improved IT services for jurors. Further stages of this redevelopment will include a new secure dock for accused persons in custody in courts 1 and 2, and improved setting for jurors in the courtroom, relocation of the witness box, and more functional seating for security staff.

CHAIR - I feel like I am in an Infrastructure hearing.

Ms ARCHER - Well, it is about the COVID measures we have put in place.

CHAIR - I appreciate that. It seems like there are a lot of measures.

Ms ARCHER - There are, and I can skim through the rest, but it is important to note that this support has enabled us to resume jury criminal trials in Hobart and Launceston, which I referred to earlier. I have explained what has occurred in Burnie. There has recently been a configuration in Burnie to ensure jury trials can again commence there according to the chief's listing, and providing the facilities they need to get those things off the ground.

I mentioned in my opening overview the Burnie Court Complex, the spending in the Budget, and also the videoconferencing and recording equipment initiatives that have come as a direct response to COVID, but which have meant we can still continue with a lot of those things, particularly in relation to connecting to the prison service to avoid having to transport prisoners in for simple matters that don't require full hearings.

CHAIR - Attorney-General, you might recall that a suggestion came from the Subordinate Legislation Committee that looked at the notices. We considered it was something that could happen moving forward, and we were pleased to see it was taken up. Do you agree, because we always need a question?

Ms ARCHER - I am very happy to take on suggestions from any source, and particularly committees, because helping to deal with operational issues also goes to the cost of transporting, and the number of Corrections staff we need available to do that. It means we can redirect resources to where they might be needed most within the prison, rather than having to transport, if we can upgrade our videoconferencing facilities to have a better connection to

the court. I know Ms Ikedife will have a view on some of our videoconferencing equipment, and so we have directly responded to that.

CHAIR - I can inform the Attorney-General that not always did the Zoom meetings or Webex run 100 per cent smoothly for the members for the parliament, either.

Mr Dean, your most pressing question?

Mr DEAN - Well, I had three most pressing questions.

CHAIR - Choose your two.

Mr DEAN - The first question is in relation to security in the Magistrates Courts. That has been an area of real concern to the Police Association of Tasmania, and you have probably seen a lot of questioning on it through the parliamentary question time and at other times. There is a real concern about that. What is the position in the Magistrates Courts with regard to security and bringing it up to a reasonable and acceptable standard for today?

Ms ARCHER - Thank you, Mr Dean. It does give me an opportunity to again express that court security is a matter for the Chief Magistrate. The Court Security Act 2017 deals with security requirements of our courts, and what the powers and duties of security officers are.

Members will be aware of the Police Association of Tasmania's commentary on this, and in particular in relation to an infringement notice issued by WorkSafe Tasmania. That is a matter for the independent regulator, and the regulator will be available during my Building and Construction portfolio, because that is where WorkSafe Tasmania sits. Any specific questions in relation to that notice I encourage members to perhaps wait until that output. I can deal with the matter generally, in relation various articles in papers, and specifically in the *Mercury* of 2 November, which asserted that Magistrates Court buildings statewide are unsafe due to security problems.

Senior Department of Justice and Magistrates Court staff have met with Tasmania Police to obtain first-hand information about any concerns Tasmania Police might have with respect to court security. We take these types of allegations very seriously. Tasmania Police has no record of the extent of the asserted incidents and was not aware of the assertions until the article was published.

The Magistrates Courts around the state are staffed by contract security officers who are assisted from time to time in Burnie and Devonport by Tasmania Prison Service correctional officers, who may deal with people in custody in the cells. Court security staff deal with the majority of incidents quickly and professionally without injury to any party. They, of course, call police to assist if the need arises and police respond, I am pleased to say, in a way consistent with their role in the community generally and it's always a very valuable response to a potentially serious incident.

The Magistrates Court conducts regular risk assessments of its premises and communicates frequently with the security contractor to ensure the best possible security services are provided to the court. Generally, in relation to that improvement notice issued by the former regulator, who is an independent regulator of WorkSafe, in other words, under the statute, it was believed by the current regulator not to be valid and so no action was required to

be taken. The regulator, in light of the allegations, is now conducting appropriate investigations and inspections to properly inform the next steps in the process.

Again, Ms Pearce, who is the current regulator, will be able to walk you through that process.

Mr DEAN - The report you referred to was from a previous Correctives Services officer, Mr Burley. One of the police concerns is they are wearing their accoutrements within that court precinct. Is there any issue with the Magistrates Court about that situation?

Ms ARCHER - Sorry, I didn't catch the gist of it.

Mr DEAN - Accoutrements - firearms, handcuffs, all of the -

Ms ARCHER - The firearms issue. Again, in relation to firearms, I want to make sure that's addressed. Thank you. There are protocols in place for police and I'm sure Mr Dean would be aware of this -

Mr DEAN - I'm aware of that.

Ms ARCHER - ... to seek permission to bring firearms into court buildings and/or courtrooms. These protocols were followed by police and responded to by the court in a timely fashion in this instance I was referring to. Ultimately, court security is a matter for the court and, indeed, the Chief Magistrate. It is not for me to say or give an opinion on how the court or, indeed, the Chief Magistrate, feels about that.

I know there would be valid concerns in relation to the permanent carrying of firearms, but if police wish to do so, as I said there are protocols in place to seek that permission. In relation to that, Ms Ikedife may be able to fill in a few blanks, but it is ultimately a matter for the Chief Magistrate.

Ms IKEDIFE - Certainly, and there is a protocol in place whereby, if police have a need to bring firearms into the court precinct, in particular into a courtroom which is the domain of the individual magistrate, there's a process by which that application can be made. It could be made very quickly, if necessary - a verbal application and it is responded to equally quickly.

Mr DEAN - Thank you for that. My other question is a quick one.

CHAIR - You are getting three in quick.

Mr DEAN - It's on family violence issues and was raised by the member for Elwick. My question is what has been the number of family violence matters, of all matters coming into the Court of Petty Sessions. Are those numbers increasing or decreasing? Could I get those figures over the last two-year and three-year periods to give an indication of where this is all going?

Ms ARCHER - Do we have those figures available or do we need to take it on notice.

Ms IKEDIFE - Could I just clarify: is it anyone's applications?

Mr DEAN - It is anything to do with family violence, family violence applications, family cases coming before the courts for determination.

Ms ARCHER - Do you want FVOs as well?

Mr DEAN - Yes, Family Violence Orders - anything to do with family violence.

CHAIR - Perhaps given the extensive nature of that question, that could be taken on notice and we can provide that question in writing to you, Attorney-General?

Ms ARCHER - That would be useful because then we can make sure the answer is more complete.

CHAIR -Thank you. It is an important question, Mr Dean.

Mr DEAN - Thank you, Chair, for allowing me that leeway.

CHAIR -Thank me later.

Output Group 1 Administration of Justice

1.3 Births, Deaths and Marriages -

CHAIR - I will invite the most recent person to use Births, Deaths and Marriages system, new mum, the member for Pembroke, who has new little Ivy, to start the line of questioning. Thank you, Ms Seijka.

Ms ARCHER - Thank you, and thank you, Ms Ikedife, you are released.

Ms SEIJKA - I note the Budget commentary attributes the increasing unit cost per transaction to the gender reform changes and I wonder what changes to staffing, ICT et cetera have had to be implemented in the past year?

Ms ARCHER - I think I will get Ann Owen, to make sure I get surnames correct because I tend to sometimes pronounce them incorrectly; Ann is the Manager of Births, Deaths and Marriages and is intimately aware of this information. Did we change the chair? Wonderful, thank you.

CHAIR -Thank you , Ann, welcome. We have not seen you for a while; we spent lot of time with you when the Legislative Council were dealing with the bill relating to the gender reform, so thank you.

Ms ARCHER - Did you get that question?

Ms OWEN - I think so. In relation to the changes we had to make, they were really across all areas. There were significant changes to enable us to register births, to capture gender information and also to print different types of certificates. We also recruited an additional member of staff to assist with appointments and processing of the applications and also

assisting in stakeholder information and supporting organisations that are now presented with different types of documents. It was across the whole operations.

Ms SIEJKA - Minister, I know one of the things with just about every bill is the community awareness or engagement to inform people of the processes; would that have been captured into that increase as well?

Ms ARCHER - I am sure it did, but I am happy for Ms Owen to address that.

Ms OWEN - Yes, we did, we really tried to liaise with all areas of regular stakeholders and continue to do that in an ongoing way. If people come to us with questions, we have trained staff accordingly and continue to offer that support.

Ms SIEJKA - Thank you. My other question is really quite a general one, but if you could answer also through the lens of COVID-19. The number of births, deaths and marriages in the past year: how has COVID-19 impacted those figures?

Ms ARCHER - We have not maybe seen the impact yet with some of the births and we do not do a divorce because that is federal. Nick Evans has just come to the table who is our Deputy Secretary for Regulation and Service Delivery so this is his area. He appears to have the figures right in front of him, so I very happy for him to take that question.

Mr EVANS - In the 2019-20 year, 5835 births were registered, which was slightly more than the previous year. In the 2019-20 year, 4533 deaths were registered, again slightly more than the previous year; marriages - there were 2210 marriages, which was about 200 fewer than previous year.

Ms SIEJKA - That's really interesting. I would have thought the matter of the marriages would have been further down in that.

Mr EVANS - We are talking in the period of March this year, so from June onwards you will see that in next year's figures as well.

Ms ARCHER - We will probably see it because of the unfortunate cancellation of many marriages because the ceremonies were postponed.

CHAIR - Postponed - I haven't had any of my save-the-day people withdrawn completely, just postponed.

Ms SIEJKA - Having filled out the birth certificate requests, I have to say that those gender reform changes were seamless and easy.

Ms ARCHER - A lot of that was done by Ms Owen. The additional resourcing required to get that into operation was extensive. We covered that last year at this Estimates table.

Mr WILLIE - Given the Tasmanian Law Reform Institute has found the landmark gender reforms have been beneficial for those they affect and have none of the unintended consequences that you predicted, will you commit to defending these laws and not amending them in any way that weakens them?

Ms ARCHER - Well, I am not going to defend the laws, because it wasn't my law reform, so it is not my law reform to defend. It is for others to defend it. What I will say, and I have said this throughout, and the then premier Mr Hodgman also quite clearly stated, that because of our concerns - and we do this with all law reform - we continue to monitor its operation and effect and whether there are any unintended consequences. So, it would be foolhardy of me as First Law Officer to say that there won't ever be unintended consequences. We know with all law reform - and particularly when we do reviews - the reason we bring justice miscellaneous amendment bills before the Houses on a regular basis, sometimes three or four a year, is because we discover unintended consequences in legislation. This area is no different.

It should be remembered that I requested the TLRI report before the amendments were moved to a totally unrelated bill, but that was the will of the House, and so the work of the TLRI was to address potential reform. If you go back and look at the terms of reference, it was entirely that. The TLRI then took it upon itself to address the reforms passed the House but my request related to that area generally because I genuinely wanted to look at this area. I wanted to give it considered and detailed reform. Members know that I, as First Law Officer, have a duty to ensure that all law reform is carried out properly with full consultation, full public consultation, and to ensure we look at every piece of legislation which may be impacted by law reform.

That wasn't done. I still expect that there will be issues that come before me. I have received numerous pieces of correspondence from individuals and organisations identifying areas of concern. It is no different to any other area. I receive a lot of correspondence on a lot of different areas, people asking me to reform the law in so many different areas, and we always undertake to look at those areas.

I can't equivocally say one way or other, because as in all areas of the law, I am constantly through my department reviewing and looking at how we can make improvements to legislation or deal with unintended legal consequences. That is basically our role in law reform.

Mr WILLIE - Thanks. I'll ask my question again in a more simplified way. Will you commit to not amending the laws -

Ms ARCHER - No, I won't commit to it.

Mr WILLIE - weaken the laws and the principle of the law?

Ms ARCHER - I understood the question and I gave you the answer that I can't do that. As First Law Officer I can't make that type of commitment because if something then comes before me that does need remedying - it may be identified by Ms Owen, for example. It may be an administrative thing. It may be an issue arises in relation to someone travelling and their birth certificate isn't recognised for whatever purpose in another country, and they get detained. There could be any number of issues that arise.

I can't say I won't amend that, just like I would not say that I won't ever make any amendment to any other legislation.

Mr WILLIE - So you are open to amending the principle of the laws?

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Ms ARCHER - Your question related to whether or not I would give an undertaking not to amend. I am saying I can't do that as the First Law Officer.

Mr WILLIE - The principle of the laws, Attorney-General. You are open to amending.

Ms ARCHER - The principle of the laws. I always maintained that I was prepared to look at this. If you go back and look at my record, I was the one who referred this to the TLRI. It was parliament that got impatient and wanted to deal with this without a thorough look. That is disappointing.

Mr WILLIE - Well, that's the will of the parliament, Attorney-General.

Ms ARCHER - It was the will of the parliament.

Mr WILLIE - My next question is: will you release the advice on these laws that you have received from Patrick Parkinson and others, so that advice can be subject to public scrutiny, just like the TLRI report has been?

Ms ARCHER - As I have just said, that wasn't any type of submission in a process of review. It was someone who provided a 90-page document to me. I must say I am quite curious as to why it was reported the way it was, when all I did was thank the professor for his 90-page document. I said it was a thorough document, because factually, it was, being 90 pages in length.

As I have said, I get correspondence on a daily basis on a number of different areas. I am wondering why there is such a focus on something the dean of a university in Queensland, who is an eminent professor, has provided to me.

I am not sure I am able to give that commitment to release a document like that publicly. I am looking to my department secretary, because there might be some right to information request there already, but we would have to take that on notice.

If something in the usual course of things requires me to release it, I don't have a problem with that. But members need to understand that this is correspondence as correspondence would be from any individual, and I don't know if you would be calling for me to release all such information. There is just this interest in one person's opinion.

Mr WILLIE - There is a level of public interest in this matter.

Ms ARCHER - Of course there is public interest, but there is currently no ongoing public process in relation to this matter. It is legislation. It is the law, and if I find out by my department that something isn't working quite as it should, then the Government has maintained the position that we'll look at it - like any other area of the law - and make amendments if necessary.

Mr WILLIE - One final question. Since those laws have come into effect, how many Tasmanian couples have chosen not to include gender on their baby's birth certificate?

Ms ARCHER - That is a question for Ms Owen, statistically.

CHAIR - There is a supplementary question to go with that.

Mr DEAN - The supplementary question is, how many same sex marriages were there in the last figures that you provided - last year's figures?

CHAIR - Two questions, two answers. Thank you.

Ms OWEN - The first figure I have for same sex marriages was 94.

Mr DEAN - In the last?

Ms OWEN - From the 2019-20 financial year.

In relation to birth certificates, it is slightly more complex, because we have different types. As far as certificates actually ordered with or without gender, with or without change of names, I have a breakdown of the different types.

Because you request a birth certificate. You may have multiple copies throughout your life, or your child's life, and you might order different types according to that point in time, and what you decide you want to select.

CHAIR - Is that enough detail, honourable member?

Mr WILLIE - You have more information there, have you?

Ms OWEN - Birth certificates issued without gender and without registered changes of name - 745; birth certificates issued without gender, and with registered changes of name - 97; birth certificates issued with all registered gender details, but no change of name information - 112; birth certificate issued with current gender and details of registered change of names and no gender history - 188; birth certificates issued with current gender only and no previous gender or change of name information - 1524; and birth certificates issued included all registered gender and name change details - 12 313.

CHAIR - Plenty of activity, including my little granddaughter, Daisy Adelaide. I will move on now, Attorney-General to 1.4, Support and compensation for victims of crime - and again invite Ms Siejka.

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1.4 Support and Compensation for Victims of Crime

Ms SIEJKA - Minister, some general data around the claims. How many claims have been made in the past year? Were they accepted? Average award? Reasons not supported?

Ms ARCHER - We might get Catherine Edwards, Manager, Victims Support Services, to the table.

CHAIR - Welcome, Catherine.

Ms ARCHER - You will be familiar with Ms Edwards who has appeared before the committee before?

CHAIR - I have met Ms Edwards before.

Ms ARCHER - Now, she may not have gotten that question. I might ask you to repeat it.

Ms SIEJKA - No, that's fine. Certainly. How many claims in the past year? Were they were accepted or not? Average award and the reasons not supported, generally.

Ms EDWARDS - For the year ended 30 June 2020, 385 applications were received; 325 awards were finalised; the average award was \$17 305. Nine matters proceeded to a hearing before a commissioner where no award was made. There were a further 15 matters where the Victims Assistance Unit made no concessions because the jurisdictional requirements of the act had not been met.

Ms SIEJKA - Thank you. I consolidated my questions into that very efficient one.

CHAIR - You've done very well, member.

Ms SIEJKA - It's a long day. I have to do what I can.

CHAIR - Are there any other questions in this area? If not, thank you very much, and we will move to 1.5, Legal Aid and invite Mr Willie to open.

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1.5 Legal Aid -

Mr WILLIE - As you've said, Attorney-General, the Legal Aid area received an additional \$2.3 million over four years and the DPP has received an additional \$750 000 per year. You said Community Legal Centres funding will maintain core service levels. Is it true the maintenance of core funding levels to Community Legal Centres is set at 2014 levels?

Ms ARCHER - I might get the department secretary to explain.

Ms WEBSTER - There's obviously the Commonwealth and National Legal Assistance, Partnership Agreement we have in relation to legal aid funding so I have to take that on notice, Attorney-General, regarding 2014 figures. It is predominantly the legal aid agreement and the additional assistance the state provides in relation to Legal Aid services so we would have to get that information right.

Ms ARCHER - It is important to highlight to committee members the funding that the state Government provides is funding to ensure the level of funding that might be the shortfall from the National Legal Assistance Partnership Agreement.

Of course, we have always requested more from the Commonwealth and we're actually not duty-bound to provide the funding we do, but we do because we support the legal assistance sector and our Community Legal Centres. This is funding that wasn't provided by previous governments and is additional funding the state provides to what is essentially a Commonwealth-funded sector.

Mr WILLIE - Have you the 2014?

Ms WEBSTER - No, the only thing we would add is that prior to 2015-16 financial year, the state had no role in distributing that funding. It was distributed from the Commonwealth directly and from the 2015-16 financial year the state facilitated the distribution of that funding but I don't have that data.

Ms ARCHER - It also needs to be remembered that the state does provide Tasmania Legal Aid, as it is now known, and Community Legal Centres, with additional funding for various projects or staffing through, for example, the Solicitors Guarantee Fund grant process and, as I highlighted in my overview statement, the additional funding for the Serious Cases Fund as well for Tasmania Legal Aid.

There is additional funding that is provided. The Commonwealth provided additional funding in this sector for COVID-19 as well. I thank the Commonwealth greatly for what they did at the start of COVID-19 because they realised that courts, Legal Aid, and our DPP and services were all impacted greatly by COVID-19 and came up with funding that assisted greatly with COVID-19 measures.

Mr WILLIE - Legal Aid's recent quarterly report shows that they are already experiencing an increase in the number of Tasmanians looking for legal assistance. For example, the demand in their telephone advice service jumped 18.05 per cent compared to the same time last year; new grants were up 5.28 per cent; Duty Lawyer Services, up 8.83 per cent; private practitioner and disbursement payments, up 11 per cent; new Safe at Home, files up 37.5 per cent; family dispute resolution conferences, up 85.14 per cent; and new Mental Health Tribunal files up 29.23 per cent.

Is there an expectation there will be increased demand on Legal Aid, given we are heading into a recession for a number of years and there will be increased pressures on homes?

Ms ARCHER - As I said at the outset, there is a bit of a triangle here when one area is affected. When we are talking about the increase in cases before the courts, that impacts on the DPP and it impacts on Legal Aid because Legal Aid is required in a substantial number of cases. I can't deal with hypothetical situations nor do we have up-to-date statistics in relation to some of those things you mentioned as a result of COVID-19.

What I can say and what we have maintained throughout the whole of the COVID-19 situation that we find ourselves in, is that the Government has been ready, willing and able to support sectors where they have needed support, and if there is a substantial increase and that

needs addressing, then we will always consider that as part of the budget process or outside of the budget process as well, as we did for COVID-19.

I am always closely monitoring this through my department and we are, straight after this Budget, turning our minds immediately to the next budget so that will be part of that process.

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1.6 Protective Jurisdictions -

CHAIR - Attorney-General, this particular area covers the Guardianship and Administration Board and also the Mental Health Tribunal. How many applications were received by the Guardianship and Administration Board and how many were dealt with and dispensed with?

We have a table in regard to the Guardianship and Administration Board, and it says the number of hearings per sitting is 4.9. It is a bit like two and a half people, isn't it - 4.9? Can I have the number, and an explanation around 4.9? I note that the matters commenced within the statutory time frame is 99.2 per cent, and I would say that is a pretty good outcome for any department to reach in the area.

Ms ARCHER - Unfortunately, we do not have our current president with us.

Ms WEBSTER - If there are specifics, we are able to get the Registrar of the Guardianship and Administration Board on the phone. Because of COVID restrictions, we were a bit restricted with numbers.

CHAIR - I am happy to take that on notice.

Ms WEBSTER - I am sure they could provide an answer. We are just restricted with our number.

CHAIR - With the Mental Health Tribunal, the number of treatment orders, are we in the same boat with that?

Ms ARCHER - Yes.

CHAIR - Again, happy to take that on notice. That is about the extent of the questioning, thank you. The member for Rosevears, a question in this area?

Ms PALMER - Thank you very much. Minister, could you please update the committee on the appointment of a new public guardian following the resignation of Ms Kim Barker earlier this year?

CHAIR - Who would only be available on the phone today.

Ms ARCHER - I do want, at the outset, to thank Ms Barker for her incredible work in this area. It is a difficult area, as members would know. The act sets out the legal framework

for consent to medical and dental treatment, and other substitute decision-making, for adults who have disabilities resulting in impaired capacity to make their own decisions. It is not an easy area to work in, and Ms Barker has certainly done an exemplary job. She held the position of Public Guardian since September 2015, and during this time she made a significant contribution to the protection of adults with disabilities in Tasmania.

During her tenure, of course, Tasmania has seen significant changes to the disability sector with the continued implementation of the National Disability Insurance Scheme.

Following Ms Barker's notification of her intention to resign - she did give us substantial notice as well, which was great - the position of Public Guardian was advertised to allow time for a recruitment process to be undertaken, particularly under difficult circumstances due to COVID-19, as members would appreciate.

CHAIR - I would like it if my constituents interviewed me by phone.

Ms ARCHER - That process has now been completed, and I am pleased today to be able to update the committee that a senior Department of Health manager, Jeremy Harbottle, has been appointed Tasmania's new Public Guardian.

Mr Harbottle has most recently led the Mental Health Alcohol and Drug Directorate at the Department of Health, and was previously Director of Program Support, Learning and Development in Children and Youth Services at the Department of Health and Human Services, and also Assistant Director of the Royal Commission Coordination Unit at the Department of Justice.

The process carried out for filling that statutory position was, of course, independent, and I wish to take this opportunity again to thank Ms Barker for her achievements in the role of Public Guardian.

I am pleased to announce Mr Harbottle has now commenced his role, and his appointment is for five years. I very much look forward to meeting with Mr Harbottle, as I do with all of the statutory officers, on a regular basis, particularly given the significant legislative reform that I am undertaking as Attorney-General and Minister for Justice in delivering reform of the Guardianship and Administration Act, following the Tasmania Law Reform Institute's extensive report.

It is a massive area to address, and it will be particularly critical as we finalise the legislation around the legislative framework for advance care directives, which is currently being prepared at the moment, and of course bears relevance when we are talking about the debate that is also going to be before our House in relation to the voluntary assisted dying bill, because there are some crossover areas.

CHAIR - Thank you very much. One final question in this area before we move onto the Equal Opportunity Tasmania line item, is in the notes on page 175 of Budget Paper No. 2, it talks about one of the significant costs of these jurisdictions is the payment of the board or tribunal members to preside over hearings. Is there an average cost of those hearings? Given it has been highlighted in our Budget Papers, is this a significant cost?

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Ms ARCHER - It's probably talking about the volume, but I might go to Ms Webster on that particular point. There is a very high demand in some of our protective jurisdictions, not least of all regarding -

CHAIR - Hence my question about the number of applications and the number of treatment orders.

Ms ARCHER - Yes. The Guardianship and Administration Board and the Mental Health Tribunal are, unfortunately, growing areas of demand but I think members can appreciate why.

Ms WEBSTER - There's the two boards, one the Mental Health Tribunal, and the sitting of that tribunal is a matter for the president of the tribunal. There are fees, obviously, paid to tribunal members per sitting and varies depending on -

CHAIR - Their expertise.

Ms WEBSTER - Their expertise, correct. In terms of the Guardianship and Administration Board, that again is a matter for the president of the Guardianship and Administration Board herself but, again, there are sitting fees. There's also a fee we may pay members of the board or tribunal in relation to decisions they may make on the papers - again, a matter for the presidents of those boards and tribunals. The Guardianship and Administration Board, again, has legal and community members so the sitting fees for those members would be varied.

CHAIR - All vary?

Ms WEBSTER - With the increased numbers, there would be an increased cost of those hearings because they're sitting fees.

Ms ARCHER - Can I add to that at the outset?

CHAIR - Expertise does not come cheap, Attorney-General.

Ms ARCHER - No, it doesn't but, can I add there - it would be remiss if I don't - my deep appreciation for the work all those members do and, indeed, the president and her registrar, in particular, in relation to the GAB and the Mental Health Tribunal, they both happen to be females so I can say that collectively - they do incredible work in very difficult circumstances.

COVID 19 had a significant impact because there are just some matters you cannot do via videoconferencing. Then, of course, even though we've now moved those jurisdictions into the one premises, some hearings still need to occur offsite -for example, at the Royal Hobart Hospital if someone is currently admitted in hospital and so there are hearing rooms provided for that.

CHAIR - We would like to add our congratulations to the appointment of Jeremy Harbottle.

Ms ARCHER - Thank you. I expect he will do a very good job.

CHAIR - We will look forward to possibly meeting him at next Estimates, which is not that far away. Now I would like to hand over to Mr Willie, 1.7 Equal Opportunity Tasmania.

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1.7 Equal Opportunity Tasmania -

Mr WILLIE - Attorney-General, through the COVID 19 lockdowns, Equal Opportunity Tasmania saw a massive increase in race-related complaints. What is the Government doing to help reduce this?

Ms ARCHER - I can advise the committee I've met with the Anti-Discrimination Commissioner and know she has also met with the Premier. We take a deep interest in this matter. Racism or discrimination on any basis is simply unacceptable. What Equal Opportunity has done at the initiation of that office and discussing it with myself and, indeed, the Premier, is embark on an education awareness campaign.

Have we seen those on the buses yet? There was an intention to have their very public campaign, advertising their latest slogan, if you like, raising awareness and basically saying it's not okay. I haven't got the detail in front of me. We haven't got anyone here from that office. Again, numbers are restricted because of COVID-19, but it's largely based around education because that is the best thing we can do in this area to ensure those incidents are reduced. It has been disappointing, from my and the Government's perspective, that a number of culturally and linguistically diverse communities have been affected by COVID-19 or been blamed for the COVID-19 situation.

A family member of mine witnessed an incident the other day, and was waiting to intervene, should the incident escalate. It didn't, thankfully, because the person who was abusing another person realised that they were being watched. To witness that, in practice, is deeply shocking because largely Tasmanians are a very welcoming community. Mr Willie and I attend many things in our electorate, and particularly in the northern part of our electorate - the northern suburbs and the Glenorchy municipality - where we have a very high rate, if not the highest rate, of culturally and linguistically diverse communities. It is disappointing that there are a few people in our community who don't embrace that. So, we have to educate them.

I come back to the work that Equal Opportunity is doing in that regard, because I know it is a concern of the Anti-Discrimination Commissioner, and I continue to discuss ideas with her, or if she has suggestions, regarding whether any legislative intervention is required. I see this more as an education role in ensuring people know what they are doing is wrong, but also that people who may be subjected to that type of behaviour - whether it is racism or other forms of discrimination - know that in some instances they can report to the police or at the very least they should contact Equal Opportunity Tasmania to get some advice on whether or not they can make a complaint, and it can be dealt with that way as well.

I urge any member of the community who witnesses these sorts of incidents - obviously don't intervene if it is dangerous - to call the police. I have no tolerance for that behaviour in

our community, and I am sure all members will agree with me that we don't want to see this sort of thing on the streets of our state.

Mr WILLIE - Attorney, section 17(1) of the Anti-Discrimination Act protects many Tasmanians from bullying-type behaviour, including intimidation and humiliation, especially people with disability, women, and people of different races, who make up the majority of complainants under that section. I will frame the question a little bit differently to before. Do you have any plans to amend that section of the act?

Ms ARCHER - I don't have any current plans. Like I said, with all matters, and particularly in this instance, I have ongoing discussions with the Anti-Discrimination Commissioner, she may identify with me any administrative or other improvements that she would like to see, or otherwise.

Then my department looks into whether reform might be necessary, or what is proposed, how things could be achieved. I don't want this to be misinterpreted, other than I always have an open mind on these matters, if there needs to be amendment, but I don't have any current active plans. No.

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1.8 Elections and Referendums

CHAIR - Moving now to 1.8, Elections and Referendums. The best person to open the questioning is the person most recently elected to the Legislative Council, the member for Rosevears. Thank you, Ms Palmer.

Ms PALMER - Thank you, Chair. It won't be a surprise to anyone that I did take a rather keen interest in the elections for Rosevears and the Huon, which were affected by the COVID-19 pandemic.

What lessons have been learnt as a result of that, and what measures were put in place that worked?

Ms ARCHER - Thank you. Mr Andrew Hawkey, our Tasmanian Electoral Commissioner, has arrived, and that is a question most appropriately dealt with by him because he is an independent statutory officer. Mr Hawkey, I am sure you would like to answer that question.

Mr HAWKEY - With the onset of COVID-19 in Australia, the Electoral Commission undertook a range of strategies. First, there was the delay to the election due to the fact that we effectively went into the shutdown of public places in Tasmania.

But once we had our new dates and new time frames, it was important for the Electoral Commission to establish a range of changes to our voting services and to provide health and safety within the places where voting occurred. First, there was an extension to the time frame to allow a longer period for early voting. There was an increase in the number of early voting

centres and there was also a process where we sent out postal vote applications to all people on the rolls for those two divisions basically straight after the issue of the writ.

Again, with a Legislative Council election you are looking at a seven-week period from the issue of the writ to polling day so, as we saw with Victoria and a little bit with South Australia, there was no certainty at the time of issue of the writ that we would not be in some other form of lockdown or second or third wave by that stage, which is effectively why the postal vote applications were sent out to all.

While the elderly were seen as a more vulnerable group, a broad range of people in our community had other forms of vulnerability we wanted to cater for. The result was we went from a 4 per cent postal voting return of the election to a 45 per cent return, so people certainly took that up in large numbers. It meant a slight reduction in our pre-poll voting, but we had a large turnout of those voters and saw an increase of 2 or 3 per cent for the same divisions from six years ago.

In relation to our polling places, we had a number of health and safety issues. We had markings on the floor for separation and automatic sprays at the door, with someone welcoming people and encouraging them to use those. We had perspex screens in front of our issuing officers for issuing votes and one-use pencils (golf pencils). We had people going around and wiping down the surfaces after each person had voted in the voting screen. There were other things we undertook later on for how we counted and how we separated our staff and other processes.

Ms PALMER - Another question on that: you talk about the uncertainty around that time. I am wondering the option of a full postal vote? Was that considered? It obviously wasn't implemented - was that a consideration considering the uncertainty of those few months?

Mr DEAN - I asked plenty of questions about it in the parliament and didn't get good answers at all.

Ms ARCHER - We considered it but again, because of COVID-19 restrictions and the limited number of sitting days we had as well, it would have been very difficult to get that implemented in time for this particular election. I don't know if Mr Hawkey has anything to add in relation to that. I was very conscious, and I sought advice on, of democracy still playing out. It is an important part of our democracy that it not be carried out entirely by postal vote - and there is something to be gained also in democracy by having people turn up on the day. We all have been through a campaign; postal voting allows people to vote earlier than the entirety of the campaign. Some people might think that is a good thing.

CHAIR - So don't leave your best message to last.

Ms ARCHER - Sometimes that may not in the interest of democracy or be the best option either. This is also about balance and making some changes we could make quickly for this particular situation to allow for greater postal voting in the circumstances, but to still allow turning up on the day and having your vote on election day. This is what is lost on the public because they wouldn't understand, naturally enough, the intricacies. There would have been numerous amendments required to the entire act because the way the act is worded, it appears in a number of different sections. For my department to do a wholesale review of that and the impact from any other legislation, as I say when I normally conduct law reform. That couldn't

be done quickly enough to ensure we had robust legislation in the interests of democracy. Still, it's certainly something we can always continue to look at - but, certainly, for the immediacy of COVID, we couldn't achieve that outcome.

Mr HAWKEY - The department and I spoke with the Solicitor-General on this matter, and I wrote to the President and the Speaker of each House on the issues at the time, and we had a briefing with Legislative Councillors. I also spoke to Mr Dean a few times on the phone.

Mr DEAN - He wasn't happy with the answers, was he?

Mr HAWKEY - There were fundamentally two elements of a legal nature that were the problem.

One was that the whole of the Electoral Act, as the minister is referring to, is designed to have a polling day, and supplementary processes around it, so there are rights for electors to be able to do other forms of voting and participate in different ways, which a postal vote doesn't allow.

Also, essentially, the key element of that is there is a particular section of the act that says an elector has a right to vote at a polling place on polling day, and it was arguable that to not have a polling place on a polling day could be challengeable for the whole election, so there are a range of legal complexities around that.

Ms ARCHER - We really didn't want a legal challenge to a candidate.

Ms ARMITAGE - I have a supplementary question. I accept you've mentioned that time was an issue, but obviously we have no idea what the future will hold. Will you now look at implementing or legislating the possibility of a full postal vote, in case we have a similar problem in the future, as we do not know what is going to happen next time?

There are elections every year, basically, so you have time now before the next election - it's not the time imperative we had previously. Will you now commit to making that possibility of a full postal vote, so that we don't come across a similar problem next year or the year after?

Ms ARCHER - All departments are doing a review of what occurred during COVID, and moving forward from COVID, what we can learn for when we have disasters or pandemics. What I don't want to see is the erosion of democracy, and I don't think any member wants to see a situation where we completely get rid of polling day.

As to how we might deal with something in a pandemic or other disaster situation, I think it's entirely reasonable to say that we should be looking at ways of implementing those alternative ways, but as for a permanent change -

Ms ARMITAGE - I'm talking of an option. Of the option -

Ms ARCHER - I wouldn't favour a permanent option, but what I can say is that we are reviewing everything we've learned from the pandemic, and that will be one of the things that we look at.

Ms ARMITAGE - Because you did mention that one of the reasons it didn't happen was time.

Ms ARCHER - Yes.

Ms ARMITAGE - Well, we do now have time.

Ms ARCHER - Yes. So all of that work is being carried out across a number of issues.

Ms ARMITAGE - If this happens next year, Mr Dean won't be writing to you again and saying why aren't we having a postal vote, if this is a similar situation, when we've now had 12 months to act to implement changes or options.

Ms ARCHER - We've learned a lot of lessons from COVID, and that will form part of our usual review and we will pay particular attention to that.

Mr DEAN - One point on that.

CHAIR - A supplementary, Mr Dean.

Mr DEAN - The position I raised - and I did it continuously - was that we were in a state of emergency at the time, so it called for a different approach. My question is, and was: why couldn't an amendment be made to the act to cover the emergency situation we were confronted with? Other states were going down the path of looking at postal votes, and Queensland had a full postal vote, so we're not on our own.

CHAIR - Queensland didn't.

Mr DEAN - We're not on our own?

CHAIR - Queensland had their election.

Ms ARCHER - I think I've explained to the committee what did impede us, and Mr Hawkey has as well. That was on specialist advice, and there would have been other changes that needed to occur to the act. I regard the Electoral Act just like our Constitution Act.

We have to be very careful when we're making amendments to that particular type of reform, hence the reason we're taking a very considered look at the Electoral Act for other issues, which I'm sure I will be asked about throughout this Estimates process, because of the public and media interest in this matter. You don't make these sorts of changes lightly.

What I have said is, in an emergency situation, moving forward, we will look at that, but in the immediacy of - I think members forget what it was like. It was a really difficult period. It was an incredibly difficult for Ms Palmer and other candidates. Largely they did not like it, but they understood that we had to call it off for a period, draw a breath to see where we were, and then we implemented a really good balance of maintaining our democracy but not completely changing a system of voting. We were able to do that, and did that very successfully.

Mr DEAN - It was provided for in the Constitution and would not have impacted the Constitution.

Ms ARCHER - No, my reference to the Constitution was I regard the Electoral Act like the Constitution Act - it is a very important piece of legislation because it goes to the very essence of why we are all here.

Mr DEAN - But we amended acts like that during the COVID-19 period we were in.

Ms ARCHER - Mr Dean, if it had been easy, I would have done it. I guarantee I would have done it.

Ms ARMITAGE - My point simply was when an amendment could be made in an emergency situation that there would be the possibility of a -

Ms ARCHER - It was not as easy as that.

Ms ARMITAGE - I am not talking about that; I am talking about for the future - not then, but for the future.

Ms ARCHER - That is why I am saying for the future.

Ms ARMITAGE - Not as a rule but as an emergency.

Ms ARCHER - As an emergency, I can guarantee to this Estimates Committee if there was something I could have done that was easier than the path we went down, I would have done it.

Mr DEAN - In relation to voting and social media, where that impacts and fits in to all of this, what is and not allowed. Are we looking at changes that could occur in relation to social media?

Ms ARCHER - That all comes under Electoral Act reform. I know Mr Hawkey has had to issue various directions and things. I will give him an opportunity to refer to some of that. Members think Electoral Act reform just deals with a few specific things. When we look at this area in its entirety, we have already had a first tranche of reform in response to the interim report. What we are now looking at in terms of a final report, that apparently is sitting on my desk gathering dust - which I can assure members it is not - is something actively being looked at. We need to be very sensible about the changes we might make and part of those changes can be social, allowing for greater flexibility in terms of social media. With current provisions it is very difficult to deal with the social media situation and at that point I know Mr Hawkey will have a view so, I will give him an opportunity.

Mr HAWKEY - I said last year at last budget Estimates, social media is a very difficult area in relation to authorisation and jurisdiction - someone can be posting something in Venezuela and we have no jurisdiction to deal with that. What is happening is that a range of electoral commissions overseas and in Australia are changing some of their campaigns to say things like Stop and Think, which was one at the last federal election. On top of that, quite a bit of work is being done with the electoral commissions with some of these social media groups. As the Electoral Commission Tasmania, I am a part of what is called the Electoral

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Council Australia New Zealand, which is all electoral commissioners around the states, territories, federally and New Zealand. We are in the process of trying to do up a heads of agreement with Facebook, Twitter and others in relation to protocols as to what can be dealt with and what cannot.

CHAIR - Good luck with that.

Mr HAWKEY - You are right, it is a very difficult area, but we are actually seeing some traction because they see a social responsibility in trying to do it. It will not gather everything and it will not gather things necessarily in a timely fashion, but we are trying to move along that way.

Ms ARCHER - And there needs to be consistency and entirety there. Madam Chair, I have a message here from the Equal Opportunity Tasmanian in relation to that campaign; it is very short. They advised their new campaign is called 'Obeying Anti-Discrimination Law is not a Choice'; it was launched about six to eight weeks ago - which I thought it already had - it is ongoing and buses have been regularly been seen in Hobart and Launceston with this campaign sign on it. Thank you, Madam Chair.

CHAIR - Thank you very much. The committee will suspend and we will come back at 11.30 with the DPP. We will go back to those other areas we are going to skip over and finish those for completeness.

The Committee suspended from 11.15 a.m. to 11.30 a.m.

CHAIR - We will invite back to the table, Mr Hawkey under 1.8, Elections and Referendums. The member for Launceston has one very pressing question we would appreciate being answered and then we will go straight to the Director of Public Prosecutions - DPP - then Crown Law.

Ms ARMITAGE - With regard to the suspending of the Rosevears and Huon electorate offices and consequent terms, what were the consequences, what actually happened, what were the costs and were there any other implications?

Mr HAWKEY - Our election costs per elector came in at \$21.93 of which \$5.62 was basically COVID-19 costs. They consisted of some early rentals; preparation that was done in relation to things that were prepared early for a May election; the fact we as a COVID-Safe arrangement established a separate returning officer office location in Hobart; and the additional costs of our ad campaign and other services.

Some of those costs we won't have if we don't have a deferred election again and, second, some of the material we had to produce, such as perspex screens for polling places, or to make hand sanitisers, we have now made that cost. We would need to increase it a little for a third division - that will be less - so we expect the costs will not be so much of an increase if we have to be a COVID-Safe election again. The commission is of the view the template we have established for COVID-Safe elections is a reasonable one and we will ensure we have all the same sort of preparations ready, depending on what the environment is for 2020-21.

Ms ARMITAGE - The all-up cost, the total?

PUBLIC

Mr HAWKEY - I haven't got that in front of me. I only have the per elector cost here.

Ms ARMITAGE - We can take it on notice.

Mr HAWKEY - Certainly, I can do that.

Ms ARMITAGE - The original intent was for the term to expire in the first week of May and there to be no representation for the electors of Rosevears and Huon until the election. Did the Government consider that appropriate for electors in those areas to have no representation for that period of time?

Ms ARCHER - I am a bit puzzled by that question because we realised it was more appropriate for them to have extended when we -

Ms ARMITAGE - Well, I believe it followed a letter from several members -

Ms ARCHER - No, it was already actively in the works and it needed to be in discussion with those sitting members because, as you know, one was due to retire.

CHAIR - He couldn't go anywhere.

Ms ARCHER - No, he couldn't go anywhere and he graciously agreed to continue, so I think it is a mischaracterisation of the situation. We were always looking to extend. We needed to be careful that the community would fully embrace that as an option so we were looking at all options available to us. It was never a final position that there be no representation and we did change that.

Ms ARMITAGE - Thank you, because I believe that was not the understanding of at least one of the members.

Ms ARCHER - Events can be misconstrued.

CHAIR - I'm sure the letter helped.

Ms ARCHER - These things can be misconstrued.

CHAIR - I'm sure the letter helped, Attorney-General.

Ms ARCHER - Yes. But the simple fact is that the communities continued to be represented, and ably so, by Mr Armstrong and Mr Finch, and I thank them for doing that.

CHAIR - Thank you very much, Mr Hawkey, for staying and enjoying morning tea. We certainly appreciate it. Gavin, please feel free to come back to the table, should you so require.

Now we will move on to the Office of the Director of Public Prosecutions and welcome Mr Coates to the table. Thank you very much, and we appreciate you're on a time schedule here.

I will invite Mr Dean to commence the questioning in this area.

DIVISION 18

Department of Public Prosecutions

Output Group 1

Office of the Director of Public Prosecutions

1.1 The Office of the Director of Public Prosecutions -

Mr DEAN - First, I would like to pass on my condolences to all involved with Allison Shand's passing. I think the funeral is today. It's a very sad occasion, a very sad situation, a lovely person, and it has upset a lot of us.

Ms ARCHER - Yes, and I want to thank the committee for allowing Mr Coates to come earlier than we had planned. Indeed, I think we're going to try to deal with Crown Law as well, so various people can be at that funeral. I have sent my personal condolences. I would like to be there, too, but obviously we have this process to get through, and so it's very important that Mr Coates and his team be there.

Mr DEAN - Sure. Attorney-General, my first question is around the significant budget increase we've seen for the Office of the DPP. What changes can we expect in that office and, in answering that question, the number of people who may now be engaged in that office, to complete the work that's necessary? We've been on at the past Attorney-General for a long time as well to have the increases in this office. It's pretty obvious they were not being resourced at the level they should have been.

Also, in relation to accommodation and all of that - where does all this fit in now, and what will we see happening moving forward?

Ms ARCHER - That's a multi-pronged -

Mr DEAN - It is.

Ms ARCHER - I think we might deal with the additional funding and where that might go, then what we've done with organisational structure and where they're located. That has been in the works for some time, in relation to placement of both Crown Law and the DPP, but I'm very happy for Mr Coates to address that, being an independent statutory role-holder as well, so I'll give him that opportunity.

Mr COATES - Some of the additional funding, we've already received. The minister was able to get us a request for additional funds during the year.

CHAIR - We call them a RAF.

Mr COATES - Yes, a RAF. That's what we call them, too. What we've done is set up a drug and serious fraud unit within the office. Drug prosecutions are quite complex and lengthy, and what we've found with fraud is that people couldn't get to those matters, because they had the constant daily going to court.

We had already put on at least one person in relation to that. Now, in Hobart, we've got two level 2s, which are lawyers starting up; we're just finishing the recruitment. We will have two extra level 1s, and we will have an extra level 2 in the Launceston office. Basically, that's five extra lawyers, plus -

Mr DEAN - Five extra lawyers?

Mr COATES - Plus we had already put on a level 3 lawyer during the year.

Mr DEAN - They're available in the state, obviously?

Mr COATES - Yes, there are people available in this state who have applied for the positions. With respect to your other question - accommodation. In Hobart in the past, we've been in three different locations. The Crown Solicitor's office has moved into the Reserve Bank building; we have taken over their area on level 9 of the Executive Building. We have most of level and a fair proportion of another level, which has meant particularly Child Safety Lawyers can come - it is important for them to see they are part of the office. That section works especially for the junior lawyers, that they can do some criminal work also and not pigeon-holed into one area.

With the fraud and drug unit, we are hoping that alleviates the pressure of the people in general crime and sexual assault units to concentrate on their work without having these files in their office they can never get to, because of the daily demands of court duty.

Mr DEAN - What are the growth areas with criminal matters within the DPP's office, Attorney- General? Are we seeing any changes with the new cases coming in?

Ms ARCHER - I am very happy for Mr Coates to address that because he has intimate knowledge of this.

Mr COATES - Drugs have been a growth area for some time. Family violence. Where a lot of family violence matters might have been dealt in the past within the Magistrates Court, they are being dealt with in the Supreme Court.

You might recall parliament passed legislation called persistent family violence. That, and of course, the sexual assault, particularly historical cases, are continuing.

Ms ARCHER - The seriousness come under the Criminal Code.

Can I say something on persistent family violence? Members will recall it allows survivors of that to, or indeed it makes the prosecution's job a lot easier in terms of proving those offences over the course, or history, of a period, rather than the elements of the crime on each and every occasion. As you can appreciate this can be so frequent and difficult for a victim or survivor to recall the actual dates. In some cases, it has allowed a more flexible approach on that type of crime over an extensive period of time.

Ms ARMITAGE - Attorney- General, I will go back to the article and give Mr Coates the opportunity to correct the record if the media has misrepresented him.

Well, just in case. I am looking, Attorney, Mr Coates, at 'Innocent till more money'. This article mentions statistical tables included in the annual report that show the number of matters discharged without proceeding to trial or sentence increased to 203 last financial year. Five years before, the figure was 79.

Mr Coates noted that more accused criminals, who would ordinarily have stayed in prison awaiting trial, were being granted bail because of the backlog.

I wonder if a comment could be made?

Ms ARCHER - Just in case Mr Coates wasn't aware, I ran through the number of different causes for backlogs which can lead to witness fatigue or complainants not willing to continue with the prosecution, which may be an element or a factor in this. I am again happy for Mr Coates to address it more specifically.

Ms ARMITAGE - Particularly with the community concern about people on bail, and many people commit offences when they are on bail.

Ms ARCHER - Absolutely, and as I said we have taken a number of measures and continue to take a number of measures to address backlog issues, if that is one of the causes of this statistic.

Mr COATES - Can I say that you would expect the discharges to just rise naturally anyway, because in 2014-15, when we had 79, we only had 400 committals. In 2019-20, we had 203 and 645 committals, so that is over a 50 percent increase in the amount of work.

I don't think it is a fair comment to say we are discharging people because of not enough money. That is just not true.

Ms ARMITAGE - I am just reading it here. It say -

For the second year in a row, Daryl Coates, SC ... has pointed out his office doesn't have enough money to deal with a big surge in criminal cases.

That is why I am allowing Mr Coates the opportunity to respond and put his point because of the article.

Mr COATES - Of those 203, I don't have the figures, but not all those matters are discharged, nor does it mean the person just walks away. Particularly in this past 12 months with COVID-19 and particularly when the courts weren't doing trials, a number of matters will come up as a discharge in the Supreme Court but were dealt with alternatively as summary offences -

Ms ARMITAGE - So discharged doesn't mean they are actually acquitted or that it is sine die that they will come back?

Mr COATES - In some cases it does, but not in all cases. So, for example, we might have had a fairly minor case of trafficking in the Supreme Court. Rather than wait a significant

time for that to be dealt with, I took a plea of guilty, say, for cultivating in the Magistrates Court, so that would deal with some of them. Others though, as I said in my annual report, as the length of time goes on, you do get what we call 'witness fatigue' but I suppose for a layperson, it means people have got on with their lives and they don't want to go back to dealing with -

Ms ARMITAGE - So if witnesses are unreliable or unavailable or no longer wish to participate, they are not subpoenaed? If you find they are going to be an unreliable witness and someone is discharged, they basically get away with the crime?

Mr COATES - Well, if someone is an unreliable witness, there are a number of factors you determine when you discharge them. The first and the most important one is - is there a reasonable prospect of conviction? If there is no reasonable prospect of conviction under the Criminal Code, we can't file an indictment. As time goes by, witnesses may become unreliable. The other things we have to consider, if there is a reasonable prospect of conviction, is it in the public interest to continue with a prosecution?

We consider the complainant's wishes in all cases. Sometimes even though they may wish not to proceed, we will say it is too serious, it has to be proceeded with. In some cases, we just don't think it is in the public interest because it is going to do the complainant more harm than good by proceeding with it. In some cases, particularly in a family violence case, the only evidence may be the complainant who is completely hostile to the prosecution, so you have to consider then not only if it is in the public interest, but whether there is a reasonable prospect of conviction. There are multiple factors.

Ms ARMITAGE - Do you have any idea of a percentage of how many cases, particularly with the backlog, might be discharged because of the time it has taken to get to court? Witnesses are no longer available, sometimes they die, there are all sorts of reasons that people may not be available and then a case is discharged. Would we have any indication of why justice isn't served on some people, because of the backlog, mainly to do with evidence and witnesses?

Mr COATES - No, we don't have that statistic, but I could say the vast majority of the discharge, not all of it -

Ms ARMITAGE - are not for those reasons.

Mr COATES - Yes. Historically, the discharge has been at a rate of a bit above 20-odd per cent, although the last couple of years it has been going at about 30 per cent.

Ms ARMITAGE - Or intimidated witnesses, I guess, too - that would occur on occasion?

Mr COATES - Intimidated witnesses have nothing to do with it.

Ms ARMITAGE - I am thinking of reasons why cases may not proceed.

Mr COATES - You can have intimidated witnesses.

Ms ARMITAGE - And they may not wish to proceed as a witness?

PUBLIC

Mr COATES - Yes, that is right. All sorts of reasons. There might be family reasons, all sorts of reasons why people don't want to proceed.

Ms ARMITAGE - And they would come into the discharges?

Mr COATES - Yes, they would come into the discharges.

Mr DEAN - Some of the work of the DPP office is within the Magistrates Court; the DPP sits on the steering committee as well. My question is: how much of the DPP's work is within that jurisdiction, the Magistrates Court?

Ms ARCHER - Well, Mr Coates can address that. I know they have a particular role in the summary jurisdiction formally, and are funded to assist with police prosecutions, but also in relation to the steering committee. Mr Dean, of course, is referring to the extensive work of the steering committee on the Magistrates Court bill that we are also going through the implementation plan for. The steering committee has a continued role on that, and Mr Coates sits on that.

Mr COATES - I just do not have the actual numbers.

Mr DEAN - You can take it on notice.

Ms ARCHER - Maybe just a description of what you do in that jurisdiction.

Mr COATES - We do all work health and safety prosecutions. We do all the *Consumer, Building* and Occupational Services - CBOS - prosecutions. We do State Growth prosecutions. We do all the DPIPWE prosecutions - for example, undersized crayfish. We do all sexual assault prosecutions in the Magistrates Court. Finally, we do all driving offences that are in the Magistrates Court where there is a death or serious injury.

Occasionally, police prosecution will approach us about a prosecution that they think is too complex and they would like a lawyer from our office to prosecute. We have arrangements with Tasmania Police, with Justice, DPIPWE and State Growth in relation to that.

Mr DEAN - If we can get the numbers, we will do that on notice.

CHAIR - I am surprised there is not a piece of paper flying from the back and it has just arrived. As we say, here to help.

Mr COATES - We did 196 summary prosecutions last year.

Mr DEAN - That is around the state. That is Burnie, Launceston and Hobart?

Mr COATES - Yes, and 44 lower court appeals. Sorry, I missed out that we also assist the Coroner for the coronials, and of course, as part of our summary section, we have our child safety legal group, which does all the child safety applications in the Magistrates Court.

CHAIR - Heavy load.

PUBLIC

Mr DEAN - Can I just ask a question on unexplained wealth? We normally raise this issue. Attorney-General, are we seeing many cases or issues coming through the court in relation to -

CHAIR - I recall the number was significant last year.

Ms ARCHER - I think we will get those figures up, but, yes, you are referring, of course, to the confiscation of profits. There is a confiscation of profits unit within the Office of the Director of Public Prosecutions, which is a specialist unit established to resource the prosecutions arising from unexplained wealth investigations. It doesn't seem this long ago, but it was established in 2015 shortly after we came into government. It was something we instigated.

Unexplained wealth orders totalling over \$2 million have been made by the Supreme Court. The vast majority of these orders have been made in connection with people involved in drug trafficking, and thus removing property unlawfully acquired in the course of such activities. Of course, the primary focus of the unit is organised criminal entities, such as outlaw motorcycle gangs and drug syndicates.

The Department of Police, Fire and Emergency Management supports the work of the DPP. Investigations are very complex, which Mr Coates can address, I'm sure. In some instances, they may take several years of investigation before a recovery can be successfully achieved. The unit comprises just one level 3 legal practitioner, a forensic accountant and administrative support. In relation to some further information, the unit has issued unexplained wealth orders in the 2019-20 year totalling 10 570.

The unit also currently has restraining orders over seven properties and five bank accounts valued at \$2 365 261. In addition, forfeiture and pecuniary penalty orders issued in 2019-20 totalled \$241 473. I am not sure if Mr Coates has anything further to add, but I am very happy for him to do so.

Mr COATES - With unexplained wealth, you're going to get huge fluctuations from year to year, so the actual unexplained wealth orders were down last year. There are about three or four in the system that have taken a number of years, so some of that property is restrained over.

Mr DEAN - With the cases currently before the Supreme Court that are going to be long trials, drawn-out trials, how many of those cases do we have? That obviously causes some of the backlog. How many cases do we currently have on the books indicating they will be long-term trials?

The other question is are we seeing any changes in pleas of guilty because of the technology now available in the investigation of crime - the body worn cameras and so on.

Ms ARCHER - Mr Coates can address largely some of this and I know he deals with these matters and the listing of these matters in close collaboration with the Chief Justice, because it does require longer trial times.

PUBLIC

Mr COATES - As far as technology, of course - that's used all the time and assists obviously in prosecution causing pleas of guilty, but it doesn't necessarily mean the pleas will come quickly.

Mr DEAN - No.

Mr COATES - Often you've got to list it for trial to get the plea. The unexplained wealth does not really affects the backlog at all. Generally, that's done civilly.

Mr DEAN - Right.

Mr COATES - Most of the matters tend to resolve eventually. There's also obviously a criminal side but we try to deal with them separately. They're dealt with just like any other criminal prosecution and unexplained wealth we deal with simply as a civil matter.

CHAIR - Thank you. Attorney-General, can I have the full complement of employees in this department also, thank you?

Ms ARCHER - As in the DPP?

CHAIR - That works in the DPP. We heard about the additional staff recruitment, but I would like the full contingent, thank you, for completeness.

Ms ARCHER - The department secretary has that ready to go.

Ms WEBSTER - At 30 June 2020, FTEs were 66.6 and a headcount of 69 staff.

CHAIR - Thank you very much.

Mr DEAN - Because of the increases we've had, which are great, what are the numbers likely to increase to? Do we have those indications at this stage?

CHAIR - Or are they included?

Mr DEAN - No. I think this was only up until June.

Ms ARCHER - We need to work out what the complement will be, because it depends on the levels people are employed at.

Mr DEAN - Sure.

CHAIR - What have we got? Six or seven?

Mr COATES - It will probably be about 75, yes.

Mr DEAN - Right. I take it that's an increase in other staff also. Obviously, it's not just the lawyer side; there has to be an administration side and -

CHAIR - Support staff.

PUBLIC

Mr DEAN - - and secretarial staff and -

Ms ARCHER - It's up to Mr Coates as to how he allocates that.

Mr COATES - Yes, but there has been an increase in support staff, yes.

Mr DEAN - Yes. Right.

CHAIR - You can't do everything yourself.

Mr COATES - No.

CHAIR - I know that.

Ms ARCHER - No, but we are very lucky we have a DPP and we have other principals in various areas of Crown Law who do take on a significant workload themselves; Mr Coates certainly bears a huge load.

Mr DEAN - We are lucky we've a very -

Ms ARCHER - We're very lucky.

Mr DEAN - - good office in the DPP's office, so great.

CHAIR - We absolutely acknowledge that and we have done from this committee for many years now.

Ms ARCHER - I think you should ask what the gender count is in this office.

Mr COATES - I was hoping -

Ms ARCHER - I think Mr Coates is well and truly outnumbered.

Mr DEAN - We can ask that question. What is the gender situation?

Ms ARCHER - Mr Coates and I have had this discussion a lot. It is an area that draws a lot of interest from women lawyers. Thank you; I can actually say what the split is.

We don't quite know what that is, but it is certainly a really interesting area in which to work, and I think it is a credit to Mr Coates, and how he runs his office, and indeed his deputy, in relation to the training they provide and the support they provide their staff.

Out of the 66.6 FTEs - I love how we get points - there are 12 males and 57 females, totalling the 69 headcount.

Mr DEAN - And lawyers?

CHAIR - A stronger representation than the Legislative Council, which is punching above its weight.

Ms ARCHER - We are very proud of that because I think it is wonderful that an area like this does attract our female practitioners.

Mr DEAN - Gender breakdown in our lawyers?

Ms ARCHER - Oh, as to age, we might have to take that on notice.

Mr DEAN - No, gender.

Ms ARCHER - Oh, for lawyers. I have only the total figure here.

Mr COATES - I don't have the figures, but it is overwhelmingly female. There are nine male lawyers.

CHAIR - The other male lawyers must be off doing something else. Perhaps somewhat more interesting, but we don't think that necessarily.

Ms ARCHER - Maybe commercial.

CHAIR - We very much appreciate Mr Coates making himself available, and particularly send our sympathies with you today, and your colleagues. Thank you very much.

DIVISION 6

(Department of Justice)

Output Group 2

Legal Services

2.1 Crown Law -

CHAIR - You did touch on the increase in your overview for the area of Crown Law. It is an increase of around \$800 000. I did note; I wrote down that it was to do with the increasing demand with infrastructure and legal risks.

Does that mean the Government is taking on projects that are high risk and need this sort of legal advice? I am just interested.

Ms ARCHER - All projects need contracts, and those contracts need to be drawn up by specialist legal services, and we do that within government.

CHAIR - But are they complex. Are they more complex than normal?

Ms ARCHER - Well, let's use the examples of the Bridgewater Bridge, and the Derwent Entertainment Centre, which can be quite complicated. I am not a commercial lawyer so my knowledge in this area is not as great as it is in litigation.

But Mr Varney is the Director of Crown Law, and he is well equipped to address those specifics. The demand issue is largely related to the fact - and we make no apologies for this

because of the impact it has on overall economic benefit and jobs in this state - of our \$5 billion spend on infrastructure.

With a lot of these transactions we require contracts and that is carried out by Crown Law. And rightly so, because that is the unit that advises us on all risk and ensures that the Crown is protected appropriately in contracts that it enters.

CHAIR - Is this trend expected to continue? Obviously it has always been something that is needed to be undertaken. Obviously, an \$800 000 increase is significant.

Ms ARCHER - I will continue to monitor that, as well, because if the demand increases further, then we need to realistically look at ensuring this area is resourced so we can get those projects started or completed, or whatever stage they are at. We don't want to see too many projects held up by the process of having to draft contracts, but the simple reality is we have to have those contracts in place before we commence on those larger projects of which there are many.

CHAIR - And the employee contingent or number in that area?

Ms ARCHER - I will ask Mr Varney to address that.

CHAIR - We never like anyone to come to the table without getting a question, but we did this morning fail so we have to work on that.

Mr VARNEY - Thank you. We have a headcount of 46 and 42.3 actual FTEs.

CHAIR - And with the increased budget allocation, what will that increase go to? Will it require additional staff, recruitment and how is that undertaken?

Mr VARNEY - We would be looking to place additional resources in the Crown Solicitor's Office and the Solicitor-General's Office and looking at an additional 4 FTEs.

CHAIR - And what level of qualification? We talked about levels 3 and 2 with the DPP.

Mr VARNEY - So looking at levels 2 and 3 positions.

CHAIR - And some administrative assistants also?

Mr VARNEY - We are hoping to absorb the admin. support within existing resources.

CHAIR - So you've got some employees working harder possibly, smarter?

Mr VARNEY - Yes.

CHAIR - On the performance table on page 177, Attorney-General, where it says Crown Law, notionally chargeable time, and the actual is 75 per cent, can I have some indication? Back in 2017-18 it was 68 per cent; in 2018-19, it was 75 per cent; and 2019-20, 75 per cent - yet the target for 2020-21 has dropped back to 60 per cent. Why the target has been significantly reduced?

Mr VARNEY - What was the previous target?

CHAIR - The actual was 75 per cent in 2018-19 and the actual for 2019-20 was 75 per cent, and yet back in 2017-18, the actual was 68 per cent, and the new target is 60 per cent. When you are meeting your 75 per cent, why would you drop your target back to 60 per cent, particularly when you have new employees on board?

Mr VARNEY - My understanding is the target has been 60 per cent for quite some time.

CHAIR - Okay, so you have been doing better than the target and you decided to leave it at that?

Mr VARNEY - That's right.

CHAIR - We look at everything in the Budget Papers. We are forensic, if you like. Any other questions in regard to Crown Law? Obviously, it talks about protect the interests of the Crown by providing legal services and advice. For completeness, what is the gender balance in this office?

Mr VARNEY - I don't have that statistic in front on me but I think it is about 60 per cent female and 40 per cent male.

CHAIR - Okay, it is doing a bit better than DPP. Thank you very much. Are there any other questions? If not we understand, Michael, you would like to head off and prepare, and again we extend our sympathies as well to you. Thank you very much for your work.

If someone new needs to take a chair, please grab one.

Output Group 1 Administration of Justice

1.12 Child Abuse Royal Commission Response Unit -

Ms ARCHER - That is Amber Mignot, Director, Child Abuse Royal Commission Response Unit.

CHAIR - We have to say Amber is one of our very regular presenters to the Legislative Council.

Ms ARCHER - She is, and I am highly appreciative of the work Amber and her unit do in this area. They were set up as an established and specialised unit in response to the national Royal Commission into Institutional Responses to Child Sexual Abuse. Amber's knowledge in this area is extensive. Members are well aware of the announcement made by the Premier yesterday in relation to the commission of inquiry and Amber will no doubt have another role to play there

There is an existing role within the independent inquiry into the Department of Education, headed by Professor Stephen Smallbone and Professor Tim McCormack. As the

premier announced, those inquiries would be absorbed by the commission of inquiry once established, but work continues in the meantime.

Amber is able to answer any questions in this space, as well as myself, because we have been working on our legislative response and policy agenda for several years now, in response to the royal commission.

CHAIR - I would like to invite Mr Willie to open the line of questioning.

Mr WILLIE - The minister has just answered a few of my questions.

Ms ARCHER - Sorry, it was my long introduction to Ms Mignot.

Mr WILLIE - It is my understanding you are supporting the Department of Education in its inquiry now, and that work will continue until the commission of inquiry is established, and then rolled into that?

Ms ARCHER - Absolutely. We don't want to put a stop to what is already occurring in that inquiry, and indeed the Health inquiry. With the Health inquiry, what went live yesterday was the website and other contact areas for people to get in touch with that inquiry process as well, headed by Maree Norton.

Because the people we have appointed to both inquiries, professors Smallbone and McCormack and Ms Norton - it is worth noting Professor Smallbone assisted the national royal commission with its inquiries and Ms Norton has also worked on previous royal commissions - I expect, if they wish to continue, there will be roles to play there.

I expect the Child Abuse Royal Commission Response Unit - CARCRU - to continue having a role within government as well, because they carry out an extensive role in the investigation of complaints when they are made. We are well-equipped to continue that work with the independent inquiries until the commission of inquiry is set up. At the moment, the Premier has confirmed, and rightly so, that we need to give careful consideration to the terms of reference of the commission of inquiry -

Mr WILLIE - So the unit will play a key role in the development of those?

Ms ARCHER - I expect our advice to the Premier will be that CARCRU continues to play an important role, because the process at the moment is, when we receive a complaint from the Commonwealth Government - everything is filtered through the management of the Commonwealth Communities department - that comes through to our agencies and it is CARCRU that assists with that process.

We need to remember that with the redress scheme process it is a much lower threshold. The Premier quite rightly said yesterday that because there is a lower threshold, there is less information available in relation to the alleged perpetrator, and nor can government contact the applicant directly.

I'm very happy, if you have further questions about that, for Ms Mignot to explain that process in more depth than my overview. They play an incredible role in coordinating between agencies. As we have seen, the royal commission has shed light on this heinous crime of child

sexual abuse and our commission of inquiry, which is the equivalent of a royal commission in this state, will not duplicate the work of the national royal commission but supplement that and get to the bottom of who the perpetrators might be and whether or not they are still in the system of government, and where the failings have occurred.

It doesn't change the work that CARCRU is doing in relation to our legislative reform agenda in response to the 409 recommendations from the royal commission. I have confirmed the Child Safe Framework - the bill in relation to that, at least the first tranche which is work that has been going on for several years - is going to be out for public consultation in the next few weeks. Again, I need to stress and thank the unit for that incredible work in that regard.

This is about fixing these issues that we have, so that these heinous crimes don't ever happen again. What the commission of inquiry will do is identify the here and now, and how we can deal with those situations within government if they are still in existence, but the Child Safe Framework will go a long way, and all of our other reforms will go a long way, to addressing the future.

Mr WILLIE - It will help survivors with some closure, hopefully.

Ms ARCHER - It will. I am conscious - and I am going to say it again here - that if any survivors are listening to this, there are places they can contact, such as Lifeline and other telephone services. At the very least, please get in touch with the Department of Justice and we can put them onto resources to assist them if they are listening to this and it is bringing retraumatisation. There will be some survivors who just will not want to come forward, and I respect that.

I get lovely correspondence from survivors. In fact, I got a thank you card the other day, receiving a formal apology from myself. I take it upon myself to make those formal apologies personally on behalf of the Government. They are very extensive apologies, acknowledging the instances of abuse, and acknowledging the difficulty, but also acknowledging in some cases the survivors' resilience, and ability to move on with their lives and have meaningful relationships with others.

I can't begin to tell you how therapeutic that is for the survivors because sometimes they just want that acknowledgment that the harm was done. The money is not important to most survivors. It is that acknowledgment that something was done to them, that it is the Government's fault, and we take on that, no matter how historical it was, on behalf of all governments that have gone before us.

It is really important work that CARCRU - the Child Abuse Royal Commission Response Unit - does, and I thank it for it.

Mr WILLIE - Minister, perhaps we can turn to the National Redress Scheme and the unit's administration of that. I am interested in how that work is going. How many people have come forward? I believe the scheme has just started to be administrative in the last financial year?

Ms ARCHER - I will let Ms Mignot deal with how long it has been going on, but it has been some time now, and it is picking up a bit of pace. The Commonwealth has accepted that their process - because everything gets processed by the Commonwealth, that is the lead

agency - when applications are made that relate to Tasmania, that then comes to us to deal with. Our settlement rate is very good, and I will let Ms Mignot address that.

Ms MIGNOT - Thank you for the question. We commenced participation as a responsible government institution on 1 November 2018. The scheme itself started on 1 July, and I should say, because we had announced our intention to participate, that applications were received for the Tasmanian Government from 1 July. So, we have basically been participating in this scheme since its commencement just over two years ago.

The way the scheme operates is that we don't receive claims at a state level, but we receive requests for information relating to claims that relate to or arise from a Tasmanian government institution.

We have now had in total 413 such requests for information around a Tasmanian government institution or abuse arising out of a suspected Tasmanian government institution. In relation to those, as at the end of December 2019, we were at 256.

Those statistics are relatively stable. I would say they are probably a little less this year, but we have had a COVID hiatus in the middle of that, so it is probably not indicating any slowing at the moment. We responded to all those requests for information within the statutory time frame.

Mr WILLIE - I noticed that in the Budget Papers.

Ms MIGNOT - Yes, and we do that with very close engagement with our colleagues in responsible agencies at the Department of Communities, the Department of Education and the Department of Health. We have even had to seek information from Tasmania Police, and they have all responded to these requests with the utmost priority.

On very few occasions, I think it is four, we have had to ask for very short extensions where the claims have involved such complexity. In fact, in two of those cases the scheme requested further time so they could provide further information we could act on.

Those responses were made very quickly. The scheme itself, at this moment, in terms of offers accepted - so, matters that are finalised for the Tasmanian Government - has been 250. Total payments in terms of Tasmanian government institutions is \$16 329 366 and change as at yesterday. At the end of 2019, the number of offers accepted or finalisations were 53, with payments at just over \$3.7 million. The scheme certainly has been processing applications more quickly this year and is being able to process and get what had been a backlog dealt with.

I also note we have two other statistics that are probably useful for you to know about. One is that we have 136 counselling referrals and allocation for counselling payments. The Tasmanian Government administers and provides access to counselling services to people who are Tasmanian residents. From the scheme we manage the funds for those Tasmanian residents. We have also had a number of about 113, in terms of direct personal responses, people who have indicated they would like a direct personal response. To date and it is driven by a survivor, only 12 have indicated they would like or made contact with us to organise a direct personal response.

Mr WILLIE - There is a footnote in the Budget Papers regarding a fluctuation in the funding and the line item. Are you able to add some more detail to that?

CHAIR - Do you have a page number?

Mr WILLIE - It is on page 189, the provision of a redress scheme, but it does dip in 2023-24.

Ms MIGNOT - It is probably something for Mr Wailes, if he is available, to address. I think we should get -

Ms ARCHER - We should get the finance manager up here again.

Mr WAILES - When the \$70 million of funding was provided to the CARCRU, it was cashflowed across 10 years with changes in funding in the forward Estimates for 2023-24. Because of the adjustments we have done for the original \$25 million in the first year, we just slowly push that back with those savings. It is just a cashflow in change. Last year there was a small saving, which has been rolled over. This year, as we have just discussed, with the redress payments increasing, we will probably bring some funding forward from future years to this year and continue to manage it on an as-needs basis.

Ms ARCHER - There will never be a claim not funded. If we exceed \$70 million, we will provide additional funding for that purpose. The Tasmanian Government is responsible for our own jurisdiction. In relation to this, within the 10-year running of the scheme, we had to put an estimated figure we thought we would require - it is \$70 million. If it is less than that, it is a saving; if it is more than that, we will provide it. No survivor will miss out under that scheme.

Mr WILLIE - Thank you, that is useful context.

Ms PALMER - I wanted to ask about the new Witness Intermediary pilot scheme. Attorney-General, can you outline for us how this scheme will make access to justice easier for abuse survivors to seek justice?

Ms ARCHER - I could almost refer this through to Ms Mignot, she has such intimate knowledge of this pilot scheme. It is literally all her unit's work. It was a recommendation from the royal commission that this scheme be set up. It is incredibly valuable reform that will assist children and vulnerable adults involved in sexual assault, Chapter 24 homicide and similar offences - Chapter 24 being the Criminal Code Act 1924 - to seek justice. On 20 June 2018, our Government tabled our response to the Royal Commission into Institutional Child Sexual Abuses final report.

The royal commission identified that children and many other individuals in the criminal justice process have communication needs that can fundamentally impede their interactions with the police, with their lawyers and with the courts. These needs may arise because of age, linguistic development, language or cognitive impediments, physical or mental trauma, social development, learning difficulties or behavioural problems.

The introduction of the pilot scheme fulfils our Government's commitment to implementing the recommendations of the royal commission to establish a Witness

Intermediary pilot scheme in Tasmania. Members of this committee will recall, no doubt, the debate on this because the scheme will apply to victims and witnesses giving evidence, to children under the age of 18 years participating in the criminal justice process as victims or witnesses, other than a defendant, in sexual offence matters and/or homicide and similar crimes and adults with communication needs are running through that list.

The pilot scheme will operate for three years and be monitored by a steering committee comprised of the Department of Justice, Tasmania Police and the judiciary. There is a nominated justice sitting on it; the Magistrate's Court, the Office of the DPP, Tasmania Legal Aid, the Tasmanian Law Reform Institute, the Law Society of Tasmania and the Tasmanian Bar.

The pilot scheme will come into operation on 1 March next year, following the commencement of the legal new year; it is timed as such and expressions of interest went out on Tuesday, 10 November. I am very excited this scheme will be fully operational in March.

A final note, the intermediary is not a lawyer - it will be someone who has experience in assisting with those impairments or communication needs a witness or victim will have. In some cases, it might be by using visual aids and other interpretive types of things. It is very flexible in how it will operate and will substantially assist the lawyers handling the case, the judge and jury to help that victim go through the process so we are not, or as little as possible, retraumatising a victim or witness.

CHAIR - Can we have the number of people who work within this area, so we have some idea?

Ms MIGNOT - It has increased from 30 June, so we are now at three full-time equivalent male people within the unit and 6.8 full-time equivalent female members of the unit. We are about to commence an additional person next Monday to undertake specifically the work arising out of the pilot intermediary scheme.

CHAIR - Does that require additional support staff, Attorney-General?

Ms ARCHER - I am not sure if you need the support staff in relation to administration.

CHAIR - It is a good time to ask.

Ms ARCHER - Depending on what happens with the commission of inquiry and their role there. Some of that needs to be looked at in the following weeks.

CHAIR - It is such an important area.

Ms ARCHER - Absolutely. It is a growing unit, as you can hear, because of the increasing reliance government is having on its services, unfortunately. These things have shed light on a number of areas and CARCRU is a specialised unit for this purpose.

Mr DEAN - Have we enacted all the recommendations we are able to from the royal commission? Are there some we haven't? Is there any legislative change required to cover any other recommendations?

Ms ARCHER - We have implemented a number of reforms in both the criminal justice and civil areas, but, as you would appreciate, there are 409 recommendations. Of the remaining, I might go to Ms Mignot, because she will have intimate knowledge on what things they are still working on.

We can't do all of it at once. Members will appreciate when you've dealt with all the different bills that I have put through the parliament that they are not simple bills, and take some time for drafting, public consultation, looking at the consultation, amending the draft bill, tabling the bill and then going through the parliamentary process, and then the implementation phase. That does take time.

The way we have approached it is by dealing with things that required immediate attention first. In the civil area, for example, that has been dealing with the limitation period issue that we had, and in the criminal area, dealing with our direct responses in relation to the actual offences themselves. As I said, the Child Safe Framework is a very complex area of work we are about to consult on.

I might now go to Ms Mignot so she can explain what is yet to be done.

Ms MIGNOT - As the Attorney-General has indicated, a number of recommendations are still to be implemented.

Perhaps if I start with those whole-of-government recommendations or recommendations that Justice can progress. There are still some further criminal justice recommendations to implement, and they arise largely out of things like the ability for there to be appeals in interlocutory applications in criminal proceedings. They are matters that arise in the context of better management of criminal proceedings that might make sure that those types of matters or sexual matters can be dealt with efficiently, and not with overt delay, or protracted by the appeal process.

In terms of completeness, I should say that in terms of the Redress and civil litigation report and the 99 recommendations it contained, those matters are now implemented and resolved. The Working with Vulnerable People legislation and reforms in that area are also largely now implemented. There is still some work at a national level for consistency's sake that is ongoing, and that will continue to be ongoing, to manage that process effectively.

As the Attorney-General indicated, in terms of a whole-of-government project, the Child Safe Framework, the Child Safe Organisations and Child Safe Standards project is significant in its size and breadth and its requirement of legislative change and how long it might take.

Ms ARCHER - And rightly so, because it's across agencies.

Ms MIGNOT - Across agencies, but also, we need to negotiate with the non-government sector, so quite a lot of work around that.

Ms ARCHER - Can I interject there, on the basis that it is public and private. It is government and non-government, a framework for all of them, so they need to comply as well, hence the need to consult with them as well. It is a massive body of work that is being done.

Ms MIGNOT - The other work that falls within that project is the Reportable Conduct Scheme, which again is another significant legislative project and framework. It requires quite significant work in the information-sharing space, not only government information sharing, but also agency and external non-government information sharing.

Mr DEAN - How are we travelling with the rest of the states? Obviously, all states are doing this. Whereabouts are we? Are we keeping up?

Ms ARCHER - Ms Mignot sits on a working group and various committees in this area, and can address how other states and territories are going.

Ms MIGNOT - In terms of our size, I think we are doing relatively well. We have progressed a lot of the criminal justice recommendations ahead of many other jurisdictions. Other jurisdictions, it is fair to say, were more progressed at the time of the royal commission with things like Child Safe Standards or Reportable Conduct -New South Wales in particular. Victoria is in a Child Safe Standards space.

While those states have led, other states are like us and have a lot of work to do to apply those to a local context.

Ms ARCHER - We have been nation-leading in some of the areas and other jurisdictions have looked at the first jurisdiction to move on things. For example, in relation to dealing with the confessional privilege issue. There was a lot of consultation then between states and territories and a number of us have gone further than others in that regard, because it is a state-based criminal justice system.

There have been a lot of learnings from other states, but also states have learnt from what we've done in some of our things. As I've brought things to parliament, I've been able to say on a couple of occasions we're nation-leading and that's pretty good for a small state. As we always say, we have punched above our weight on a number of occasions.

Mr DEAN - You mentioned the Working with Vulnerable People card and nationally there are some changes there. What are they nationally? There's lots of questions asked about that card and the value of it. You and I challenged the value of it but, anyway.

Ms ARCHER - CBOS actually administers that, and it is under my Building and Construction portfolio. I'm sure Ms Mignot can answer it generally, but specifics on the Working with Children actually falls within a different output.

Mr DEAN - It does.

Ms ARCHER - Yes.

Mr DEAN - But you've raised an outstanding issue.

Ms MIGNOT - In terms of the recommendation, the key one is around national sharing of information around outcomes for the card.

Mr DEAN - What is it? National sharing of -

PUBLIC

Ms MIGNOT - Sharing of information on card outcomes. The state has recently reported it was the first, along with Western Australia, to join the national system of referencing to do that.

Mr DEAN - Right.

Ms MIGNOT - It has led the way in terms of facilitating that entry into the national system.

Mr DEAN - Yes.

Ms ARCHER - Obviously it now also includes the NDIS.

Mr DEAN - Yes. Sure.

Ms ARCHER - Which members would be well aware of. It has increased the breadth of it.

CHAIR - Thank you very much. I particularly thank Amber for her continued work in this important area. I'm sure we will see you presenting to the Legislative Council fairly soon in the new year.

Ms MIGNOT - Thank you.

CHAIR - Moving now to 2.2, Legislation, Development and Review.

Ms ARCHER - Sorry, where are we up to?

Mr DEAN - Have we gone over the Tasmanian Industrial Commission?

CHAIR - It looks like we have.

Ms ARMITAGE - We've missed that previously.

Mr DEAN - Somebody has made an error.

CHAIR - We did.

Ms ARCHER - No, it was separate, sorry. It was separate.

Mr DEAN - It's a separate line item?

CHAIR - I think we need to go back there. Mr Dean, I believe we need to go back there. Because we've been doing a little bit of jumping around; now we've got the JackJumpers in the state, I was just following suit, but, no, we will go back to 1.9, the Tasmanian Industrial Commission before we head to Legislation, Development and Review. Thank you, Mr Dean.

**Output group 1
Administration of Justice**

1.9 Tasmanian Industrial Commission -

Mr DEAN - One of the first questions is what is the main area of growth in relation to complaints and issues coming before the Industrial Commission? What are they currently and how many cases are before the Industrial Commission at this time and how are they progressing?

Ms ARCHER - I can give you an indication of the applications. A total of 206 applications were lodged with the commission during the reporting period of 1 May 2019 to 30 June this year.

Mr DEAN - Two hundred and six cases, yes.

Ms ARCHER - Were lodged, yes, a total. Out of those I can give you a bit of a breakdown.

Mr DEAN - Yes, that's what I wanted - a breakdown on those.

Ms ARCHER - Here it is: 138 industrial matter applications were lodged pursuant to the act; 121 industrial matter files were finalised and closed during this period; 30 applications were lodged pursuant to the State Service Act - previously I referred to the Industrial Relations Act for the 138.

So, 30 applications were lodged pursuant to the State Service Act 2000 for a review of an action and 24 applications were finalised during this period; 38 applications were lodged pursuant to the State Service Act for a review of a selection and 35 applications were finalised during this period; and 117 applications were finalised within three months and members of the commission sat a combined total of 170 days

. There is no backlog of work and no delay in the commission in offering parties a date for conciliation.

Mr DEAN - The other question was fixed wage rates and set terms and conditions of employment by making industrial awards. How many cases relate to the industrial awards and so on? I think you mentioned that.

Ms ARCHER - That would be the 130 industrial matter applications. That is the first figure I gave you under the total.

Mr DEAN - Under the State Service Act, what are the main issues there?

Ms ARCHER - It looks like there were 30 applications lodged for a review of an action and 38 applications were lodged for a review of a selection that would relate to employment.

Mr DEAN - Does that relate to selection of persons for positions and the other one relates to actions taken within the workforce and disputes arising from them?

PUBLIC

Ms WEBSTER - It would be a decision made on change of employment conditions or change of location; for example, a decision made by myself for example.

Mr DEAN - Any cases coming before the tribunal in relation to unfair dismissals?

Ms ARCHER - I will ask Mr Evans who is deputy secretary in this area.

Mr EVANS - Any unfair dismissal applications would be in that 30s. Keeping in mind this jurisdiction is a State Service jurisdiction only, so they would be challenges to the [inaudible] of the secretaries under the State Service Act.

Mr DEAN - Only under the State Service Act?

Ms ARCHER - Yes, because we have Fair Work Australia, which deals with all the awards and the Commonwealth.

Mr DEAN - How many people are employed in this area in the Tasmanian Industrial Commission?

Ms ARCHER - I will get Mr Evans for that figure.

Ms WEBSTER - There are five staff.

Mr DEAN - Five staff, that is it?

Ms WEBSTER - Aside from the two commissioners.

Mr DEAN - Fixing of wages, rates. How many applications are before the Industrial Commission at the present time, Attorney-General, regarding fixing of wages and rates? I know of one.

Ms ARCHER - We will see if we can find this, otherwise we can take it on notice.

Mr DEAN - Number of wage cases before the Industrial Commission?

CHAIR - We have that covered.

Output Group 2 Legal Services

2.2 Legislation Development and Review -

Ms SIEJKA - The Sentencing Advisory Council has been funded to examine the issue of the standalone offence of non-fatal strangulation. I am after an update on whether this has been completed, whether it is intended to be progressed and whether the report will be released.

Ms ARCHER - Members will probably be well aware, because I have been very public about my referral to the Sentencing Advisory Council and why. I have requested that council

undertake research as a matter of priority; it is aware of that priority, and the priority obviously to provide a report to me in relation to this matter. The work is currently underway and will inform my further consideration of this issue. Members know the council is an advisory body formed to provide me as Attorney-General with high-level independent advice regarding sentencing matters in Tasmania. Members of that council have been chosen for their ability to bring an experienced, informed, unique and balanced perspective to the sentencing process, which is fair in this instance. Any proposed amendments to legislation in relation to non-fatal strangulation, choking or suffocation, I will carefully consider after I have received that report, obviously in consultation with stakeholders.

I am mindful that some states already have standalone offences. They may have introduced law that only allows for sentencing periods of five to 10 years. At the moment our criminal law framework, under our Criminal Code, contains offences which may capture acts of non-fatal strangulation, choking or suffocation; indeed the maximum penalty there is 21 years, which gives a judge the ability to impose a much harsher sentence.

I am mindful that we don't want to have a perverse outcome by having a standalone offence, which is, on the face of it, very attractive. I understand victims and survivors wish for that to occur, so that particular offence is recognised in name, but are we already dealing with it within a system that means the perpetrator is brought to justice by receiving a longer term of imprisonment, for example, which captures community expectations? That is why I have handed it to the Sentencing Advisory Council to look at a range of different issues.

Ms SIEJKA - The expected time frame?

Ms ARCHER - The expected time frame is as soon as possible. They know I am very keen, because of the public interest in this matter, to undertake the research and make observations in relation to criminal law approaches in other jurisdictions, so that I have all that information. I am hoping to receive that in the new year. I think that will be welcomed by members.

Ms SIEJKA - Would that report be able to be -

Ms ARCHER - It will be made public.

Ms SIEJKA - That will inform our debates as well.

Ms ARCHER - The final report will be made public, yes. It is an important matter. There are varying views. I will have views from the DPP, for example. We just need to exercise some caution, as I said, that we do not have a perverse outcome either. I am sure that the Sentencing Advisory Council report will cover that. That can inform the body of work that may or may not be required. So much gets proposed to me to do some law reform on that sometimes we are able to do that internally. But on this occasion the expertise of the Sentencing Advisory Council is warranted. Plus, I like to keep them busy.

Ms SIEJKA - My other question is to do with the Tasmanian Law Reform Institute. I understand they have been funded from about 2001. The funding has been at the same level, about \$50 000, which does not cover a lot. The rest is supported from in-kind support from

UTAS. Is there any process or intention to look at that funding and increase it? They do quite important work. It is important to have it at arm's length as well, so their role is vital.

Ms ARCHER - The \$50 000 is the per annum funding that they can expect. What often happens though, if I refer something to them - like I did with the birth certificates issue - they receive funding to do that. Sometimes that might be out of a fund like the Solicitors' Guarantee Fund. They are certainly regular applicants to the Solicitors' Guarantee Fund, and a regular recipient as well. If they have a project they put forward, we now have an independent panel that looks at the Solicitors' Guarantee funding, then recommends to myself what to fund. They will look at the types of projects that they have on their books. But generally, if it is coming from government, I will look at funding that additionally.

Ms SIEJKA - But \$50 000 clearly does not cover a lot.

Ms ARCHER - Yes, \$50 000 will never cover their full expenses, but they are supplemented by the Solicitors' Guarantee Fund, and, as you said, by other sources, and certainly the University of Tasmania as well because it is a body that sits within the university.

Ms SIEJKA - One more question. Minister, the review into electoral donation laws that your department has done, when is that due to be released?

Ms ARCHER - That comes under my administrative arrangements but the Premier, and rightly so, has taken a particular interest in that because of the wide public interest and indeed interest by the political parties.

Contrary to media reports, it is not simple law. It is quite complex. The Premier has made it clear that with the challenges we have had this year dealing with COVID-19, he just hasn't turned his mind to it. Of course, we then had to deal with the Budget, and I think members can appreciate going through this process, let alone the process the Government has to go through in framing a budget, that it requires enormous work to be put into it. It is not an excuse; it's just a simple fact that we can't deal with everything all at once, all the time.

It is a priority of mine as the Attorney-General. Of course, that report will be made public, and then the public submissions that can be made public pursuant to the framework that allows us to release public submissions; there are some that don't. That will lay open a number of different issues. We currently in our House have a bill before us, a private member's bill, so I can't reflect too much on that, but it doesn't deal with the whole range of issues that would need to be considered as part of a more substantial reform process.

There has been the first tranche, which members sometimes conveniently forget did deal with quite a few issues, and quite a few administrative issues brought to us by the Electoral Commissioner himself, in time for the previous Legislative Council election this year. The one previous to that. We dealt with those issues, and then the more complex law reform was delayed somewhat by two High Court cases which we would like to take into account as well.

Ms SIEJKA - What's your expectation around the time frame for releasing the report?

Ms ARCHER - The Premier has said he will give this consideration in the early new year.

Ms SIEJKA - Okay.

Ms ARCHER - I must say, a lot has been said around this, by one media commentator in particular, that I haven't appeared on a radio show. There is nothing new to add. I can't talk about things that haven't yet been determined by the Government, and so I'm feeling like a bit of a broken record, but it is genuinely as a result of COVID-19 and the substantial measures that have occurred there.

As you have heard from the previous output in relation to the work we are doing on the royal commission, you can imagine the enormity of the work that places on my department as well.

So, it is a balancing act, and child sexual abuse, for me, takes priority to member's personal interests in the area of electoral reform. It is what it is.

Mr DEAN - Is the area of criminal responsibility being considered at the present time, for legislation? Ten years is far too young for a criminal conviction, criminal matters.

Ms ARCHER - It is an area of public interest. The age of criminal responsibility is currently at 10 years across Australian jurisdictions. It is subject to a rebuttable presumption of *doli incapax*. I always get that wrong, this Latin terminology we still use, which presumes that children aged 10 to 14 are criminally incapable, unless proven otherwise.

In Tasmania, the relevant provision is section 18 of the Criminal Code, which provides -

- (1) No act or omission done or made by a person under 10 years of age is an offence.
- (2) No act or omission done or made by a person under 14 years of age is an offence unless it be proved that he had sufficient capacity to know that the act or omission was one which he ought not to do or make.

As the member said, and I acknowledge that there have been calls by various organisations in recent years, and indeed individuals, for the age of criminal responsibility to be raised.

In November 2018, the Council of Attorneys-General agreed to establish an interjurisdictional working group headed by Western Australia. I am the chair of CAG this year.

This year we met again in July, but last December the working group undertook public and targeted consultations, seeking submissions on a series of high-level consultation questions. That consultation period closed on 28 February this year, and then COVID-19 hit.

I am told a large number of submissions were received. At the most recent meeting I chaired, on 27 July this year, the whole of the council - the Attorneys-General from all states and territories and the federal Attorney-General as well - noted that the working group identified the need for further work regarding the need for adequate processes and services for children who exhibit offending behaviour.

That working group is currently considering the model. I have said, our Government's belief is that any reform in this area should ideally be progressed in a nationally consistent manner. For example, you do not want children dealt with differently in a different state. Unfortunately, some states and territories have pre-empted some of that and said what their position is - and dare I say cynically - prior to elections.

I am hoping we can all have a discussion about that national consistency, because it is desirable. My mind is not made up on this issue, nor does the Government have a position on what we may or may not do. I consult heavily with legal stakeholders and other stakeholders with an interest in this area, and I am very conscious of the view of our Aboriginal community as well. I have had meetings specifically, for example, with Rodney Dillon, who has raised some concerns.

At present, it is not common in Tasmania for children under 14 to be incarcerated. There may be further changes to the formal governance and work program, following the announcement by the Prime Minister that he has accepted the [inaudible] review and therefore CAG will not exist in its current form.

I am pleased to say we had a video meeting last week, and this issue remains on our agenda for a fixed meeting that will occur in or about March next year, and hopefully we can move forward on this issue.

In the meantime, we do not have any children in that age bracket who are incarcerated due to *doli incapax*.

Mr DEAN - Is there any other new legislation you are currently working on or contemplating bringing into the parliament, say, next year?

Ms ARCHER - In relation to that specific issue?

Mr DEAN - No, in relation to anything.

Ms ARCHER - Our legislative agenda.

Mr DEAN - What is your legislative agenda? That is it.

Ms ARCHER - Yes, that is in this output. I will get Brooke Craven to explain the massive legislative agenda we have.

Mr DEAN - It has to be quick.

CHAIR - If it's not within two minutes, Brooke - because we are going to finish at 1 p.m. - I am happy for you to take the question after lunch.

Ms CRAVEN - Attorney-General, I might give the list and then we can go back and give some detail on things that people are interested in.

So, quite a range of things underway, but as a bit of a snapshot we are working on the Youth Justice Amendment (Searches in Custody) Bill 2020, which we have done some consultation on, and are looking to bring in a bill next year.

PUBLIC

Also, as the Attorney-General mentioned earlier, advance care directives are in a similar space. We have done some consultation and are working to finalise that bill.

We have recently put out for consultation the Custodial Inspector Amendment (OPCAT) Bill. People may be aware of a national requirement to bring those changes in by January 2022, but we are consulting on that at the moment.

The Attorney-General also mentioned legislation to enable judge only trials in Tasmania, which we hope to be consulting on soon.

Bail reform, which is an election commitment, to consolidate all the legislation around bail and to codify common law around bail in Tasmania.

We are looking at working with the Department of Police, Fire and Emergency Management on consolidating police powers reform, which was also an election commitment.

We always have work going on in the family violence space, but I flag, in particular, the election commitment with regard to the persistent family violence declaration, which is tranche 2 of the Criminal Code changes brought in previously.

Also, there will be a tranche 2 of the Tasmanian Civil and Administrative Tribunal legislation.

We are working on some legislation nationally coming out of CAG including, in particular, national model defamation law, which you may have heard a little bit about.

Ms ARCHER - New South Wales has headed that.

Ms CRAVEN - Including a working group led by their solicitor-general, so very good process around that.

Also some minor amendments to the National Domestic Violence Order Scheme, to allow for Commonwealth changes around personal protection injunctions to come in.

Ms ARCHER - We always significantly add to that when issues arise for reform, and there will be miscellaneous bills in there too, no doubt.

CHAIR - Thank you. On the strength of that, I will stop the broadcast and we shall return at 2 p.m. to recommence exactly where we are now.

The Committee suspended from 1.02 p.m. to 2 p.m.

CHAIR - Welcome back, Attorney-General, members and support staff.

This is the last part of our day, Attorney-General, and I can indicate I have authorised a letter to the President so we can work past 5 p.m. We have allocated time to 7.30 p.m. That will depend on how short the questions are and how brief the answers are.

Thank you, Brooke, for your precis prior to lunch of the legislative reform that will be coming up. Mr Dean is happy with that response.

Output Group 3
Corrections and Enforcement

3.3 Enforcement of Monetary Penalties

Ms ARMITAGE - This is my favourite area every year. It is an interesting one, because every year we normally have until midnight.

Ms ARCHER - We have Wayne Johnson, Director, Monetary Penalties Enforcement Service - MPES - and Nick Evans, Deputy Secretary, Regulation and Service Delivery

Ms ARMITAGE - If we could have, as up to date as possible, the outstanding amount, please?

CHAIR - Thankfully everyone is sitting down - wait for it.

Ms ARCHER - I am very happy for Mr Johnson to address that question.

Mr JOHNSON - The total amount, as at today, is \$66 662 312 - which, if it is helpful, is a \$3.5 million improvement on last year.

CHAIR - Congratulations.

Ms ARMITAGE - What would be the main area that you have been receiving fines in , across the board?

Mr JOHNSON - I'll try to keep the answers as brief as I can. It is a bit more complex, rather than a simple answer. There have been fewer referrals over the last 12 months, which has helped our collection rate. Our collection rate is 126 per cent, so we have collected more than what has been referred to us during the year. So, less referrals, great collection rate, in a nutshell.

Ms ARCHER - We also took a different approach during COVID.

Ms ARMITAGE - If you could expand on that?

Mr JOHNSON - The year has been in two halves. The first part of the year, pre-COVID, we were very active and took quite an assertive enforcement approach.

With the advent of COVID, recognising that perhaps that was likely to impact people considerably as far as their income and ability to pay their fines, we scaled back many of our more assertive enforcement options. We moved to fewer licence suspensions, less suspension of vehicle registrations, and more prompting - so, lots more SMS messages, lots more sending out statements to people.

Our emphasis is always on nudging people. We have nudged people a lot more gently during the COVID period, to get them in contact with us to talk about their fines and their circumstances.

Ms ARCHER - So rather than a complete amnesty, a compassionate and sensible approach has been taken during COVID?

Ms ARMITAGE - Because people are in much more financial difficulties, or many people are. So the suspension of driver licences would be the most likely that you would put in place?

Mr JOHNSON - Yes, in past years that has been probably our go-to enforcement tool. We have used that a lot more than other enforcement tools. In comparison, that is less than half. We have imposed less than half the amount of licence suspensions this year compared to what we did last year.

Ms ARMITAGE - How much was written off this last financial year? More than previously, or around the same?

Mr JOHNSON - Yes, more than previously. With a scaling back of our more assertive enforcement approach has given us the opportunity to look more at, especially, very old debts. Fines can be deemed uncollectable, is a term, for a number of reasons - for example, people with overseas addresses, if they have no assets in Australia.

Ms ARMITAGE - There are a lot of those, and mainland people on the list.

Mr JOHNSON - Yes, interstate, you are quite right. Interstate debt is particularly hard to collect. We had a real focus on that. With deceased persons, there were probably about six of what we call high-value debtors, which had been on our books for a long, long time. We wrote to the Attorney-General in relation to those and those were considered and were deemed uncollectable. A lot of our focus as we wound back our more assertive enforcement approach has been to look at very old debt and debt that we could not collect.

Ms ARMITAGE - I am assuming there would be a cost obviously to the keeping old debt?

Mr JOHNSON - Quite right, yes. It churns through all the time; you are looking at it and thinking, can I collect this? Yes, I can or no, I cannot.

Ms ARMITAGE - The time is spent on those. Is any work being done with the other states to look at some reciprocal work? Obviously, they would have Tasmanians on their debtors' lists. Are we looking at anything we can actually work with other states?

Mr JOHNSON - We meet regularly with other states and talk about what they are doing and what we are doing, so we learn from each other. There are some reciprocal provisions in our current act. They are quite unwieldy and difficult. That is an area, perhaps, for the future, which, depending on government policy, might be something we would further improve on.

Ms ARMITAGE - There is one thing I found in the Department of Justice Annual Report 2019-20 that I found interesting and would like clarified. It was the collection rate: in 2017-18,

enforcement fees were 82 per cent; in 2018-19, they were 99 per cent; and in 2019-20, they were 463 per cent. What is happening there?

Mr JOHNSON - Yes, a bit of an anomaly. With more fines being looked at and being deemed uncollectable, it has meant enforcement fees have been sitting in there that we have not been able to collect. That will largely explain the big difference. Normally, we are very good at collecting enforcement fees - they are the first things to be paid under the act - but because more debt has been deemed uncollectable, it shows up as a higher figure.

Ms ARMITAGE - Looking at the site, it is quite interesting that most of the mainland debt would be parking fees or traffic offences? In the past you have mentioned some of them would be fisheries. Are they speeding fines? Quite a few of the mainland ones are considerable, in the thousands, not just \$50, \$60 or \$100.

Mr JOHNSON - It is a range; it is across the board. There would be court fines, parking fines, police infringement notices. It is not the one more than the other. There would be some, fewer now, but there would be some tourists in there, who have come down to Tasmania, toured around, picked up a speeding fine or a parking ticket, then gone back to their home state. There would be other Tasmanians who have received a court fine here and have relocated for whatever reason. It is across the board; it is a range of fines.

Ms ARMITAGE - I know this is not your portfolio when we are talking about police fines, but police obviously do not have any reciprocal agreements with other states to do with traffic fines.

Mr JOHNSON - All the fines are referred to MPES to collect.

Ms ARMITAGE - They all come to you?

Mr WILLIE - I tried to ask this question yesterday in police, a fishery security question around marine offenders. There were 1335 marine offenders last year; I am interested in the fines collected from those offences, the number of charges or any sentencing that happened from those occasions.

Mr JOHNSON - Two areas- sea fisheries infringements and inland fisheries infringements. I have some figures for each of those from 2008-09 through to 2019-20, so which ones would you like? All of them or some?

Mr WILLIE - All of them.

CHAIR - All of them? Can you table that document?

Mr JOHNSON - Yes, I can. I will show the minister first.

CHAIR - That's a 10-year period.

Ms ARCHER - The problem is that raw data sometimes needs explaining. I'm very happy for it to be quickly gone through on the basis it might need some explanation from Mr Johnson, rather than raw data.

Mr WILLIE - Sure.

Mr JOHNSON - Perhaps if I start with the most recent ones.

Mr WILLIE - Okay.

Mr JOHNSON - For the sea fishery ones - which I understand are issued by police - for 2019-20, the net referrals to us - \$51 749-worth. MPES collected - sorry, \$57 008.75 at a collection rate of 110 per cent. You might say, 'Well, why is it 110 per cent?'. Looking back to previous years, we've collected some from the previous years. They're the sea fishery ones for last year.

The inland fishery infringements for the last financial year - \$7452-worth of fines were imposed and, again, we collected more than what was referred to us during the year. We collected \$8970-worth, a collection rate of 120 per cent.

Mr WILLIE - Right. Have you any information about charges and any sentences?

Mr JOHNSON - These are the fines that have been imposed through the infringements.

Mr WILLIE - Yes.

Mr JOHNSON - As far as individual infringements, we don't break that down. They come over as either inland fisheries infringements or sea fisheries infringements.

Mr WILLIE - Okay. It's going to take him a long time to go through that data, so I'm happy to let this go. Thank you.

CHAIR - You can see by the percentage increase -

Mr WILLIE - Yes.

CHAIR - - that particular area is doing well.

Mr DEAN - In relation to a question that has come up now for the last three or four years - the Devonport industrial death quite some time ago now, is that fine still on the books? Has that fine ever been redeemed?

Mr JOHNSON - From memory - and I'm not certain about this - the company was deregistered. It is almost like a person responsible for a fine being deceased, the company is deceased or deregistered so, no, that fine wasn't collected.

Mr DEAN - Is that now written off?

Mr JOHNSON - It's deemed uncollectable, correct.

Mr DEAN - I noticed in the paper today the Hobart City Council is writing off a lot of its parking debt fines and so on. Has the council asked you also withdraw a number of those parking fines that might still be on your books? Have any of the councils done that?

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Mr JOHNSON - I have not seen the article you're referring to. I meet with the major councils every year and give them a report in relation to what amounts they've referred to us we've deemed uncollectable, so they can reconcile their books.

Mr DEAN - Right.

Mr JOHNSON - Independent of that, councils might also decide not to refer certain fines to us, for whatever reason. They might decide, these are uncollectable, these ones are overseas, so they might not bother to send it through to us.

Ms ARCHER - They would be still on their books?

Mr JOHNSON - Yes.

Mr DEAN - Right.

Mr JOHNSON - I imagine they have an internal process - it might be what you're referring to -

Mr DEAN - Yes.

Mr JOHNSON - Where they decide -

CHAIR - To write them off.

Mr JOHNSON - - to write some off, but our processes are independent from councils.

Mr DEAN - I was trying to remember the article, I think it was yesterday. Anyway, it was in relation to current fines being imposed over the main part of the COVID-19 period.

My next question relates to property taken possession of by MPES in relation to fines. Has there been much possession of property, what sort of property and its value?

Mr JOHNSON - The short answer is no. The short answer is we rarely seize property. Certainly, during the COVID-19 period we haven't seized any property. By property, I understand you mean vehicles or chattels?

Mr DEAN - Vehicles, televisions and so on, anything under your act you are able as a bailiff to take possession of.

Mr JOHNSON - Yes, we can. Yes. That's not an enforcement tool we use often. In fact, it would be rarely used.

Mr DEAN - Right.

Mr JOHNSON - An area, a safer area and a better return for us that we use more often is in relation to charges over land. Some people who owe fines also have substantial property, real property, houses. Where the amount owed is over \$1000 and people are not paying, we have the ability to issue them with a notice to say 'Look, if you don't pay or enter into a payment arrangement with us, we can put a charge over your property'. That charge operates as a second

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mortgage. If there is no mortgage in effect, it is a first mortgage. We have the power but haven't acted to sell anybody up in relation to a charge being imposed.

Mr DEAN - Have you had to take out any of those mortgages or has the threat been enough?

Mr JOHNSON - Both. Sometime the threat is enough for people to say 'I will pay it in full' or enter into payment arrangement, in which case the second part of your question was, yes, we have also put charges, 157 charges, on properties last year, but we have not proceeded to sale.

Mr DEAN - What is the largest amount that is involved in that case?

Mr JOHNSON - It has to be a minimum of \$1000 dollars under the act. Without checking, it would be probably in the \$40 000, \$50 000 - \$60 000 perhaps would be the highest amount.

Mr DEAN - And that remains there until such time as they either sell the property and/or you were to sell them up, which is highly unlikely, but it doesn't increase, there is no interest on that amount over a period, or is there?

Mr JOHNSON - No, absolutely correct, no increase.

CHAIR -No more questions? We will move on.

Capital Investment Program -

Ms ARMITAGE - With the \$1.8 million allocated to provide new or replacement videoconferencing equipment, what return on investment would the department expect to see on this with the improved access to Justice Services and the reduction in transportation needs?

Ms ARCHER - The improved, what was it?

Ms ARMITAGE - The \$1.8 million to provide new or replacement videoconferencing equipment.

Ms ARCHER - No, I know what you are talking about -

Ms ARMITAGE - Am I in the wrong capital investment area?

Ms ARCHER - No, I just wanted you to repeat the bit about the crux of the actual question.

Ms ARMITAGE - What return on investment -

Ms ARCHER - Return on investment, that is what I did not catch.

Ms ARMITAGE - would the department expect to see? I have a couple of investment questions.

Ms ARCHER - Return on investment. It depends if you are asking it as a financial, like a specific accountant's record, or overall benefits.

Ms ARMITAGE - Overall benefits.

Ms ARCHER - I do not have the Director of Prisons up to the table because we are not in that output, but I am sure he would say and will verify this, about four correctional officers are needed to accompany someone to court. The obvious benefits of videoconferencing from the Tasmania Police service facility to the court for a minor appearance in terms of an adjournment as opposed to a full hearing. You can see the obvious benefits of that to the cost of not having to have -

Ms ARMITAGE - There is obvious financial benefit.

Ms ARCHER - as many correctional officers are tied up on transport duties - they can be back in the prison - and the obvious benefits of the transport costs and vehicles. The overall efficiency is in time and staff resources, and we can concentrate their work more in the prison environment. We know that when we have more correctional officers available in the prison environment, we can have less overtime, fewer lockdowns and those sorts of issues, which is why we have embarked on the recruitment program. I will leave that for that output.

Ms ARMITAGE - That is fine. My other question is on capital investment. What milestones have been achieved by the implementation of Justice Connect so far?

Ms ARCHER - Ginna, did you want to take that or did you want to get someone else to answer it? I will ask the department secretary to deal with the Justice Connect program, which will now be called something else.

Ms WEBSTER - The department has progressed the work of Justice Connect, or Astria. We have undertaken a comprehensive procurement process, and a consortium led by Fujitsu Australia was announced as the department's preferred vendor. Fujitsu is working in partnership with US and Canadian software vendors, Journal Technologies and SYSCON Justice Systems, as well as Hobart-based consultancy vendor, Synateq.

We have agreed an initial contract, and signed with that consortium. The contract covers the minimum viable product - MVP - phase of the program. That provides the department and Fujitsu with the opportunity to evaluate the software, the architecture, the delivery approach, the governance structures and team dynamics to provide confidence in the final outcome of the product. You could refer to that as a prototype, or a pilot phase.

The minimum viable product release covered by the contract will form the foundation of the rest of the implementation of the full solution. It is scheduled to be completed in March 2021, with stage 1 of the implementation phase to commence in April 2021.

Ms ARCHER - Astria - and we have been talking about Justice Connect as a project for quite some time - really is key to a lot of our efficiency measures within the department. It will transform the operation of the Justice system in conjunction with our courts, with our department, with Tasmania Police, and other jurisdictions within Justice.

At the moment, we are heavily reliant on human interaction, and we know there can be human errors. We see that. It will replace the outdated and more inaccurate systems and

processes of the past, and it will be efficient, reliable and accurate for a fairer, more just and safer Tasmania in terms of our Justice system.

Ms SIEJKA - Regarding the name change, I know it came up in previous years that there was another Justice Connect in Melbourne, so I wondered what prompted the name change?

Ms ARCHER - Justice Connect was only ever an internal working name, rather than a registered 'this is what we are going to call it' once we have the final product. The public final product phase of it is that it is called Astria, after an ancient Greek god of justice.

Mr DEAN - My question relates to the new courts in Burnie. I think the Supreme Court and the Magistrates Court will go into the Mooreville Road property that will be renovated and whatever else is going to occur to it. I take it that all of the funding is there for that site?

When will it likely be completed, what is the timetable, and what will happen with the current existing premises that house both the Magistrates Court and Supreme Court?

Ms ARCHER - Gosh, a lot of questions all in one; I may forget them.

Some time ago, we set aside \$15 million to develop a Burnie court complex. That was an election commitment. It is currently located at Alexander Street - the Supreme Court and the Magistrates Court coexist on the site. The current building opened in the early 1970s, so it is of that era and has had no major upgrade or refurbishment works since its construction. As members would be aware, it no longer provides the essential functional and operational requirements of a modern court facility.

Taking into account the Devonport Living City Initiative on the Devonport court, the northern court's Infrastructure Program Investigation of the consolidation of the court services on the north-west coast into a single facility was considered, but we are maintaining the Devonport court. With the Burnie situation - I am looking if we can fast-track some of this history so we can get to the crutch of your questions - in terms of the infrastructure deficiencies, we needed to commence investigations and a concept design for the redevelopment of the Burnie Court Complex. In July 2019, my department endorsed a preferred concept design for the Burnie Court Complex upgrade. However, further investigations into the friable asbestos onsite confirmed that the upgrade of the Burnie Court Complex was unable to proceed in a safe manner while the building is occupied. As members will recall, because of the throughput of that court, with about 35 000 relying on that court in any one given year, we would have to locate the court somewhere else to do all that work.

In the second half of 2019, the department undertook an options analysis investigating potential alternatives to proceed with the project, due to the operational impact of needing to remove the asbestos if we were going to do the works on that site, which would lead to significant disruption of court service for Burnie. The analysis determined permanent relocation to an alternative site would provide the best outcome for all court users. It was also determined that conversion of a suitable building, if available, to be more economical than a greenfield site solution. The department undertook a complete local property investigation to identify any court suitable locations. No suitable properties in central Burnie were discovered during the investigations. However, UTAS Cradle Coast Campus at Mooreville Road was

deemed likely to be suitable for conversion and would become available. It is owned by the Crown and leased by UTAS.

My department was able to undertake internal due diligence, including inquiries with UTAS and the departments of Education and Treasury regarding the property and future use intentions. These discussions revealed the bulk of the property was available. The capacity is available onsite - and I have been there - there is a lot of parking and there is a public bus so you could look at increasing the bus use. All those things can be overcome if need be. It was deemed to be the most efficient redevelopment to occur. The recommendation from my department identified that the site was the best for the relocation of the Burnie Courts Complex.

The university's relocation is scheduled for the second half of next year, which provides an opportunity for the courts to take over this site and develop new fit-for-purpose facilities that will enable efficient and accessible administration of justice in Burnie. That is when we can take possession and do the works required. At the moment all of the preparatory work necessary for the redevelopment is happening. What you will see in the Budget for this year is the smaller support in terms of monetary support required to get us to that date. It would be lovely to be able to take it over sooner, but the university's requirements are until the middle of next year. It also allows us to further things on that site.

Anyone who visits the site can see the attractiveness of the option, including, I believe, the local council has now visited the area and it has changed the views of some. I know one in particular has expressed to one of my local ministerial colleagues that they have definitely seen the benefits of that site. The ability of the part of the site we will take over is that we could redevelop a section of it as a phase 2, for example, of protective jurisdictions. The site is ideal because it can house things we don't currently facilitate, because the Burnie Court Complex is too small and it is very hard to retrofit things, so things like a facility for lawyers who are there for most of the day, like Legal Aid lawyers, prosecutors, Crown prosecutors, Tasmania Police, Community Corrections, probation and the like can have an administration area dedicated to them. We have greater capacity to design something fit for purpose. It is also multidisciplinary. I get the fact people hear the words in the community that the courts are going there, and they fear that. But a large component of the work the court does is also the civil and other areas that house the judiciary. People have nothing to fear from that. The inner workings of that environment are such that it is a very safe and secure environment. People need not fear it.

Mr DEAN - When is the projected move-in time?

Ms ARCHER - We can start the works mid next year. Just explaining the change in personnel. We have Mandy Russell, who is the Acting Deputy Secretary. I have a few acting roles because we have people on maternity leave at the moment. Mandy has come over to us.

The projected time for completion is 2023. In the meantime, as you said, we have already done some works on the Burnie Court Complex to ensure jury trials can resume. We have done what is necessary. The asbestos onsite, as long as you do not interrupt it, is not unsafe; it is just that when you do construction works, you have to completely vacate the area.

The other part of your question was: what are we going to do with that site? We are currently still on it, so we cannot really put it out for sale or expressions of interest or whatever. It presents an enormous opportunity on that CBD site for the surrounding businesses to benefit

from something that may go there. It would be surplus to Justice requirements, but certainly I have had discussions with the Premier, for example, who is also the Treasurer, of course. We see the opportunities of that site and what it brings to Burnie in terms of rates for the local council and the like, and also bringing more people to that particular area to utilise the local businesses a current court facility actually provides.

Mr DEAN - It is a for sale option; that is what it will be. In other words, it will be sold, not changed for another government use?

Ms ARCHER - No, I do not think I can say that with any certainty. We always explore that. But certainly, this presents a great opportunity that, should we sell it - it is fairly certain we probably would - that will present some real opportunities.

CHAIR - Thank you. We will now leave capital investment and move to the Integrity Commission.

DIVISION 15

(Integrity Commission)

Output Group 1

Integrity Commission

1.1 Integrity Commission -

Ms ARCHER - We have Michael Easton, Chief Executive Officer, Integrity Commission. I do not think he has appeared before this committee before in this role, unless you were acting at the time. Welcome.

CHAIR - In regard to the Integrity Commission, Budget Paper No. 2, Volume 2, page 20, Output Group 1, there is no detail. Why is there no detail on number of complaints? Within the Budget Papers we always have performance information and there is none. Why is there none? I have some subsequent questions.

Ms ARCHER - Correct me if I am wrong, but I suggest it is because it is an independent agency and that information is covered in the annual report. I am very happy for Mr Easton to explain as to why those performance measures are not in the actual Budget. I do not think we are usually in the habit of putting that in the Budget.

Mr EASTON - No, they are not. There is no other explanation.

CHAIR - Thank you. They are not normally there, and they are in the annual report.

Can I have the number of complaints, the number of completed investigations, and the number of dismissed complaints?

Mr EASTON - Sure. We're talking the financial year to June 2020? The number of complaints was 165.

CHAIR - An increase from last year?

Mr EASTON - Yes, although there is a footnote to that number, which we have in the annual report as well, noting that 34 of those complaints were from one individual. It is reasonable to take that figure as more in the 130 realm, which would put it on about average.

CHAIR - What about the number of completed investigations?

Mr EASTON - Completed investigations were three, in that financial year.

CHAIR - And the number of dismissed complaints?

Mr EASTON - Dismissed complaints would be 122. Again, I point out that 34 of those were from one individual, so take that for what it is worth.

CHAIR - I am also interested in the education and capacity-building enhancing public confidence that is referred to in the Budget Papers in Output Group 1. How did that actually take place, given we have had COVID-19, so not any of that would have taken place from March through to possibly still now?. Some indication of what that delivered, thank you.

Mr EASTON - Statistically speaking, the total sessions we put out or facilitated in that financial year was 67, and looking back at the past two preceding years, it was 35 and 46. We actually did nearly double what we did last year, even though there was the coronavirus halt. I would not say we stopped doing everything in that space. We still had online exercises, and were still developing material.

I notice our footnote there is that 33 planned training sessions were cancelled due to COVID-19, so that would have taken us up to 100. That would have been our projected amount, yet we still did 67, which is greatly in excess of the preceding couple of years.

CHAIR - Before I leave the complaints area, you said 34 were from one particular person. Do you have an area or some areas that seem to get more complaints than others?

Mr EASTON - Do you mean by a sector, or by a complaint?

CHAIR - By a sector or a department.

Mr EASTON - My instinctive response would be that we break it broadly into the State Service, local government sector, and -

CHAIR - I am happy for that.

Mr EASTON - and government business enterprises. For that financial year, we had 53 for the State Service, and then breaking out Tasmania Police from that, we had 61.

At least half the complaints are from the broader State Service, but then within that, it is roughly 50:50 police versus other State Service agencies.

CHAIR - Right, but none comes up to the level of police?

Mr EASTON - As an individual agency, no. I do not have that breakdown. I can supply that.

Ms ARCHER - They are the public interface, aren't they, with these sorts of things?

Mr EASTON - Within the State Service sector, I would say the great majority of complaints relate to the Department of Health and the Tasmanian Health Service, by far and away. I do not have the figure. Not to the realm of police, but they would be the most significant in the state sector.

Then we have 33 for local government, so it drops away very quickly, and within that number, it would be fairly evenly spread across maybe 10 councils in all, out of 29 councils. Many councils don't get any complaints in any given year.

CHAIR - There is a new learning management system for integrity training. Can I have some indication through you, Attorney-General, or to you? When it talks about creating more effective learning outcomes and greater participation numbers, I am interested in what that actually delivers.

Ms ARCHER - I think that's actually a question for Mr Easton, because it's a program developed by the Integrity Commission itself.

Mr EASTON - Well, the learning management system is just a product. We are basically talking about online training. The learning management system is a way that online training is delivered, and that's not unique to us. What is unique to us are the courses we deliver. We have been working very hard to develop a new core module called Integrity in Public Service, and that will be the main product that's delivered through that learning management system.

The aim is to have that core module - like I say, it's the core, it's the starting point - for the public sector to ingratiate themselves with integrity, ethical conduct and so forth, and then grow out from that according to their agency needs, and build education plans for whatever it is that they want to do, and whatever particular risks manifest in that agency, because they all differ. You can imagine police have particular risks but, having said that, police have a very highly developed training program.

I mentioned the Department of Health. They have particular risks, given they have medical staff - they just have a lot of staff in the first place - and it is widespread. Their misconduct risks could vary to, say, the Department of Education's, which might be more related to interactions between teachers and students.

Everyone comes in through the core module. They do that online, hence the expansion in the number of people, because it's far more accessible. They do it in their own time.

We tailor those courses to those different areas, and then the agency builds their education plans and they go out from there. We help them build their capacity to do that training. We don't do it all for them.

CHAIR - And the staff complement for the Integrity Commission?

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Mr EASTON - We currently have 15 FTEs and, just having listened to the questions that flow from that, there's half as many males working as females. In other words, it's 66 per cent female and 33 per cent male.

Mr WILLIE - Minister, I'm going to read the summary from the Assessment Greystone -

Ms ARCHER - The assessment?

Mr WILLIE - Assessment Greystone, which is in the annual report -

Assessment Greystone considered allegations that managers of a departmental unit had failed to properly deal with reports and complaints about inappropriate behaviour of an employee. Given the fact that the work culture of the unit had been significantly damaged due to alleged management failures and fear of retribution, our assessment process included liaison with Tasmania Police and the department. We determined to refer the matter to the Secretary on the basis that an investigation by the Commission could inflame existing tension and anxiety among staff.

Are you able to confirm that investigation concerned the allegations surrounding James Griffin?

Ms ARCHER - No, I can't, because I don't comment on individual Integrity Commission matters. The reason - and I'm sure Mr Easton can confirm this - is they're given these names is to de-identify it. Perhaps you can run me through that process, but I certainly don't have that level of detail.

The Integrity Commission, as you would or should be aware, is completely independent and separate from me as Attorney-General, and I don't have any oversight over those investigations or, indeed, who it involves - so much so that when I do meet with the chief executive officer, I don't always know the names of individuals and, in fact, I wouldn't know and don't know the name and the actual matter that's referring to.

Mr WILLIE - Perhaps, through you, Mr Easton could comment on that?

Ms ARCHER - As to what he can identify or de-identify, I am sure he is aware of what his obligations are in that regards. You may ask that through me, but I certainly do not know the answer to that question.

Mr WILLIE - Is Mr Easton able to comment on that?

Mr EASTON - I am afraid I have to hear the question again.

Mr WILLIE - My question is whether you are able to confirm whether that investigation concerns the allegations surrounding James Griffin.

Mr EASTON - Through the Attorney-General, yes, we anonymise all these matters when we put them in our annual report. The names of the matters are merely Tasmanian

mountains and the extent to which we have decided we will comment on this matter is what is on the annual report. We tabled that in parliament as an exercise in transparency and accountability, but we marry that or weigh it up against impact on privacy of individuals. When I say privacy of individuals, I do not just mean the person who may be a respondent in a matter; there are other people involved, witnesses, people who are affected by it. I would say the answer to your question is the extent to which we would publicly comment on Assessment Greystone. It is not an investigation; what we have put in the annual report is only an assessment.

Mr WILLIE - Are you able to confirm the date it was referred to the secretary?

Mr EASTON - I am just trying to think of the date. I cannot confirm the date now, but I would be happy to confirm that on notice.

Mr WILLIE - Okay, that would be useful.

Mr EASTON - I take that as a point there are no dates in here and I could see how that might help people trying to put two and two together in this sort of thing. But there is no reason why we could not put the dates in there.

Mr WILLIE - Before we move off, Chair, I am interested in the reporting in the annual report. You have talked about the confidentiality, but other people are named in other summaries. Can you give some explanation to that through the minister?

Mr EASTON - Sure, the reason they are named is because presumably those assessments have gone through into investigation and those investigations have been tabled in parliament, so it seems a bit of a ridiculous exercise to table a report in parliament where we name the people and then not name them in this annual report. I did think about that issue and I decided we would name them in here, but they have already been named.

Mr DEAN - I normally elect not to ask questions because I chair the Integrity Committee but it is just the one and I should have asked it in a previous line item. The second tranche of the amendments to the Integrity Commission Act: where are they at? I asked the question of the Attorney-General.

Ms ARCHER - As members would appreciate, there are a number of remaining recommendations. There has been a first tranche, as you are well aware and they involve complex policy issues. We obviously intend to consult on any further proposed amendments to the act that arise from those recommendations. The scheduling of this work will need to be considered in the context of our heavy legislative workload for the department. This is something we need to assess for next year's legislative program and beyond.

CHAIR -How widely will you consult, Attorney-General?

Ms ARCHER - Our usual consultation on these matters is both targeted and public, and the details of these consultations are always put up on the Department of Justice website.

Mr DEAN - The first tranche was now about three or four years ago.

Ms ARCHER - It received royal assent on 30 June 2017.

Mr DEAN - And these matters were considered to be fairly important for a contemporary Integrity Commission Act, but they are being worked on and you think they may well come forward next year.

Ms ARCHER - Again, I am not using it as an excuse, but it is factual. The department has dealt with so much in terms of our legislative reform, all of which has been important. You have heard about significant reform we have done regarding back logs, s but also in response to the royal commission. It all falls on my department to do that.

Ms Craven's team, although swift and agile, is a small and highly specialised team. I am sometimes amazed by the enormity of the work they get to, but it is there to be dealt with along with a lot of other competing legislative reform.

Mr DEAN - I suspect that because we have now gone on three years and we have had the first tranche come through that, there may be other matters now that have come up in the meantime, so that would be part of the consultation process with the Integrity Commission.

Ms ARCHER - And we will consult on that. Absolutely. You are right. When some time transpires, it is very sensible to take that approach and consult on that again.

CHAIR - Thank you, that concludes the questions and we very much thank you and appreciate your time, Michael. We know you are very busy.

DIVISION 20

(Office of the Ombudsman)

Output Group 1

The Office of the Ombudsman

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

Ms ARCHER - Everyone will be familiar with Mr Richard Connock who is our Ombudsman. Again, you like to do your separate questioning in this area, being an independent statutory holder.

CHAIR - I will commence with the questions. Can I have the number of staff for the area?

Mr CONNOCK - Number of staff - we have 18.9 FTE, which is 26 people. At the moment, we have 20 women, five men and one vacancy.

CHAIR - COVID-19 has presented some challenges. I note in your annual report that you have indicated there were significant disruptions to the work of the office with all staff working remotely for a period.

Have staff come back to the office or is that going to be a permanent arrangement?

Mr CONNOCK - No, it is not. We did have some difficulty when we first went remote because not everybody was capable of working efficiently remotely. Some were having to come back into the office to access databases, to scan documents and to do things like that. We tried to keep a number of people physically in the office to a minimum. Most of us had Surface Pros or laptops so we could work and link up to the office servers, and it worked out well.

Being a small office, and luckily with everybody having an office of their own in the main, we were able to start a staggered return when restrictions started to ease in late May. We were always guided by the Public Health advice and always acted on that. When it got up to 10, we allowed 10 people back into the office and we did that on a rostered arrangement and that worked quite well.

When things eased up even more, we started to return to work on an even more fulsome basis. Our date of return was actually 15 July, which coincided with the final relaxing of restrictions and with everybody back on 20 July because 15 July was the last week of the school holidays so there were some people with parental responsibilities.

It was a mixed bag. We had some people who loved working from home, some people who could not wait to get back into the office, and it was really difficult trying to keep some people away. They felt really frustrated and isolated and missed the peer contact. Ours is a fairly close-knit office, being comparatively small. We made a conscious decision that we would try to get everybody back to the office in the first instance, to reintroduce ourselves to each other, re-establish our commonality of purpose and office identity, so we did that on 20 July.

We had a couple of people who were really keen to work from home at that stage but we said this will become flexible, but until we get settled, we will all be back here. We then decided we would do work from home on a project basis: ask your manager if you can, and they can consent. We have had very few people asking to work from home now, and we are not back to normal, but as close as can be.

CHAIR - I noticed in the annual report that the 642 complaints this year was a 13 per cent decrease. April and May significantly dropped off, so people thought of something else other than complaining. I note that complaints, Attorney, to the Department of Justice made up 47 per cent of all complaints received about government departments. Is that a concern to you? I think it is to me.

Ms ARCHER - Any number of complaints is. As you heard from the previous output that we were just discussing - the Integrity Commission - I think those departments that have the public interface, more so. You have to remember that with the Department of Justice, we have all of our courts, our protective jurisdiction, our prison. That includes prisoner complaints, and they sometimes write to me, but they sometimes do it through a formal process of RTI. There will sometimes be that large number of complaints.

I am sure Mr Connock can probably explain it because he sees the nature of the types of complaints about the department. I thank him for his time on Friday when he met with the Premier and me on these very issues. You said some nice things about my department at least in terms of dealing with RTI requests and the like. With the complaints and the nature of those

complaints, I am very happy for Mr Connock to address why there is a high representation there for the Department of Justice.

CHAIR - We certainly do, particularly in the media, hear significant complaints about the time it takes to address an RTI request. I note - I received the media, as we all do - that prisons are top of the complaints. I would be happy to -

Mr CONNOCK - If I can take you to the annual report on page 10, 167 complaints about the Department of Justice were closed. The complaints from prisoners were down slightly, from 186 to 134. There were still a significant number of prisoner complaints. Throughout the pandemic, when they were on lockdown, they still had access to phones. We have a direct line on their system so we continued to receive complaints throughout the period. It has historically been the case that prisoner complaints are the largest cohort of complaints.

CHAIR - Is there a theme with the nature of complaints? It possibly isn't, 'I don't want to be here'; it would have to be something more serious than, 'I don't want to be here anymore.'?

Mr CONNOCK - Placement, meals, personal property, classification, associations - all sorts of things they complain about. It is a closed environment, it is a crowded environment, things are writ large for people in there. There is a number of things they can complain about, they do complain about.

CHAIR - In the area of the Department of Health, down again.

Mr CONNOCK - Down again, but that is largely because of the new Department of Communities, which is now responsible for public housing. A large number of the complaints against the Department of Health and Human Services was in relation to Housing Tasmania. That has now moved over to Communities. There is a number of contracted suppliers as well.

CHAIR - There were 83 complaints this reporting year, most of those, 45, were around housing.

Mr CONNOCK - We get a few child protection matters and things like that, which are difficult for everyone.

CHAIR - Local government, 81, slightly up.

Mr CONNOCK - Slightly up, all sorts of things, barking dogs.

CHAIR - It is interesting.

Mr CONNOCK - I agree - nuisance complaints, rates, planning, all aspects of local government basically.

CHAIR - Interestingly, the highest number, unsurprisingly, the larger councils.

Mr CONNOCK - Yes, the larger population centres.

CHAIR - So you have more people to complain.

Mr CONNOCK - More people there and more services, probably.

Ms ARCHER - We were just saying in the previous output, with the Integrity Commission, there was one person who made 34 complaints, for example. You would have a few, probably, in that category.

Mr CONNOCK - We have a few of those, yes.

CHAIR - The complaints about the University of Tasmania were down by more than 50 per cent from last year. That is because nobody was there.

Ms ARCHER - I was receiving quite a few about UTAS at one stage. too, thinking it was a state institution.

CHAIR - I wrote to the Vice-Chancellor myself a couple of times, without very much success, to complain.

Ms PALMER - I see that the Office of the Ombudsman has been provided with additional funding of \$245 000 per year to address matters raised in your previous annual reports. How is that additional funding now being used?

CHAIR - I think that was thanks to this committee for continuing to raise the lack of support.

Ms ARCHER - It was something we were looking at. The Ombudsman and myself try to meet quarterly and these matters of resourcing are always raised, and I go into bat every year, as part of the Ombudsman's separate submission.

CHAIR - As we do.

Ms ARCHER - As members do. I will let the Ombudsman explain how that is being resourced, how it was interrupted by COVID-19. They were all things we discussed in our meeting on Friday with the Premier.

Mr CONNOCK - That funding was for the RTI jurisdiction to primarily address the backlog of cases we had and unfortunately to a degree still have, and to bring that in line with the other major jurisdictions of my office. I don't have a deputy, but at each of the different jurisdictions, I have a principal officer in charge of the day-to-day running of that jurisdiction. They have support staff to help them with the work.

I only had one officer in RTI, which made it difficult and the funding for that was for a principal officer - to maintain the funding for the senior investigation and review officer we already had and for a Band 4 investigation and review officer so we would have an RTI team that could work across this. We are burdened by a lot of formal reviews at the moment, but that is not the only thing we are supposed to be doing under the act. There are various other things. What happened was we hadn't advanced as far we would have liked.

We recruited a principal officer in September 2019 but because of commitments to his previous employer, he wasn't able to come over full-time until December. We had decided we would want him, or whoever the successful applicant was, to be involved in the selection of

the Band 4 officer, because they would be part of their team. We recruited in that area in February and three weeks later went into lockdown. She unfortunately, was one of the ones unable to work successfully from home because she did not have a laptop, plus she was brand new to the position, so it didn't really help. We haven't progressed as far as we would have liked with those things, but, at the same time too, last year saw an increase in the number of applications received.

In 2018-19 we closed 36 requests, eight of which were finalised by an external review, whereas in 2019-20 we closed 47 requests, with 21 finalised by way of a review. We have started to move on it, but it has been slower than I would have liked. In addition, as at the 29 June, there were 85 open cases - we now have 102. We have quite a case load to manage and the vacancy is the Band 6 Senior investigation review officer who has taken up another position, so we are recruiting for that at the moment. It has not been the smooth run I had hoped and anticipated we would have.

Ms ARCHER - I don't think we have seen the benefit of the additional funding there for the reasons the Ombudsman has outlined. The Premier and I have discussed with Mr Connock that it would be nice to deal with this backlog as a matter of priority and should he say to us we need a further look at resourcing for that particular purpose once these people are back on 100 per cent, we will look at that. We are determined to address this backlog issue and have the Ombudsman on the front foot rather than the back foot.

CHAIR - Just let us know if you need more resources and we will do our best to help.

Mr DEAN - Is the Ombudsman's office now in a position to be able to keep up with these legislative requirements of time frames and so on under the act it operates, with funding and staffing?

Ms ARCHER - One thing we discussed with Mr Connock last week with the Premier was that largely the act is good, but there are other things that could be dealt with that might make it more administrative and the Ombudsman's job a lot easier in terms of dealing with RTI reviews. We are also determined to ensure there's consistency across RTI officers' decisions. The Ombudsman has agreed to look at some other jurisdictions for us for best practice and whether that's having a more central model or there are other jurisdictions we can look to.

Queensland was mentioned as having a pretty good system and there are things we can look at in that regard. Again, it's a bit of a multifaceted approach and we very grateful to the Ombudsman for saying, 'How about we look at what might work best in that regard?'. The Premier has largely covered what came out of that meeting. The Ombudsman has a few things to do and then I have a few things to do as well in terms of looking at the acts to make things run smoothly.

One of the things Mr Connock identified was that he should be subject to review. One of the things about having now gone through the first tranche with setting up the Tasmanian Civil and Administrative Tribunal is that body can review Ombudsman's decisions as occurs in some other states. That's something for us to look at also regarding reform.

Mr DEAN - I need to ask my question again, quite obviously, Attorney-General. Will the Ombudsman be in a position now with the extra staffing and so on to keep with the

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legislated requirements of the acts and so on under which he operates and particularly in relation to -

Ms ARCHER - I'm sorry, I thought I answered it. I must be speaking a different language in terms of we've said that if the \$245 000 isn't enough, we're prepared to look at extra resources if he can't meet those demands.

Mr DEAN - Right. So, you can't answer yes or no. If you're going to watch the operations of the office -

Ms ARCHER - Well, that's because you're dealing with a hypothetical situation.

Mr DEAN - and if they are unable to keep up with the requirements of the legislation, certain time frames and return dates and times and so on -

Ms ARCHER - As the Ombudsman, Mr Connock has just explained, there have been a number of factors as to that \$245 000 may not have hit the ground running yet, if I can talk colloquially. We need to give that office every opportunity to work at optimum in terms of staff load and having been fully trained to deal with these requests. If, still, there's a backlog, or even before then, if Mr Connock says there's more to be done, we will look at it.

Mr DEAN - I suppose all I can say there or around the question is: is it is being closely watched and looked at? Obviously, it must cause concern for the office where there are certain requirements imposed on that office where they -

Ms ARCHER - I can't speak for Mr Connock, but I'm sure that meeting with both the Premier and myself last Friday indicated to him we've taken this issue very seriously, but I'll let Mr Connock speak for himself.

Mr DEAN - Yes.

Mr CONNOCK - The problem is the backlog. If that could be brought under control, yes, I think we would be adequately funded to deal with the things we're getting under the act now. One of the things I want to do is try to avoid as much as possible formal reviews, which are resource-intensive and take a lot of time and are not always necessary.

Mr DEAN - Sure.

Mr CONNOCK - I do have functions under the act to basically give directions and the words aren't used but case-conference - that sort of thing - talk to applicants and agencies and try to streamline the process so information gets out there without having to go through that formal review and, with a team, that's easier to do than -

Mr DEAN - This is not an attack on the office at all -

Ms ARCHER - No, I'm not suggesting that.

Mr DEAN - - because I understand the work they're doing. I know what they're turning out well above their weight in actual fact. But it's just they had legislated responsibilities and

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requirements, and that is a very serious issue, a very serious matter, so the reason for the questions. In fact, it has been considered seriously and looked at.

Ms ARCHER - I can guarantee -

CHAIR - I feel sure the Attorney-General supports it is serious.

Ms ARCHER - I can guarantee it's serious. It's serious enough for both the Premier and I to say that if additional resources are required to get the backlog under control, we're prepared to do that.

CHAIR - My last question, and I very much appreciate the detail that came with it in the Budget Papers, albeit we do have the annual report available as well. That is why I was looking for it for the Integrity Commission, because it is here for the Ombudsman -

4. Complaints figures exclude Public Interest Disclosure notifications.

How many of those?

Mr CONNOCK - They are reported separately. Well, they're growing.

There is a section of the report where we are required to list the number of potential disclosures we get, and that is in the back of the annual report. You can just have a look at that. We used to get very little activity in that area, but we are now getting increased numbers coming through. We report separately under the Public Interest Disclosure Act. It is not a complaint under the Ombudsman Act. It is a disclosure under a different piece of legislation.

CHAIR - So do we have the numbers, without me having to sift through? You said they've grown.

Mr CONNOCK - It is in the text. Yes, page 35. Those are the things we are required to publish each year under the act.

You will see that the Ombudsman received three disclosures about improper conduct, of which two also referenced detrimental action. Three determinations were made that disclosures were not public interest disclosures. They are the sorts of things we are required to report.

While people purported to make disclosures, we didn't find that they were protected disclosures. Years ago, we would have very little activity under this act at all, and now we are. We are anticipating maybe more because we have just reviewed the guidelines for agencies on these disclosures, which we will be circulating fairly shortly.

CHAIR - Thank you. I'll keep my eye out for that. I wasn't aware of that.

If there are no further questions? Thank you very much, Richard, we always appreciate your attendance at the budget Estimates scrutiny process. We'll let you get back to your busy office.

DIVISION 6

(Department of Justice)

Output Group 3

Corrections and Enforcement

3.1 Prison Services -

CHAIR - Attorney-General, you might like to change your team at the table. We are now at Minister for Corrections, 3.1 Prison Services.

We will have a break around 4 p.m. to have a cup of tea, get our second wind, and then hopefully do the home stretch.

Ms ARCHER - I also need to change folders. I have my department secretary, Ginna Webster; Kerrie Crowder, still in the same role, Acting Deputy Secretary for Corrections and Justice; and, of course, Ian Thomas, our Director of Prisons. He is wearing a plain suit today, so you don't get him in uniform.

Just by way of opening statement, which I think I will skim through in the interests of time, because I know we are running extremely late.

I am very proud to be the Minister for Corrections, and to be part of a State Budget that continues to deliver for this area.

There is no doubt that this is a really challenging portfolio. It deals with a challenging situation, and that is the prison environment. My deep admiration and respect goes out to every single staff member of the Tasmania Prison Service and Corrections with regard to the work that they do in this area, led by Ian Thomas in the area of the TPS. I appreciate every day the work that they do. It is incredibly difficult work. It is most of the time potentially dangerous work and a very stressful environment.

One of the keys to providing better conditions, better work safety conditions and indeed wellbeing is new purpose-built facilities by way of infrastructure.

Members know about the Southern Remand Centre and the money we have spent there. It is a highlight that the project has received additional funding because of the needs of that build. It is now \$85 million for the Southern Remand facility, plus the shared facility still at \$9.3 million. There has been an additional injection from the \$70 million, as first thought, and that will deliver an optimum remand centre; it will have two units, and cater for that cohort of remandees and take them out of that usual prison environment. It will also provide more frequent access to legal services, rehabilitation and education.

The purpose of new infrastructure is only that. It is not only for inmates, for remandees, but it is for staff as well. The staff have been consulted on that project design in terms of what they see working for them in their work environment.

There is also the Northern Regional Prison project.

When the statistics were done in relation to this election commitment, around 46 per cent of our prisoner population comes from the north or north-west of the state. As at 2020, it is around 50 per cent, so half. It stands to reason that a prison in the north of the state is a good thing. It is unfortunate that there will always be a cohort of prisoners for whom the last-resort option is sending them to prison, or their crimes are of the nature that prison is the right option, but that does not take away my strong focus on rehabilitation and reintegration into our community.

In doing so, we need to make sure that the community is safe, and that they are now law-abiding citizens, able to work, able to provide for themselves and/or their family, and, importantly, that they have housing. These are all issues we regularly deal with.

We have also included additional recurrent funding of \$33.7 million across the forward Estimates to assist with increased prison operating costs, including \$3.5 million per annum from 2020-21 for increasing demand and cost pressures, and \$19.7 million in operational funding for the new Southern Remand Centre, commencing with \$910 000 in 2020-21, increasing to \$5.1 million in 2021-22, \$6.8 million in 2022-23, and \$6.9 million in 2023-24.

We continue with our recruitment to address demands there, and also demands of the future in relation to the Southern Remand Centre and the Northern Regional Prison. We know the key to reducing overtime and reducing workers compensation is more correctional officers, and we are continuing to recruit.

We have had a number of recruitment courses this year, despite COVID-19, a very challenging environment. We have taken the first training course - since it has been able to commence - offsite, with some training onsite. The second course, which is due to start in December, will be back fully at Risdon Prison, which we are very pleased about.

Ian can go into this in more detail, but we reconfigured the prison to allow for isolation units. As you would appreciate, we needed to respond to the COVID-19 situation first and foremost, but also continue training, which is why that went offsite. It was a very sensible and the safest thing to do.

I will take the opportunity, in just closing off my brief overview, to thank the incredible efforts of Tasmania Prison Service staff, and Ian and his team individually. The efforts that they took and the immediacy of their response was truly amazing. We have had no positive cases of COVID-19 in the prison. Just one case could have been catastrophic, because, as you could imagine, in a prison environment the spread could be very quick. The measures that they have taken, which hopefully we will have a chance to address in more detail, were well thought out and implemented as quickly as possible.

That is why we needed to use existing facilities and units, or upgrade decommissioned areas for isolation, to respond to those immediate needs. We simply could not construct something fast enough on site with all the plumbing and the electrical requirements and the security requirements in time, should we have had an outbreak. That response was truly amazing, I thank the team, and incredibly supported by the department as well.

CHAIR - Thank you very much, minister, we appreciate that.

Mr WILLIE - Minister, as you know, I have a strong interest in the welfare of children and young people. These questions concern Ashley remandees. I think it fits in this line item because it concerns Tasmanian Prison Service staff. It has been put to me that when young people come to Hobart to attend court they are dropped off by outsourced security - contracted staff - to the Hobart Reception Prison in Liverpool Street. They are technically not in the custody of the Tasmania Prison Service or police. They are put in the police watchhouse cells. The security staff disappear until pick-up. Tasmania Prison Service staff are left to provide the meals, supervise them and manage them. This is not covered by the Tasmania Prison Service MOU. There is no paperwork handed over between the security staff and the Tasmania Prison Service staff. There is no warning that they are coming. My first question is: why is this happening?

Ms ARCHER - That is clearly an operational matter. I am not sure if Mr Thomas has a different version or needs to take that on notice. I will ask Mr Thomas to address that as best he can.

Mr THOMAS - Thank you, minister. We might take some of that on notice, in the detail, if that is okay. We do take juveniles into custody in both reception prisons. Part of our duties is operating the watch-house on behalf of Tasmania Police. On occasions, if a juvenile is arrested overnight they will come into our custody and we accommodate them until they can move to Ashley Youth Detention Centre.

Ms ARCHER - Of course, as you have identified, the operation of Ashley is under Mr Jaensch and under Youth Justice, which I do not oversee. In relation to these facilities, as Mr Thomas has identified, you have Tasmania Police, you have some involvement and interaction by TPS staff, and there may also be that aspect in terms of Ashley staff as well. What you have put is clearly an allegation, which I think Mr Thomas would probably like to look into. I certainly do not have knowledge of that occurring.

Mr WILLIE - You will take all of those matters on notice, minister, to respond to each thing that I put?

Ms ARCHER - As best we can. Although you have not put it that way, it is an allegation. I don't know where you had that information from, but we will certainly look into it. If you are able to provide us with any more detail to make our job easier - it is difficult because unless we have dates and times and names of people, we are not quite sure what the allegation might relate to otherwise.

Mr WILLIE - I am told that this is a thing that happens when Ashley remandees are brought to Hobart to attend the court.

Ms ARCHER - We can certainly look at policies and procedures and what occurs there. Mr Thomas is indicating he is not aware of it.

Mr WILLIE - A further question on that. Are young people exposed to adult remandees?

Mr THOMAS - No, that is not the case. They are held separately at all times. We have a number of detainees who come into the watch-houses and we set aside rooms to hold juveniles in so at no time do they come into contact with adult prisoners.

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Mr WILLIE - There are no common rooms where they are interacting?

Ms ARCHER - We have recently upgraded the areas for youth following the recommendations made by the Commissioner For Children and Young People, haven't we?

Mr THOMAS - We are working through that process as we speak, minister, yes.

Ms ARCHER - Basically to have the rooms or the cells different to the adult, in terms of aesthetics and décor as well so that it is not such a -

CHAIR -Confronting?

Ms ARCHER - confronting environment is a good word, thank you, Chair.

Mr DEAN - First of all, at the Estimates last year, and we are talking about an earlier time quite obviously, we had 666 prisoners at the time. How many have we now in prison today? I take it that the maximum number of prisoners is still 742? I think that was the number we were given last year. I don't think the capacity has increased or has it?

Ms ARCHER - I think capacity has increased slightly because of the reconfigurations we have done as a result of COVID-19.

Mr DEAN - What is the capacity now then, and what is the number of prisoners we have got currently?

Ms ARCHER - I will let Mr Thomas go through those figures although I have them in front of me I am happy for him to interpret his own data.

Mr THOMAS - As of Friday last week we had 654 prisoners in custody and that is against a capacity of 753.

Ms ARCHER - The capacity has gone up, and I will get Mr Thomas to explain why capacity has gone up.

Mr THOMAS - As the minister outlined, due to the need to respond to COVID-19 and create additional accommodation space to manage prisoners in isolation, that brought some of our old accommodation back on line and we have been able to retain some of that as we have come out of the COVID-19 response.

Ms ARCHER - We have redeveloped it.

CHAIR - You did not put them in the old laundry or anything?

Ms ARCHER - There was some swift work that was done in that regard.

Mr DEAN - My second question is on recidivism rates. If we look, the rate is high and on the statistics I got, it is increasing. In 2017-18, I think the recidivism rate in the state was about 55.5 per cent and it is now at about 56.6 per cent. The target in 2020-21 is 48 per cent. Obviously a lot of this is to do with what happens within the prison.

What is going to happen there to decrease that recidivism rate to 48 per cent? What new structures and what new programs are going to be put into place? How is it going to be accomplished? I might say the recidivism rate in Austria is about 25 per cent, but anyway that is another question. It is a pretty awful figure to think that half of our prisoners are continuing in and out of prison all their life.

Ms ARCHER - We have been through the figures of recidivism; do you want me to go through those first?

Mr DEAN - Yes, if you can.

Ms ARCHER - The following return-to-corrections figures represent a two-year rate of return, so for 2019-20 figures - therefore prisoners or offenders who completed their previous sentence in 2017-18. In 2019-20, the rate of prisoners returning to prison within two years remained at 47.1 per cent, the same rate as in 2018-19. Prior to this, the rate had been gradually increasing from 39.8 per cent in 2015 or 2016. The rate of return for prisoners to Corrective Services, either prison or Community Corrections, was 56.6 per cent in 2019-20, a slight increase from 56 per cent increase in 2018-19 and 55.6 per cent in 2017-18.

In relation to what we will do in response to that, obviously it is essential to invest in rehabilitation and reintegration of prisoners. That is a priority. It has always been a priority and a focus of mine. We would like inmates who have completed their sentences not to return. A number of factors prevent that and that is good family connections. Members will be aware of Connect42, formerly Chatter Matters, in that regard where the family connection is headed by former Australian of the Year, Rosie Martin and her team with a high success rate reconnecting prisoners to their family.

Another major key is housing, employment and those things. What we are doing is investing heavily in a partnership with TasTAFE to increase the number of education and training courses, programs and certificates we have available to prisoners and also employment programs within and outside the prison. For that we have section 42 release where people can be employed. It is available to prisoners of the right classification of minimum security and towards the end of their sentence. It is about an approach that deals with all these issues in terms of education and training, ensuring there is housing available. Although not my portfolio, we rely heavily on housing availability regarding social and affordable housing. We have facilities available to connect prisoners with those services, but we all know as members of parliament that we need to have those properties available. This is why the Government has embarked on such a huge social affordable housing infrastructure plan and heavy investment in that area so we can respond to that need.

I want to see those statistics of recidivism decrease to a state where we are not above the national average, that we are training our prisoners to have a better life post their release and we don't see them come back. The key here is the education and training. It has taken some time to develop and reconnect the services available from TasTAFE with the prison. That was cut by the former government and we have that back to a stage where we can deliver this at the Risdon Prison site. With the new facility in the north, we can have a purpose-built facility for all sorts of programs, outdoor, indoor, outdoor in terms of garden or kitchen garden or whatever programs we want to do there.

A lot of the time people do not see the benefits of what a purpose-built facility can achieve, but for rehabilitation and training, we can design something where we can increase our capacity even more.

Mr DEAN - Look around the world and see what a new modern prison will do. They are not even referred to as prisons. They have got rid of that word and we should also get rid of it.

Ms ARCHER - I don't disagree with you and for the sake of people knowing what I am talking about, we are calling it the Northern Regional Prison project but readily refer to it as a correction facility or a correctional centre.

Mr DEAN - Or a rehabilitation centre or whatever.

Ms ARCHER - I don't think it can ever be called fully a rehabilitation centre because it is a prison of all classifications, including remand, including women, so correction' centre because it encompasses the whole system.

Ms SIEJKA - A clarifying question - you mentioned Connect42. Last year the Just Time funding had its own line item, and I want clarification that is still funded or whether it was rolled into another area.

Ms ARCHER - It is still funded. It's just funded from within government resources. I've spoken to Ms Martin, or my office has, and assured them that program is continuing.

Ms SIEJKA - It is quite successful, it seems.

Ms ARCHER - It's hugely successful.

Ms SIEJKA - Yes.

Ms ARCHER - I haven't got the statistics in front of me but I'll see if the secretary can turn it up. It has had a significant impact on some of our female prisoners because, as you can imagine, there's deep family connections.

CHAIR - Very quick, from the back.

Ms ARCHER - It's faster than me trying to find it in my duplicate folder.

Ms SIEJKA - Given that success, is there any likelihood of an increase in funding for the program in the future?

Ms ARCHER - I will continue for extra funding in all of my portfolios, as I regularly do to deliver these programs. You can imagine there's always demands across the prison service but I'm very keen on this one. In fact, it was something initiated by myself as Minister for Corrections to get funding in there and why it's probably always been traditionally put as a separate line item. Just because there's no line item, doesn't mean it's not funded so I can confirm unequivocally it's funded. Here we go -

PUBLIC

The 2019 evaluation of the program by UTAS found that the Just Time program was very well run with significant benefits not only for the participating prisoners but for correctional staff, facilitators, and volunteers.

They recommended the extension of the program into all parts of the prison. Additional support to prisoners on release, training about the program to be provided to all correctional officers. I can honestly say the TPS places a high value on the program and support it being offered on a continuing basis. I know Ian is very keen on these types of programs and can see the value. Having worked in the UK system as well, he can see the benefits of rehabilitation. I don't know if you have all had an opportunity to read his op-ed, but it was very much focused on his vision for rehabilitation as much as mine.

CHAIR - Thank you very much for that clarification. Mr Dean, we're going to try to speed this up because otherwise we won't get to the Minister for the Arts.

Mr DEAN - I want to go straight into the overtime situation, minister.

CHAIR - Yes.

Mr DEAN - When I saw the overtime amount for the end of the year around the \$8 million mark, I was horrified. I'm not surprised it took me two or three times to get the average amount of the top earners on overtime in the prison service and, as we know, there are three who receive over \$70 000 each in overtime, and a number of others up very close to that. My question coming out of that, first of all, is what caused the overtime these individuals received?

The five top earners I've been given, what were the reasons for that overtime? I hark back to the report I chaired in 2013, which was tabled, in relation to overtime in the Risdon Prison where I could now simply change the date and resubmit that. There were no changes made at the prison that have had any impact on overtime at all. In fact, it has aggravated it. The report was obviously a poor one; it wasn't strong enough so there has been little that has occurred -

CHAIR - I was a member of that committee, member.

Mr DEAN - You were a member of that committee also. I want to know what really has happened, what is going on at the prison in relation to the management? What did they change and what recommendations were taken notice of from that Legislative Council report in 2013, the Overtime Costs of the Tasmanian Prison Service. I would like to know a bit about that and specifically what caused the overtime for these top five earners? Was it through sick leave, overtime, whatever?

Ms SIEJKA - Chair, if I could add onto that the total spend for the overtime in the past year would be of interest, because we did ask that last year.

Mr DEAN - I think we've got the table of overtime - \$8 million.

Ms ARCHER - How I intend approaching this is if members just allow me to say what has been done and I'll get Ms Webster to fill in any blanks from the department perspective. I

can say to you, Mr Dean, it's not correct to say nothing has been done. Unfortunately, a large component of the spend this year is down to COVID-19 and I can explain that on the basis of the split roster system we had going as well and the unavailability of some staff. I will get the right people to explain that, but what I will cover is the key areas of focus that are being progressed to reduce overtime and other related salary costs. An independent review of the roster by Shiftwork Solutions has been undertaken, considered and introduced. After consultation with staff you might recall last year I said to the committee that was being undertaken, it has now been introduced.

Mr DEAN - The reason I just raised my eyes, is this is what we were told in 2013, there would be a simple rostering system developed that -

Ms ARCHER - Chair, we are behind time and if I continue to get interrupted - I am guaranteeing to the committee from I said last year, that work progressed to the stage that is has now been introduced. Consultation with staff did need to occur because changing a roster system is not an easy thing to do and consulting with unions as well. Ongoing improvement of the central rostering system, which is called TimeFiler, has occurred. In particular this year's changes have been scheduled to support detailed and robust reporting requirements. Deloitte has completed an audit of the TimeFiler application and the recommendations are being implemented. There has been a reduction of workplace injuries, increased focus on workers compensation management and returning staff to work as quickly as possible with three dedicated injury management staff now permanently onsite at Risdon.

As a result, the TPS has seen a stabilisation of the average days lost due to workers compensation and the continuous review and refinement of absence-management strategies to address the ongoing level of unplanned absences. This strategy aims to provide increased awareness and proactive management of unscheduled personal leave within the TPS.

Further work is being undertaken by the human resources team to enhance earlier intervention and peer support programs within the TPS to maintain a supportive workplace and ensure a reduced length of absence. I would like Ms Webster to also go into a bit more detail in relation to why those figures are as they are and there is a COVID-19 component.

Mr DEAN - And how each was able to get that amount of overtime, the actual reason for it.

Ms WEBSTER - Mr Dean, there is a number of reasons why the overtime occurs; it could be unexplained or unexpected absence - for example, of other staff - so sick leave, parental leave, those sorts of things -

Mr DEAN - Sorry to interrupt, that is what I would like the details on. How much was earned through the absence of other staff? That is the issue that came out in 2013.

Ms WEBSTER - And that is a question we may have to take on notice because I am not entirely sure our systems will allow that to be done quickly.

Mr DEAN - I am happy for it all to be taken on notice if that is easier.

Ms WEBSTER - I am happy to answer some through the Attorney. The other issue in terms of overtime is we do have additional facilities open because of COVID-19. We had a

number of new correctional recruits who graduated and two weeks later I think we had them on a roster and COVID-19 struck and we had to split that roster, so the Director of Prisons and his team worked really quickly to make sure we then had A, B, C and D teams that made sure there wasn't cross-contamination, because the main priority was the health and safety of staff.

Ms ARCHER - Because if one group went down, they were off.

Ms WEBSTER - Whilst I do not want to use COVID-19 as an excuse, it is an issue that came into this and a significant amount of overtime related to COVID-19 - probably over \$1.3 million of that is around COVID-19-related costs of overtime.

The other reasons would have been ones that you are aware of, Mr Dean, around hospital escorts, courts running late, the sorts of things we don't have any control over. There will always be an element of overtime required at the prison because of some of those unexpected things. Workers compensation is one of those issues.

Regarding what we are doing, the agency executive now has monthly oversight of all of the overtime figures at each of the facility on a fortnightly and monthly basis. We review where the overtime is occurring, why it is occurring and where possible what additional support we need to provide to the prison service to better address some of the issues and the Attorney has mentioned some of them. On a fortnightly basis our finance branch reviews overtime costs and hours performed, absence due to workers compensation, personal leave, or other type of leave.

The Attorney mentioned that we have implemented the new rosters. That did take some time because of the change of management involved and having to work with the unions, which is as we should, but, as I said, COVID-19 struck and we had to change those rosters. We have monthly work health and safety management meetings, case management meetings, which I chair, and we review matters that might be affecting those overtime rates.

Myself and the previous deputy secretary and current acting deputy secretary discuss with the director the incidence of overtime, particularly any new areas that have come to light. We are monitoring it very closely but, I have to say, COVID-19 did not help with the work that we were doing. But that's not to say that we haven't taken proactive management of the range of issues that affect overtime. We are taking it seriously but, as I said, COVID-19-related overtime was probably estimated to be about \$1.3 million.

Ms ARCHER - I think it's fair to say the department secretary is taking oversight of this issue which is an operational issue but it's that important that we get this under control.

Mr DEAN - That's good because, with the greatest of respect to you, all of that came out previously and I think we could get it out and just about give it word-perfect back to you as to what was said last time.

CHAIR - We are going to stick to questions.

Mr DEAN - Yes, we are. You're taking it on notice about the actual reason for the specific overtime for those top earners?

Ms ARCHER - Yes.

PUBLIC

CHAIR - Can we have the full contingent of staff as well, which we always ask for? Again, they can be provided -

Ms ARCHER - I think we have that today.

CHAIR - We can take that on notice if you want to table it or have it tabled. Then members can digest that at -

Ms ARCHER - I've actually got it here. I can give you FTE and headcount.

CHAIR - Thank you.

Ms ARCHER - Under correctional staff, male - they have helpfully split it up for me, gender: male is 293.3 FTE and the headcount is 294; female ,98.3 and the headcount is 100; other, one FTE and the headcount is one; totalling 392.6 full-time equivalents and the headcount is 395.

CHAIR - That doesn't include the new recruits that will come on?

Ms ARCHER - It would - this is as at 12 November so it would cover all recruits that have since gone into the system.

CHAIR - Yes, but not -

Ms ARCHER - Not the current ones.

CHAIR - It doesn't count the ones who will commence in December.

Ms ARCHER - This is only those who are rostered.

CHAIR - Right. Thank you.

Ms ARCHER - Non-correctional staff: male - 52.7 FTEs and the headcount is 53; female - 82.3 FTEs and the headcount is 89; other, there's zero for each; totalling 135 FTEs and the headcount is 149. That brings a grand total, combining correctional and non-correctional, to 527.6 FTE and the headcount is 537.

CHAIR - Thank you. Almost one per inmate.

Ms ARCHER - I can give you Community Corrections. We haven't got to that output.

CHAIR - We haven't got to that yet so -

Ms ARCHER - I just realised.

CHAIR - - hold that thought.

Ms ARCHER - Hold it.

Ms SIEJKA - How many workers compensation claims have been received, accepted, challenged and rejected, and what work has been done to decrease the amount of workers compensation? As an additional question, is any data kept on how many are affected by PTSD - living with or recovering from?

Ms ARCHER - Some of those breakdowns - let me just see what I've got.

Ms SIEJKA - I'm happy to take that on notice too, if that's more efficient.

Ms ARCHER - Yes. The secretary is just whispering in my ear, saying she has some figures so go right ahead.

Ms WEBSTER - The 2019-20 claims - 87 claims were made. That's down, actually, from 122 in 2018-19. While I do not have PTSD figures, of those 87, 18 would be related to psychological matters.

Mr WILLIE - I want to pick up on something that was said earlier, the capacity of the prison was up.

Ms ARCHER - Capacity meaning we have more beds, bed availability.

Mr WILLIE - Is that counting the old hospital?

Ms ARCHER - No, the old hospital was not made for that purpose, but I will get Mr Thomas to explain what we have done.

Mr THOMAS - The old prison hospital was repurposed as part of our COVID response. Pre-COVID it has been used to accommodate some of our [inaudible] offender management staff. As part of our COVID response strategy, we relocated the staff, we reconverted the rooms back into cells, and the intent was and still remains that if we had positive cases of COVID in the Tasmania Prison Service, they would be held in that environment, so it has been established as an isolation unit in the event of COVID.

Ms ARCHER - It is a separate building.

Mr WILLIE - Not counted in the capacity, as we have never used it.

Ms ARCHER - But the increase in capacity is elsewhere, if you could explain that.

Mr THOMAS - More broadly across our COVID response, we recommissioned cells in Mary Hutchinson Women's Prison and Ron Barwick, and some of those cells we were able to retain post-COVID and use them for normal accommodation, so to speak.

Ms ARCHER - Quite a bit of refurbishment was undertaken, and a lot of that was funded through the public maintenance fund, our COVID stimulus funding, of which the department received \$6 million. That is correct, isn't it?

CHAIR - There is a nod from behind, yes.

PUBLIC

Mr WILLIE - Just before we move on, could I get the design capacity of the prison, and the operational capacity of the prison?

CHAIR - Might need to get the honourable Judy Jackson back for that.

Mr THOMAS - The operational capacity is 753.

Mr WILLIE - And the design capacity?

Ms ARCHER - I do not know if we differentiate between design. Is that just trying to be tricky?

Mr WILLIE - Well, it was designed for a certain amount of -

Ms ARCHER - What we have done, by commissioning some old areas, is brought them up to standard. They would have been decommissioned because they were no longer up to standard, but since COVID, and now that the work has been done and we spent the money on those areas, they can be utilised as proper cells.

Our design of the prison has actually changed and evolved.

Mr WILLIE - I am happy for you to take it on notice.

Mr THOMAS - I can explain the difference to you, Attorney-General, but I would have to come back to you on the numbers.

Ms ARCHER - Can you explain the difference? I think we need to be very clear on this.

Mr THOMAS - Thank you. The design capacity is what those cells and units and prisons were designed for, and across Tasmania, in the main they are all single-cell accommodation.

The operational capacity is what we are actually using them for at the moment. We have a number of cells in all of our prisons that have bunk beds in them, so that is a cell designed for one that is currently holding two prisoners.

Ms ARCHER - It is important to note that a lot of that is for surge capacity. Sometimes there are unusual days, particularly around Christmas, or coming out of Christmas and New Year, there is frequently a higher peak. That is what we call surge capacity, so it is not a permanent arrangement.

There are other occasions where putting two inmates in the one cell together, like a buddy system, is actually more of an advantage to some inmates with mental health conditions or disorders. Sometimes that is done deliberately for the wellbeing of the inmates.

Mr WILLIE - Minister, can you take the design capacity question on notice? Happy for that explanation to be added to the question and answer. Thank you.

Mr DEAN - Minister, my question relates to long-haul prisoner transportation and court security in the north-west. I understand that is being addressed by -

CHAIR - They have a new vehicle.

Mr DEAN - There has been some discussion between the Police Association and, I think, Correctional Services, Department of Justice, in relation to this.

I understand it is being addressed, and in the letter I have here, written by Ginna Webster, was -

if supported, this proposal would largely eliminate the involvement of Tasmania Police in the long-haul transport of inmates on the north-west coast, and remove them from the provision of security functions in the Burnie Supreme Court ...

Can I ask, when will this likely be put into place, so that police can be taken out of this responsibility?

I know there is an exchange of functions and duties and all of that. I understand all of that. That is a burning question.

Ms ARCHER - Can I just say at the outset, and I am sure Ms Webster would like to add some things as well, that this is a priority of ours.

The difficulty with the situation is that we don't have a facility in the north-west of the state for correctional officers. If we had that facility we would be able to do it tomorrow, because we would have been working towards that option.

We will be able to do that, of course, when we have the Northern Regional Correctional Facility, but in the meantime arrangements have needed to be discussed. Certainly, from the Government's perspective, we want to see that handed over, because we obviously see the value of having our police back on their own duties, and only being required at the court if there is an incident, or whatever, as we deal with the situation down north.

I think I will let Ms Webster describe the discussions and the arrangements that have been occurring.

Mr DEAN - And when is it likely to be in place?

Ms WEBSTER - As the Attorney-General said, the Launceston component was successfully completed in July 2018 - the very reason that we have a facility in Launceston, we were able to fulfil that election commitment, actually, very quickly, because of that reason.

The second phase, which as you said, Mr Dean, involves the north-west police out of courts and prisoner transport. Court security arrangements for Burnie are a bit more problematic because we don't have a base.

There are a number of issues around the recruitment of staff, the training of staff, what they might do on downtimes, because as you well know, we don't know when the court might need us, and for how long. So, there are transitional arrangements that we'll need to work through around facilities for the north-west, including some new vans, I think, as well for the prison service.

PUBLIC

We are currently working through finalising some of the recommendations to consider that, and we should be in a position to provide a time frame early in the new year.

I have been working with the executive of the police around that as well. I know they are very keen to get out as well, as we are, but logistically it is trickier than the Launceston issue that we had.

Mr DEAN - I think if they can be given a time frame, that will be of help and assistance. We can have this in place by mid-2021, or end of 2021, whatever.

Ms WEBSTER - That's certainly what we are working towards.

Ms ARCHER - In Launceston, members will know, we have the Launceston reception prison, and that is a base, and we can't have them going from Burnie to Launceston because they may be needed in five minutes. That is just far too far away.

Mr DEAN - And could I ask the perennial question about assaults on correctional officers? It might be in their annual report. I haven't read it yet, I must admit.

CHAIR - They've been somewhat taken up with Budget Papers, and reports have had to take a back seat.

Mr DEAN - Assaults on correctional officers, and assaults alleged on prisoners by correctional officers. If we can have those figures, thanks. Any bullying complaints and so on that might have come in.

Ms ARCHER - In the data - and I'll explain the difference in a minute, because of the way these get defined as well.

We have the 2019-20 figures. For prisoner on staff: serious assaults, 3; assaults, 12; Other assaults, 47 - I have never seen 'other assaults' before -

Mr DEAN - Probably pushing, something like that, yes.

Ms ARCHER - I see, pushing; right. That's assaults on staff. Have we assaults prisoner-on-prisoner? Thank you. Prisoner-on-prisoner, serious assaults, in 2019-20, there's 16; assaults, 78 -

Mr DEAN - That's prisoner-on-prisoner, 78 assaults.

Ms ARCHER - Yes.

Mr DEAN - Quite a few.

Ms ARCHER - From 1 July 2020 to 31 October 2020 there were two serious assaults, and there's 39 assaults. Can I say at the outset all these assaults - any sort of assault is unacceptable, particularly on our staff, but it's worthy to note and I like to do this because these are statistics very much black and white on a page, but it doesn't account for the fact the numbers are equated to the number of people involved, but not necessarily the number of

incidents. So, there may be fewer incidents to the number of people involved, because there might be multiple people.

Mr DEAN - Yes, involved in one incident, yes.

Ms ARCHER - The statistics don't explain that, so it may actually be more inflated in the statistics than in the actual -

Mr DEAN - Sure.

Ms ARCHER - That's correct, isn't it, Ian?

Mr THOMAS - Yes. That's correct, minister.

Ms ARCHER - How do we define serious as opposed to a basic assault/

Mr THOMAS - A serious assault is an assault that requires the victim being hospitalised. An assault is a minor injury and then another assault is a push, shoves, but no injuries.

Mr DEAN - My other question is contraband coming into the prison and so on. Is there much of that happening still or you are on top of the process of stopping it coming in?

CHAIR - I keep on saying I don't know how they get it in. I couldn't even get in a magazine when I visited, so I'm not sure how you get in anything else.

Ms ARCHER - During COVID there were new and inventive ways, I'm sure. There are a number of strategies within the TPS environment to reduce the supply of, the obvious one is drugs that may be brought in and to prevent other items of contraband from entering the prison system and they include information gathering, intelligence assessment, searching and surveillance of prisoners, staff, visitors' facilities, property and equipment, including the use of drug detection dogs, random and targeted monitoring of prisoner telephone calls to detect any planned trafficking acts, searching of mail and other goods entering prisons, screening at prison entry points using drug detector dogs, random and targeted drug and alcohol testing of prisoners, the use of mobile phone detection technology and working closely, of course, with Tasmania Police to detect and prevent contraband entering the prison system.

CHAIR - Numbers, thank you.

Ms ARCHER - The numbers. Number of seizures: in the 2019-20 financial year, there were 905 seizures of unauthorised items. I can give you a breakdown of the seized items by category: 385 of these were alcohol, drug and drug-taking implement seizures; 17 were mobile phones and accessories; and 36 were weapons and potential weapons.

Other unauthorised items includes numerous items as determined by the TPS contraband and unauthorised items list, including, but not limited to, tobacco and smoking-related implements because, of course it's a smoke-free environment.

CHAIR - Banned.

Ms ARCHER - NRT - what's NRT, Ian?

Mr THOMAS - Nicotine replacement therapy.

Ms ARCHER - Thank you. Therapy which we do supply on entry to assist?

Mr THOMAS - Yes.

Ms ARCHER - Money, electronic equipment, DVDs, restricted publications - there's 467 of those, to bring us to a total of 905. Those other unauthorised items, there are also - correct me if I'm wrong, Ian - certain prisoners who shouldn't receive certain types of items either, so in some circumstances there may be a unique situation.

Mr THOMAS - That is correct, minister, so typically it will depend on what incentive or contract level they are on as to what items are allowed in their possession. What classification they are, the danger they present and also whether they are a prisoner deemed at risk, and then we restrict the items they would have to manage their risk.

Ms ARCHER - So that's why that figure can be high as well because there might be things like classified.

Mr DEAN - Can I ask about tobacco? The smoking thing is pretty under control. You don't hear any more about it so obviously it is working well?

Ms ARCHER - It is working very well, but the provision of the patches and that sort of assistance is required and we are enforcing a smoke-free environment and happy to supply that.

Mr DEAN - It is a great strategy and if I can help, I will.

CHAIR - The time being 4.05 p.m. we will suspend and we will resume around 4.15 p.m. for Community Corrective Services. That might free you up, Ian, to go back and do what you need or you might hang around.

The Committee suspended at 4.06 p.m. until 4.18 p.m.

CHAIR - I know we have officially left Prison Services but just one question in regard to the 2019-20 annual report of the Department of Justice. It listed that Tasmanian Cricket Association Blundstone Arena Catering was awarded a \$180 000 contract for provision of catering to assist the supply of inmates from May 2020 to 2020. I am interested - was this under the COVID-19 response?

Ms ARCHER - It was purely COVID-19. We also had refrigerated units on site. It was basically pre-packaged good quality frozen food; should the kitchen have to shut down because of COVID-19, we wanted to have meals there and be assured the prisoners would get fed.

CHAIR - But were they used?

Ms ARCHER - They are now being utilised as supply we have and we know we can get it at short notice if there is a case of COVID-19 and an outbreak at the prison.

CHAIR - So the \$180 000 was paid?

Ms ARCHER - It all gets used. Absolutely. We wouldn't waste it.

Ms WEBSTER - I believe some was provided to non-government organisations and community organisations to support people in need when we were unable to use them by the use by date. We did not waste them.

Ms ARCHER - None of it went to waste, it went to those in need or prisoners.

CHAIR - But it came out of the Department of Justice budget of \$180 000.

Ms ARCHER - It was probably some COVID-19 funding.

Ms WEBSTER - Yes, that is right.

Ms ARCHER - Otherwise we cook a lot on site, as members would appreciate.

Output Group 3 Corrections and Enforcement

3.2 Community Corrective Services -

CHAIR - an I invite you, minister, to 3.2, Community Corrective Services. We will try to make up some time in regard to this. Obviously, this output group supports a variety of non-custodial sentencing options, including the Safe at Home forums, pre-parole, reporting to the Parole Board and pre-sentence reporting and community service orders. From the table on page 79 it appears there has not been a lot of change in the completion rate of community suspension orders, the supervised offender per day or the percentage of community correction offenders returning to corrective services within two years of discharge. Does that mean that obviously COVID-19 did not affect what went on in this area?

Ms ARCHER - First, could I introduce Brad Wagg, Acting Director of Community Corrections?

CHAIR - Another acting.

Ms ARCHER - That is again due to maternity leave of our director. Brad may be familiar to you; he spent some time in our houses with SLP. He is formerly SLP, and has also been in charge of implementing TasCAT. We have now moved him over into this area, so he is very versatile. I expect he will probably know the answer to that question, knowing Brad. Did you want to take that one?

Mr WAGG - Yes, there has been some effect through COVID-19, but it has not really significantly affected the numbers we have had. There has been some effect on the number of offenders coming through, the number of orders we have had and our ability to meet face-to-face with people, for example.

CHAIR - That is why there has not been significant increases because you have not had as many orders come through.

PUBLIC

Mr WAGG - We have had fewer orders come through this year compared to previous years, that is right.

CHAIR - A question I always ask is on the ability to secure the right type of people to supervise community orders or community organisations. Is there any issue with that, now that we are moving out of hard lockdown into a COVID-19 safe environment?

Ms ARCHER - There is a lot of work been done in that area to get it back up and running. I am happy for Brad to address that.

Mr WAGG - Certainly, it is an ongoing issue for Community Corrections. Of course, we want the correct people and very much by and large, we have the correct people. But you are quite right, you do need the right type of person. That is largely a recruitment and selection issue. Then from there, there is a training issue. We are trying to get the right people into the right jobs. We have excellent people doing community service supervision as probation officers, dealing with monitoring compliance.

CHAIR - But there still is a lack of appropriate persons to provide supervision orders. Is there still a lack of those?

Mr WAGG - No.

CHAIR - No, there is no shortage.

Mr WAGG - I am not quite sure I understand the question.

Ms ARCHER - Do you mean within the groups themselves of the sites they are going to?

CHAIR - Yes, no issue?

Mr WAGG - No, no issue.

Ms ARCHER - We have had some new project sites approved across the reporting period. We also have new pension sites as well. We provide services to pensioners, as you would be aware. There are quite a few new location areas for those. It is always good to have new groups on board - they cover neighbourhood or community houses, libraries, sporting clubs and the like. There is a really good broad cross-section there and indeed across the state of where we can have Community Corrections orders carried out.

CHAIR - Also my question is around the data collection, including reporting and administrative service to Safe at Home forums. I am interested in what that actually is. Do you count the number of Safe at Home incidents or how does that actually work under this Community Corrective Services area?

Ms WEBSTER - It is a different area than Community Corrections, but obviously within the department. We hold a number of interdepartmental forums, about how we manage the Justice response to Safe at Home.

CHAIR - It is not community forums?

PUBLIC

Ms WEBSTER - No, no.

CHAIR - Right. Okay. It says 'data collection', so do you keep the numbers of incidents or reportable incidents?

Ms WEBSTER - Yes. A number of pieces of data are collected through that forum. We have the manager of the Family Violence Safe at Home area with us if you want specific information.

CHAIR - Do we have that information?

Ms ARCHER - Yes, we do. Emily Chase is the manager of Safe at Home.

CHAIR - Thanks and welcome, Emily. I don't believe that you've been to the table prior.

Ms ARCHER - She has also worked in our prison service in a number of different areas but is in Safe at Home now.

CHAIR - Have a seat. That data collection is really important, given that the Safe at Home program has been a really strong community expectation. Can we have some numbers around that?

Ms CHASE - Yes. The data that's collated in relation to family violence incidents and family arguments is through Tasmania Police. They primarily collect the data and certainly that's communicated through Safe at Home as we discuss every new incident and new family violence argument that occurs every week through our Safe at Home forums.

CHAIR - Do you look at specific areas where there are increased incidents or do you do any dissemination of the data around that?

Ms CHASE - Primarily that's done through Tasmania Police. Their family violence units are focused on responding appropriately and they have a data analyst who is responsible for providing that information to ensure that the police response matches the need.

CHAIR - Any other questions, members, in regard to that?

Mr DEAN - Not on that point.

CHAIR - On something in that area, though.

Mr DEAN - Yes, on this area.

CHAIR - Thank you, Emily. Please stay; there might be something else.

Mr DEAN - Supervision orders and work orders - and I think parolees come under this as well - what's the position with breaches? Are the people responsible for carrying out the supervision of these orders, required to report breaches or does it come back to a matter of as to whether or not they are willing to simply bypass a breach of supervision and so on?

Ms ARCHER - That's largely operational, so Brad can deal with that.

Mr WAGG - It varies a bit across the different orders. The Monitoring and Compliance Unit monitors family violence orders for police. As soon as there's a breach for that, it's immediately reported, for example.

Ms ARCHER - Electronic devices.

Mr WAGG - That's electronic devices.

Mr DEAN - So they must be reported immediately?

Mr WAGG - Certain breaches must be reported. Home detention order breaches - again, there's a series of policies. There is not a requirement there that's monitored by Community Corrections. There's not an immediate requirement to report those.

Mr DEAN - Right.

Mr WAGG - They're monitored again by probation officers and the same with community service orders so there's no immediate requirement to report. There are policies in place about when you should and shouldn't report and it broadly comes back to discretion of the individual probation officer. Obviously, if it's an offence or something of that nature, it gets reported - or an alleged offence.

Mr DEAN - Right.

Mr WAGG - If it's a situation where, for example, a person has a curfew and they're a minute late for their curfew because they're stuck in traffic, that's a slightly different matter in those circumstances.

Mr DEAN - Sure. You might have asked this, Chair - the number of breaches within community service orders is one that has always been raised, so what's the position there, Attorney? Are they being worked for some good reason; and what jobs are being done now; and what's the position there; and what are the breaches?

Ms ARCHER - Probation and community service orders were replaced by community correction orders so we just have the one term now. I know you would remember them as community service orders but I mention the change for Hansard so we have it recorded correctly. They are called 'community correction orders' and that was in the amendments to the Sentencing Act which were proclaimed on 14 December 2018 which brought in home detention and electronic monitoring devices.

The number of breaches - I only have the number of orders that have been made. Do we have the breaches information?

Mr DEAN - If we can get the number of breaches across all areas in relation to the electronic monitoring devices in probation areas and community correction orders.

Mr WAGG - Over the course of the 2019-20 financial year, 44 supervision orders were revoked, 17 home detention orders were revoked, and 146 community service orders were revoked.

Mr DEAN - What sort of work is being done by the people involved in community correction orders?

Ms ARCHER - What type of work?

Mr DEAN - Yes.

Ms ARCHER - They are out in the field. As I said, we have the provision of gardening services to pensioners, which I know is a great help to them because they are unable to do it themselves. Am I able to name these sites that are utilised? I can, excellent. I will use a new group project site. We have community houses, and you can imagine the provision of services they might assist with and provide. Some of those houses have a broad range of programs - everything from gardening and cooking. I imagine it was largely big garden and outdoor projects.

Latrobe Tennis Club is another site, and Loaves and Fishes, so we know what that organisation does; even the Migrant Resource Centre, so I imagine the work is pretty wide and varied. I don't know if you can shed light on some of the activities aside from gardening that they might do.

Mr WAGG - Certainly, a lot of cleaning of cemeteries goes on. Cemeteries, areas of cemeteries that aren't getting cleaned for whatever reason or getting tidied up, there is a lot of that going on, for example, and there is a great deal that is gardening and keeping things neat and tidy.

CHAIR -And that is right across the state, minister? You all live in the cities.

Ms ARCHER -Yes, it is statewide. I can honestly say that the Pensioner Program, although it is a community service, for anyone on that type of community correction order, the self-worth aspect of it shouldn't ever be looked on in any way other than as highly beneficial. It is providing skills, it might lead on to a pathway into employment; there is always gaining of new and varied skills. The social outlet too that you wouldn't get in a prison environment preparing someone for release. In terms of rehabilitation, it is ensuring you are giving something back to the community after you have taken something away by the very nature of your activities, and it is highly beneficial.

Mr DEAN - I have always supported it. I supported it in my previous profession and I always will do, it is worthwhile way of disciplining people.

Ms ARCHER - I am sure I speak for Community Corrections - we are always looking for sites and supervisors.

Mr DEAN - That is the question I was going to ask. If an organisation is wanting this support, who do they go to, to try to get contact.

Ms ARCHER - They can immediately contact Community Corrections. We are located all across the state. You can do your advertorial now if you like.

Mr WAGG - They can contact Community Corrections and there is regular outreach from Community Corrections staff to organisations. I was just speaking to someone this

morning who told me about the areas that she had emailed and tried to contact, so there is a proactive effort to do that. Supervisors meet with mayors and people like that to say 'Is there anywhere within your council area that we can do some work?' There are a range of ways it can be done, but we have an email address and people do email in or they contact people who are at prison sites, the supervisors, and say 'I may also be eligible, can you come and do my lawns as well?'

CHAIR - Gardeners are as scarce as hen's teeth around my way.

Ms ARCHER - It assists with people staying in their homes as well. It is around that concept.

Capital Investment Program -

CHAIR - We are welcoming back, Mandy.

Ms ARCHER - Mandy Russell, Acting Deputy Secretary, Corporate Strategy and Policy; our Deputy Secretary is on maternity leave.

CHAIR - We have a question from the member for Launceston.

Ms ARMITAGE - Minister, would you be able to remind us, what is the timeframe for the proposed Northern Correctional Facility?

Ms ARCHER - There is stage 1 and stage 2. It is expected to be a 10-year project to fully complete to the second stage. We haven't fully designed it obviously because there is a process to go through, not least of all the planning process. Stage 1 will deliver 140 of the 270 beds, and so that will immediately give us that capacity.

The first stage will be delivered within, we estimate, a five-year period, and then the second five years is to deliver the stage 2 approach. At the moment we are at the due diligence and going through all the requirements for planning, so geotechnical, environmental, traffic, all of the assessments necessary for the planning assessment stage.

Ms ARMITAGE - Community consultation has been completed?

Ms ARCHER - The community consultation was very thorough in relation to the project itself and the community consultation that will now occur will relate to the planning.

Ms ARMITAGE - So people will have the opportunity -

Ms ARCHER - Absolutely. Normal planning system consultation.

CHAIR - A follow-on question if I might, minister. In regard to the alternative restorative justice proposal that Mr Greg Barns has been sharing with the community, and I know some members of parliament have already received his briefing and there are some Legislative Councillors who are going to receive that in the first week of December. Have you had a look at what has been proposed around a different type of correctional facility?

Ms ARCHER - As I think I have shown today, there is a strong focus on rehabilitation and rightly so, and there needs to be because most prisoners will be released one day. At the time of their release, we don't want them to reoffend, we don't want them to be a risk to community safety and we want them to live fulfilling lives and that involves employment. That is why the education and training aspect is very important.

The other aspect that is important is if there is any sort of drug or alcohol addiction issues, we want to be able to provide that type of rehabilitation as well. A new facility allows us to purpose-build these types of programs and although we allow for it and do provide for it at Risdon, a new facility allows us better options in a modern environment.

I am all for restorative justice but I am also of the view - being a realist and knowing the types of prisoners and the types of offences that are committed - there is a cohort where imprisonment is the only option or the last resort option when nothing else has worked. So, you still need to have that environment. That is not to say within that environment you can't offer these restorative rehabilitation services. It is the type of model that you would adopt.

One of the number one priority issues going through the consultation phase for this prison site has been community safety and fear, whether warranted or not, and so the community needs to be assured that they are safe. To do that you need to provide a secure environment. Security these days can be provided in a very affective way and a quite aesthetically pleasing way compared to the buildings of the past.

I have been to a couple of facilities interstates, namely in Victoria, and you wouldn't even know some of the facilities that deal with all classifications, including high security, are in fact prisons, but they also have sections of their prisons dealing with the program side of things and that is exactly what we are going to be building. I have made this very clear and I have made it very clear recently in an Op-ed as well that, that is the model we are going for. Basically, that caters for every type of offender and I think to ignore the section of the most serious high risk offenders would be doing a disservice to community safety.

CHAIR - Minister, it has been suggested that a restorative justice facility with a perhaps a maximum security component of that, needs to be somewhere closer to bus services and a more built-up area. Are you still absolutely firm on your site on the Birralelee Road?

Ms ARCHER - Can I just clarify one thing? People think we are hell-bent on building something at Westbury per se.

CHAIR - I said the Birralelee Road.

Ms ARCHER - Exactly, it is Birralelee Road and it is out of the town centre, but it is not that far from Launceston. It is really important in the planning phase that these things are taken into consideration at that point. Transport and bus services and any other additional infrastructure needs will be looked at and you don't put those in place before you know what the needs are. All of that goes into the planning and design phase of a facility like this. I do not see that as a hurdle; in fact, I see it as an advantage because although you will travel to other states and see these facilities in the CBD, can you imagine if we tried to put something in the CBD of any town in Tasmania?

CHAIR - I referenced a built-up area, not necessarily the CBD.

Ms ARCHER - Or even a built up area. You have seen the difficulties I have had with there being nine neighbouring properties, direct and indirect, to the Crown site. If it is in a built-up area, how many neighbours might be affected by that, for example? It would be a very difficult thing to build in a built-up area, in my view, in Tasmania.

Let's not lose focus of the government policy here, and that is to provide an economic boost and jobs in regional areas and that is the greater north, north-west area. The reason this needs to be in the north and not the south is not only because half our prisoners come from the north or the north-west of the state, but because we want to be able to provide for a facility that is different that we have in the south. As I said, it is purpose-built and it can serve the Launceston, Devonport and Burnie regions, because it is close enough to each of them.

CHAIR - And west coast and east coast.

Ms ARCHER - Yes, I mean we can't go building prisons all around the state. But I can say we are maintaining video visits, and that has gone a long way to those who live further away around the state, wherever that might be.

CHAIR - I suggest there's a lot more work to be done, but that is another question. It is a statement and I am not into those.

Ms ARMITAGE - Well, I am looking forward to talking to Metro at GBEs to see if they are going to have specific buses, because it is going to be very difficult.

Ms ARCHER - They won't be involved at this stage of the project.

Ms ARMITAGE - No, I realise that.

Ms ARCHER - I don't think they will be able to even answer you, but I am sure they will welcome an increase in services if the Government is prepared to support that. That is what we have said we are willing to look at.

Ms ARMITAGE - Well, I'd also like an increase to services to many of my outlying areas. The planning will be interesting.

One question I do have regarding the planning. Can you advise when you are likely to put it into planning, because obviously, we have got two different planning schemes. The current interim planning scheme under which many developments are not allowed, and then we have the statewide Tasmanian Planning Scheme, upon which exactly the same developments are discretionary.

When do you propose you will get this? Will it be under the current interim planning scheme or under the statewide planning scheme? Do you have any idea when it is likely to come forward?

Ms ARCHER - I am not sure what stage Meander Valley Council is at with its scheme, but what I can say is-

Ms ARMITAGE - Well, it is actually the state Government because the majority we have, and the member for Windermere might remind you there are only three or four still to put it in.

Ms ARCHER - Well, I am not going to argue about the planning scheme because it is not my portfolio, but what I can say, as to the time frame, because that is what you have asked me about, is we had planned, certainly by the end of the year. That is getting quite close now, and there is work to do and the consideration is the necessary particular purpose signed application, also a development application.

I have received advice it is quite common to do those together in these types of developments. So, that needs to be considered, and putting all of that information together for a development application, I would expect it will be early next year, now. Or certainly in the first quarter we would be looking at.

Ms ARMITAGE - Do you believe it will meet the requirements of the planning scheme?

Ms ARCHER - Well, all of that work is being considered at this time, but what we had to do, as members might also know, was halt drilling onsite due to weather condition, and now it is the availability of those contractors - they have other work and other contracts. So, we need to resume the drilling for geotechnical purposes.

A lot of you come from a local government background - I have certainly served on the Hobart City Council myself- and know what work goes into putting in planning applications, and I understand it.

There are a lot of different assessments for the department to get through. I will freely admit it is a challenging site in terms of topography, environment, all the things we need to take into account. I can guarantee we are working through all those things.

Ms ARMITAGE - Can you advise me one more thing I recall and for other members who can't remember? It was early in my time here and was to do with Parliament Square.

If I recall, legislation was brought forward to stop any further appeals, because there was appeal after appeal and concern was raised that too many appeals were coming through and the process would never happen.

I have to admit I voted against stopping the appeals, because that is the right of the community.

If there are continued appeals with this, can you advise me, is it likely, as a contingency plan the Government would move similar legislation to allow this correctional facility to move forward?

Ms ARCHER - Gosh, a former government did that. Certainly, that hasn't been in any thought process of mine.

Ms ARMITAGE - It may have been Labor, but I am pretty sure Liberals supported it.

Ms ARCHER - I wasn't around. That was slightly before my time. But look, I can say that has not been a consideration of mine and I know it is not a consideration of the department.

Ms ARMITAGE - No. It is just it has happened in this place before.

Mr DEAN - You said you have looked at Victoria and so on. Have you gone further afield than that, minister, in looking, say, at the position in Austria, which has been one that has been talked about quite a bit, of the very modern prison they have there, which houses high-risk prisoners right through to the lower risk prisoners, which is built on rehabilitation.

Ms ARCHER - When you are building a modern facility, the modern facility needs to be a facility for our time, and we do need to rehabilitate. Take it as given that is a very strong focus of mine. When I said that I visited, that was me personally visiting Victoria. I know those in that project team have visited other states, and indeed territories.

As to overseas models, I might see if the department can speak in that regard as to what models have been considered. Certainly, in the design of this, we will be looking to all sorts of best practice models that will fit on our site.

For example, I can use a classic example. We often have a giggle about the Ron Barwick Prison at Risdon. That is actually 'California desert' style and we have a fairly cold climate. It is a model you see with that outside bit in the middle which is terribly cold. It is a silly model for our climate. I can guarantee we will be picking a model that suits our needs.

Mr DEAN - This is the one time I would support staff travelling to a place like Austria to have a look at a modern facility.

Ms ARCHER - We cannot at the moment, can we?

Mr DEAN - To see how a modern facility operates, it is on rehabilitation.

Ms ARCHER - I am sure they would all put their hands up for that. In all seriousness, I will ask the secretary to address what is happening with that.

Ms WEBSTER - There are a couple of things there, Mr Dean. One is the breaking-the-cycle strategy we have within the department. That considers not just the prison, but community corrections and through-care for someone coming into our system, then working through that system and hopefully not reoffending. Those are the sorts of times we consider options like that.

The other thing I would say is that our steering committees around the Northern Regional Correctional Facility, also our overarching corrections models and breaking-the-cycle strategy includes people from other jurisdictions. We have quality advisers and experts from other jurisdictions.

We can look as far as we need to look in terms of what we need to put into a modern correctional facility in the future. It would be something we would consider in a longer term strategy.

PUBLIC

Mr DEAN - There has been much discussion over the years about public and/or private partnerships with regard to government infrastructure development. Indeed, I recall there was a Legislative Council Select Committee inquiry looking at prisons and where we should go. Mr Wing, I think, chaired that meeting and canvassed this very issue.

Minister, has the Government given any consideration to public and/or private prisons, or had any approach from the private sector about development processes, whereby a prison could be built and/or operated by the private sector?

Ms ARCHER - You are talking about two separate things there. You are talking about the build itself, then you are talking about the operation.

Mr DEAN - I am talking about the build, and I am talking about operations, and I am talking about the build and operations together - ownership by a private organisation to run the prison as well.

Ms ARCHER - Okay, I need to deal with that in two separate lots, so that nobody misinterprets this.

Let us just deal with the second issue of operation. I have ruled out that it will be privately operated. It will remain operated within our Tasmania Prison Service. That is the operational aspect.

As to the build, obviously for the build itself, tenders go out, and the build will be done by private operators. As to our project team, we are going through a bit of a change in that. I can probably get the secretary to go through that in a bit of detail in terms of the type of role that is going to lead that team, and the processes we are putting in place for that.

Because there is an environmental component to this site, for example, it is having someone who is more specialised in environment and/or planning matters, rather than in justice, then having someone with oversight that reports, not only to the department, but to myself as well, and is an interface with communications as well.

Because what we've found is that there haven't, on occasion, been great communications, I will freely admit that, and so we're making some changes in that space - whether that's on contract, or within our current SES positions. I know we're advertising one SES position at the moment.

Mr DEAN - Chair, maybe I could ask the rest of that question, if you don't mind.

CHAIR - Five minutes to finish this output group.

Mr DEAN - Isn't it true that there has been an approach by interstate operators that deal in private construction and operation of these custodial facilities, but you've rejected that and thrown that out? Is that fact or not?

Ms ARCHER - I just said to you - I've answered the question. I said we ruled out some time ago that we would. The prison will be operated by Tasmania Prison Service. If it's the correspondence that I think you're referring to, which was quite some time ago, I did reject that,

because I said we had made a determination that Tasmania Prison Service would be operating the prison, rather than a private operator.

Mr DEAN - What about a private build? In other words, somebody - a company or business - to own the prison and to lease it or rent it, whatever it is, to the Government?

Ms ARMITAGE - Like Parliament Square.

Mr DEAN - Like Parliament Square.

Ms ARCHER - I think prison is different to Parliament Square, with all due respect, and you would agree with that.

Ms ARMITAGE - I was actually being sarcastic.

Mr DEAN - You were being sarcastic, but, you know -

Ms ARCHER - Well, yes. Sorry, now I see the funny side.

Ms ARMITAGE - I didn't think we should have sold it.

Mr DEAN - So you haven't had any recent approaches, then -

Ms ARCHER - No, but I cannot see how that could work operationally, or that it would be wise to do that.

Mr DEAN - There are many of these facilities on the mainland. There's about five of them, in actual fact. Every state has one. In fact, New South Wales has two or three. I think Victoria has two; South Australia has one privately owned and run; Western Australia has them -

Ms ARCHER - The minister is still responsible for the corrections system.

Mr DEAN - Yes.

Ms ARCHER - But then you have private operators running it.

Mr DEAN - Yes.

Ms ARCHER - I'm not personally in favour of that model, no.

Mr DEAN - So there hasn't been any recent approaches for a private building and private running of the facility?

Ms ARCHER - Not in recent weeks.

Mr DEAN - When I say recent, the last four or five months, say.

Ms ARCHER - I couldn't tell you what date that particular correspondence was. It wasn't earlier this year, it was late last year maybe, but I would be guessing.

PUBLIC

Mr DEAN - So there has been nothing since last year?

Ms ARCHER - That's a guess. As you would appreciate -

Mr DEAN - Sure.

Ms ARCHER - The time zone this year for me has gone rather fast. I have no idea what the time may have been but, yes, I can confirm there was an approach, and I stated what the Government's position was, which is a publicly known position. I have said that on numerous occasions publicly in the media, and to the unions as well.

CHAIR - Thank you very much.

Mr DEAN - Maybe you might take it on notice and give us the date, if you can? If you don't mind, Chair?

Ms ARCHER - I'm sure that correspondence might be in existence somewhere.

Ms WEBSTER - We can find the correspondence.

Ms ARCHER - It might have been when my previous secretary was -

CHAIR - Thank you. Correspondence to confirm the date of the request of a private enterprise investment in the Northern Correctional Facility. Have I got that -

Ms ARCHER - I'm not sure if it's an investment. I took it that it was to -

Mr DEAN - I think it was a build and operate. I'm not quite sure of the mix.

CHAIR - Build and operate the Northern Correctional Facility.

Ms ARCHER - My recollection is it's just the build, but I will check the details.

Mr DEAN - Right.

CHAIR - Thank you - details of. Thank you very much.

Ms ARCHER - As members know, we're not building it ourselves. That will be contracted out in any event -

Mr DEAN - No. Sure.

Ms ARCHER - so private Tasmanian firms. We want to see benefit from this. Buy local.

CHAIR - Minister, that concludes the area of Minister for Corrections. Now we're heading to the Minister for Building and Construction.

For anyone who is leaving, thank you for your attendance today and contribution to this Estimates process. Greatly appreciated on behalf of the committee, including Jo Siejka who

has taken her leave. She is feeling a little unwell, but has had a recent COVID test and is all clear.

Output Group 1
Administration of Justice

1.10 Workers Rehabilitation and Compensation Tribunal

Ms ARCHER - I invite Nick Evans, Deputy Secretary, Regulation Service Delivery back to the table.

Can I do a brief opening? It is critical and important and I am sure the committee is going to be very interested.

CHAIR - I am sure we are, but not at two pages so can you condense that?

Ms ARCHER - I can certainly condense what I need to say.

CHAIR - Thank you; I acknowledge that someone has taken a lot of time to put that together.

Ms ARCHER - It is critical because, as members would know, the emergency period for tenancies, both residential and commercial, expires on 1 December. I am sure members are aware the Government has been giving great considerations as to whether or not an extension would be required prior to Christmas and during the Christmas and New Year period. I can confirm in light of the ongoing and significant economic effects COVID-19 is having on Tasmanians, I am pleased to announce the Government has made a decision to extend the emergency period for residential and commercial tenancies until 31 January 2021. This is a fair and reasonable period of time, taking this well past Christmas and the New Year, but it also bears in mind that a number of other jurisdictions, including New South Wales, South Australia, Western Australia and Victoria have extended their residential tenancy protections until late March 2021.

This decision has not been made lightly, but what has been paramount in our minds is the safety and security of Tasmanians. We have had to monitor the situation recently in South Australia and is evidence of the current environment in which we live that things can change overnight very quickly.

Importantly, members will know we have passed legislation to deal with a payment plan when the emergency period does end, so that would mean because it is now extended to 31 January, the emergency period will end then and the payments plans can kick in from that point.

Because I am aware residential landlords in particular will be affected by this, I am extending the COVID-19 Landlord Support Fund as well as the COVID-19 Rent Relief Fund, meaning during the period from 1 December to 31 January both can apply to the respective funds for different periods of arrears. Essentially that means up to \$4000 is accessible to settle rent arrears as a result of COVID-19 hardship.

Already we are at 56 per cent of rent arrears in total has been settled as a result of the relief provided by both of these funds. In the interests of brevity, I won't go through those statistics at this point in time, but it has been millions of dollars now the Government has provided and it is the most generous of all states and territories. The decision has not been taken lightly, but the thought of any evictions due to hardship at Christmas time and New Year time weighs heavily on our minds as a government. To alleviate any hardship as a result of that, those funds will be available for another takes us to about an eight-week period.

CHAIR - Thank you very much. I will invite Mr Willie to ask a question in regard to workers rehabilitation.

Ms ARCHER - Thank you, Madam Chair, for your indulgence.

Mr WILLIE - Minister, what advice was given to any workers that contracted COVID-19 within the course of their work, regarding their entitlement for compensation beyond COVID-19 leave?

Ms ARCHER - At this point I am going to invite Robyn Pearce, Executive Director, WorkSafe Tasmania; a lot of this area comes under her purview. Again, another independent type of role in her regulator role. With that advice, I will hand it to Ms Pearce who has been handling these inquiries.

Ms PEARCE - The advice to workers is if they contracted COVID-19 in the course of their employment and where work was the significant or major factor in them contracting it, that should be compensable.

Mr WILLIE - What happens in say, 3-, 6- or 12-months time if they continue to be impacted by COVID-19?

Ms PEARCE - If it is still related to the initial contraction, that is an ongoing claim.

Mr WILLIE - That is an ongoing claim, okay.

CHAIR - Minister, do we have a number of claims?

Ms ARCHER - We would, and we would also be able to tell you how many the state has accepted. I believe that is mostly all, if not all.

CHAIR - Also how many have been declined. The total, then accepted and declined.

Ms ARCHER - I think Ms Pearce will be able to turn that up faster than me. I can, here we go - WorkSafe Tasmania: as at 30 June 2020, there were 49 claims lodged due to contracting COVID-19, all of which have been accepted; 44 of these are from the Tasmanian State Service.

CHAIR - Any other questions, members, on that line item? Thank you very much. We will now move to 4.1, which is Worksafe Tasmania.

**Output Group 4
Regulatory and Other Services**

4.1 WorkSafe Tasmania -

Ms ARCHER - Ms Pearce is the Executive Director in her role as independent regulator.

Ms ARMITAGE - How has COVID-19 impacted on WorkSafe Tasmania's overall operation?

Ms ARCHER - I will get Ms Pearce to address that, given her independent status in this role.

Ms PEARCE - WorkSafe Tasmania has been on the front line in the recovery efforts from COVID-19. We have had our advisors and our helpline providing advice and support, both in one-on-one consultations, in presentations and seminars and webinars. We have been providing advice over the phone, as well as advice in response to emails, and obviously a lot of information has been provided through the website. Our inspectors have been attending workplaces and undertaking inspections. In the period to 30 June, they had inspected 1470 workplaces, checking for compliance with the COVID-19 safety plans and overlaying the work health and safety legislation over the top of the Public Health directions to determine whether or not the businesses were meeting their work health and safety obligations.

Ms ARMITAGE - Did you have to put any extra staff on during that period of time, or have any extra funding?

Ms PEARCE - We did not engage any additional inspectors during that time. We were able to manage it by prioritising our workload, particularly our proactive inspection program because business had slowed down. We paused a lot of our proactive inspections and were able to focus the inspectors purely on COVID-19 activities. To engage an inspector takes some time, to advertise then train them. Until such time as we had a good understanding of how long we were going to need to undertake that work, we operated within our existing resources.

Ms ARCHER - Moving on from that, of course, we need to now look at - because WorkSafe Tasmania will return to its other normal duties, as well as continue to monitor COVID-19 safe plans and all of those operations, obviously the Government has an active engagement through me, and WorkSafe, as to what the ongoing requirements may be in that regard, to ensure they are carrying out their functions.

Ms ARMITAGE - I note the Department of Justice annual report says this year that the WorkSafe Help Line answered 11 435 phone calls, 890 emails, and provided 2878 publications. Can you advise how these numbers compared with the previous year? You can take it on notice.

The helpline recorded 858 incident notifications and 692 complaints. You could also take that on notice, if you don't have the evidence there. How do these numbers compare with other years? Also, what were the main notifications or complaints? Do you have a bit of a breakdown?

PUBLIC

Ms PEARCE - I will take that on notice as well. There is some limitation in the information we can give by way of breakdowns, but, yes, we continue with that volume.

Ms ARMITAGE - I totally understand, but it would be interesting to see whether there is a similar line.

My last question, Chair, on this. Regarding the Mines Inspectorate - what learnings, if any, have come from the Henty Mine disaster earlier this year?

Ms PEARCE - The inspection into the Henty fatality is ongoing, and so it is not yet completed.

Mr WILLIE - Back to COVID-19. How many workplace inspections have taken place?

Ms PEARCE - Up to 30 June, there were 1470.

Mr WILLIE - How many warnings have been issued?

Ms PEARCE - We don't issue warnings. We issue improvement notices. At that time, 24 improvement notices had been issued.

Ms ARCHER - Which is different to the next action. You might like to explain that, too.

Ms PEARCE - An improvement notice gives directions about what actions need to be taken in order to rectify contravention of the act. If an improvement notice isn't complied with, an infringement notice will be issued.

Mr WILLIE - That was my next question. How many fines have been issued?

Ms PEARCE - Up to the 30 June, no fines have been issued.

Mr WILLIE - You may have answered this, but how many staff have been allocated to COVID-19 inspection in compliance matters?

Ms PEARCE - I haven't answered that, and I haven't the exact figures. Basically, all our inspectors have undertaken activities in that space, as well as our advisers and helpline inspectors.

Ms ARCHER - It has been all hands on deck.

Ms PEARCE - As well as our communications staff.

Ms ARCHER - You have also relied on a relationship with Tasmania Police and Liquor and Gaming in terms of inspections.

Ms PEARCE - Yes, absolutely.

Ms ARCHER - It was very much a group team effort, particularly at the height of COVID-19.

Ms ARMITAGE - Staffing numbers?

Ms PEARCE - The staff of WorkSafe Tasmania is 102.9 FTE. We are funded for 102.9 FTE.

Ms ARMITAGE - We don't necessarily need a gender.

Ms ARCHER - I am very proud of our equality.

Mr WILLIE -Through the minister, are there any vacancies?

Ms PEARCE - Yes, there are. At 30 June, there were 12 vacancies.

Ms ARMITAGE - Difficult to recruit?

Ms PEARCE - We are finding it is in the inspector space, at the moment. We have been filling positions pretty well constantly over the last 12 months to two years, and we are starting to have some difficulty, and needing to readvertise positions. We are looking at some different advertising strategies.

Ms ARMITAGE - Is that lack of qualification or lack of people applying?

Ms PEARCE - Depends on the position. At our inspector level, the base level, it can be a lack of qualification, particularly the work health and safety skills we need.

At the senior inspector and team leader level, we are finding it is a bit more the lack of numbers.

CHAIR - Do you do any on- the-job training? Somebody is fit for purpose, but doesn't quite have the skills, then you can train them up.

Ms PEARCE - Absolutely. We certainly do that. They would go through at least three months training, before we would authorise them to be an inspector, and then there is ongoing mentoring until such time as they are really able to operate independently.

Ms ARCHER - It is a pretty specialised role.

Mr WILLIE - How many matters have been referred to WorkCover for review for the financial year?

Ms PEARCE - I am sorry I do not understand - to WorkCover?

Ms ARCHER - WorkCover is the WorkCover Board so I am not quite sure what you mean.

Mr WILLIE - Okay, it is a question I was provided.

Ms WEBSTER - The WorkCover Board is a separate entity, of which the secretary happens to be chair. It does not have a role for referral of those sorts of individual matters.

PUBLIC

Mr WILLIE - I am not sure if you can answer this one either, but how many cases of silicosis were there in Tasmania this year?

Ms ARCHER - We can. Eight workers have made claims against our workers compensation system relating to silicosis since October 2018. Seven have worked with engineered stone in the manufacturing industry, while one has worked in mineral quarrying. Does that answer your question?

Mr WILLIE - It does, thank you.

Mr DEAN - I have a question that was adjourned from this morning, in relation to the regulator and the order that was issued in relation to the security of the Magistrates Court. My question is that an order was issued for certain works to be done regarding magistrates around the state and it has been explained that notice was withdrawn. There are questions around withdrawing that notice. Why was it withdrawn? I am going to be told there were abnormalities in it, but I am not sure that was the case, in my interpretation. Why was it withdrawn? Also, I think changes have been made since, in the Office of Regulator, and in reporting. Some changes have been made there as to how it will be done in the future and the real control that the regulator has. What is happening now? Is it being reassessed, reviewed; the security as well? There is a number of questions in this whole thing.

Ms ARCHER - I think you should let Ms Pearce advise you exactly what occurred and what is happening at present because I think you have had a bit of a wrong steer.

Mr DEAN - Well, no; I have it in writing and it came back from answers provided through the parliament.

Ms ARCHER - I am trying to correct the record where it needs to be and the secretary will go first and then Ms Pearce.

Ms WEBSTER - The title of the role has changed and that is the only thing that has changed, Mr Dean. It is basically a consistency issue. Executive director is a title we have across the department. We have the executive director of CBOS, for example - that is also a statutory officer, that also has roles independent to government, independent to me, under the act, and so the title is the only thing that has changed.

Mr DEAN - Who has the authority to overrule the regulator?

Ms ARCHER - The court.

Mr DEAN - That is right, the court only. I thought the notice that was issued was withdrawn.

Ms ARCHER - We will now get Ms Pearce to explain the process.

Mr DEAN - And that is what we said - it should have been withdrawn by the court.

Ms PEARCE - Any regulatory action we take under the Work Health and Safety Act must be compliant with the requirements of that act. On 18 February the former regulator issued an improvement notice under section 191 of the act, and that was issued on the Department of Justice in relation to court security and the department was required to comply

with that notice by 31 December. The department queried the status of that notice with me in May 2020 and that brought the notice to my attention. The Police Association of Tasmania similarly queried the status of that notice with me in late June 2020.

The contents of an improvement notice must meet the requirements of section 192 of the act. When it is issued, it has to meet those requirements. When the notice was issued it was brought to my attention and I considered it. The notice cited 11 sections of the act and seven regulations which were alleged to have been contravened, and the act requires that an improvement notice has to be issued for each individual provision of the act that has been contravened. So you can't have a notice that addresses multiple contraventions of the act, and this notice did. Additionally, the act requires that for each provision that has been contravened, a description of how the provision is being contravened must also be stated within the notice and the notice, when I considered it, contained multiple instances of where contraventions were not described as to how that was occurring.

Having considered that notice and once it was brought to my attention, I formed the view that it didn't meet the requirements of section 192 of the act and that then meant that once I formed that view, I was obliged to cancel it and the notice was cancelled and not withdrawn. It was cancelled under section 207 of the act, which gives the authority to the regulator to vary or to cancel a notice.

Mr DEAN - So when's the assessment of the courts now going to take place, the security and these issues that were previously referred to in that previous notice?

Ms PEARCE - It was recognised that there were genuine safety concerns raised by the Police Association that had given cause to regulatory action having been taken previously. Having cancelled the notice, I assigned inspectors to undertake inspections of the courts in order to assess whether the PCBU - person conducting a business or undertaking - is meeting its work health and safety requirements. Those inspections are ongoing at the moment and all of the magistrates courts in Tasmania are being inspected in relation to the court security arrangements that are in place to determine whether or not the work health and safety obligations are being met.

Mr DEAN - And when will that be completed?

Ms PEARCE - The inspections will be completed in early December. Following that we will assess the information that has been obtained by the inspectors and there will be a decision about what the next steps are, whether there are notices to be issued or further inspections or information that needs to be gathered. Until we have inspected each of the courts, we are not in a position to say what the next step is.

CHAIR - And we have a final question from Mr Willie - clarification.

Mr WILLIE - No, it is back to the vacancies. An additional question to that and through the minister, I am wondering whether we could have the breakdown of which positions are vacant?

Ms PEARCE - At 30 June or present date?

Mr WILLIE - Present date.

Ms ARCHER - As close up to the present day as we can.

Ms PEARCE - I have the information here. There are six fixed-term vacancies at the moment and six permanent vacancies. The permanent vacancies are the team leader south, a senior inspector in the north-west, three inspector positions in the southern region and the director of industry safety. The fixed-term positions are a regulation officer, a projects officer, two admin. support, the team leader in the north, and a senior inspector in the north. The fixed-term vacancies are all created because the permanent incumbents of those jobs are temporarily acting in other roles, either within WorkSafe or within other government departments.

Ms ARCHER - Is that because of COVID-19?

Ms PEARCE - No. Some of it is consequential in terms of other positions being vacated.

Ms ARCHER - We do have movement around -

Mr EVANS - And some of those have not been vacant for very long, for example, the director of industry safety is only vacant because it was Ms Pearce's former position and she has moved into this role. Some of it is just the normal turnover.

Ms PEARCE - And some of the fixed-term ones are so short you wouldn't actually look at necessarily advertising them. For example, a senior inspector role for six months is very hard to advertise and fill.

CHAIR - It might move into a more permanent position.

Ms PEARCE - It may do, but to advertise and fill a senior inspector job that is only vacant for six months, it takes at least three months to potentially fill the position.

Ms ARMITAGE - And you wouldn't leave a good job to go for it.

Mr WILLIE - Whether you advertise across agencies and whether someone would like to come across.

Ms ARCHER - Always do that first and then they go out.

Mr DEAN - I have a quick follow-up to my last questions.

CHAIR - He has his text message come through, so thank you, Mr Dean.

Mr DEAN - My questions are to the minister. Did Justice issue a notice in writing or verbally - that is, the notice we are talking about - is there an audit record of that? Is it all recorded? What do the current court inspections look like, the casual visits that have been done now? Where are we with them?

Ms PEARCE - The status of the notice was queried verbally with me and at that point I requested a statutory declaration to be provided by the departmental officer who was querying the status, on what they understood the status of the notice to be and why it was being queried.

PUBLIC

The status of the inspections, I do not have the exact schedule; I know that there are couple more we have done, but there have certainly been inspections done on the islands, in the north-west and in the south. I am not sure about the status of the inspections in the northern regions.

Mr DEAN - Included in those inspections, minister, are the police being spoken to as well in regard to the safety issues within the courts or is it just the people within the courts? The welfare people within the courts?

Ms PEARCE - I understand there have been some police officers spoken to in some of them, but I could not say that that has been the case in all inspections. The requirement is that a health and safety representative is to be requested when an inspection is undertaken and that has been happening in each of the inspections.

Mr DEAN - The statutory declaration was issued in relation as a request. Is that statutory declaration available? Can I get a copy of that?

Mr EVANS - That document has been provided to the Police Association in response to an RTI request.

Mr DEAN - You are right; I think I might have it.

CHAIR - The Police Association have got it so you will be able to get it.

Mr DEAN - My last question on that, and because it is an issue raised by the Police Association - they are the ones that have raised this whole issue - are they being spoken to in relation to the visits to these magistrates courts on the safety issues? Will they be included in that process?

Ms PEARCE - We will certainly seek to get information from them as well. They are not being involved directly in the inspections, but they will be followed up with in terms of their concerns.

Ms ARCHER - Obviously the inspections of the court needs to occur. It makes sense that WorkSafe will carry out that work first.

CHAIR - Thank you very much for your time, Robyn, and all the best in your new role. We are heading to 4.4.

Ms ARCHER - Before Ms Pearce leaves, I thank her and her team for their efforts during COVID-19. They have done a mammoth amount of work and continue to do so in terms of our events framework and other frameworks and WorkSafe plans. The enormity of the task they have performed is incredible so thank you.

CHAIR - As I said my office in Scottsdale had a visit from an officer and we passed.

**Output Group 4
Regulatory and Other Services**

4.4 Consumer, Building and Occupational Services -

Ms ARCHER - Peter Graham is well known to you all for his thorough briefings. He wears a number of hats, so he will be removing certain hats at certain stages. He is the director there, he is the Residential Tenancy Commissioner, Director of Consumer Affairs as well. Have I missed one?

Mr GRAHAM - Director of Building Control, Registrar of Working with Vulnerable People and Administrator of Occupational Licencing.

CHAIR -I'll start with the area of the Rental Deposit Authority. How much money is currently held by the Rental Deposit Authority and what income is generated by it annually? How many bonds in total are held by the RDA as of 30 June 2020?

Ms ARCHER - I think Peter will turn that up faster than me.

Mr GRAHAM - As at 30 June the Rental Deposit Authority held just over \$53 million for 44 259 active bonds.

CHAIR - What was that again, sorry?

Mr GRAHAM - Just over \$53 million for 44 259 active bonds.

CHAIR - Thank you.

Mr DEAN - That's a lot of money, isn't it?

Mr GRAHAM - The interest on that was in the order of about between \$500 000 and \$600 000 a year. Of course, that has been affected by reduced interest rates over time.

CHAIR - No interest.

Ms ARCHER - If you need to find that exact figure, we can take that bit on notice.

Mr GRAHAM - It was \$573 000.

CHAIR - Thank you very much. In respect to the Residential Tenancy Act minimum standards, how many complaints have been received and what number of cases have been investigated in the financial year 2019-20? Please, take your time. I'm not sure the Minister for the Arts is going to get a gig today. We will see.

Ms ARCHER - I might get a question. Love to; it's my fun portfolio. Here we go, I think I've found it for you, Peter. What was it?

CHAIR - How many complaints have been received and what number of cases have been investigated?

Ms ARCHER - No, I don't know if I've got complaints.

Mr GRAHAM - We investigated 135 complaints. Of these, 53 related to requests for repairs. Part of that is the minimum standards. I don't have a number that distinguishes repairs and minimum standards but, typically, those issues relate to weatherproofing, particularly as people enter a property in summer and then over winter they realise that it's not as weatherproof as it might have been.

CHAIR - Okay. Any outcomes from the investigations, fines, convictions, or other enforcement actions?

Mr GRAHAM - Yes. We seek to work with tenants and landlords on complaints to find a satisfactory outcome. We try to get the landlord to rectify and use infringements as a last resort. That's, in large part, because we want to keep the relationship between the tenant and landlord positive. Of the 135, 13 per cent - I think that's 17 - resulted in an order being issued. I can issue an order that requires repairs to be done by a certain time frame to a certain standard. An order is definitely not our first approach; it's after working with the landlord has been not successful.

CHAIR - Right. Fines, convictions? No?

Mr GRAHAM - We have infringements under the act for certain things - failing to meet the minimum standards is one of them so that's about signing a lease. We issue them very rarely, because most of the compliance we do is an order so we require performance. We require you to fix something as opposed to pay a fine. I'm just trying to think -

CHAIR - That's okay.

Mr GRAHAM - In general, the use of infringements is very low.

CHAIR - Okay. What resources and funds are being spent on enforcement and oversight of the RTA minimum standards? Do you have a dedicated team within your area?

Mr GRAHAM - I do. The office of the Residential Tenancy Commissioner has about eight staff. Its primary funding source is that interest that comes from the bonds of the RDA but, because of the low interest rate -

CHAIR - You've had to top it up?

Mr GRAHAM - We've had to top it up from consolidated revenue.

CHAIR - Okay.

Mr GRAHAM - Then, in addition, as we've dealt with COVID matters in particular, some additional resources have come as part of that to administer those funds.

CHAIR - Do you envisage that the same level of staffing is going to be required for 2020-21, given that we've just had an announcement that the Government has extended the matters around residential tenancies?

Mr GRAHAM - I'm comfortable that the level of resourcing we have is appropriate to acquit the responsibilities. I think the one thing that we all can't foresee is another wave of COVID-19 or other kind of things that would put pressure on us. We've managed to deal with that this year but in general the resources are adequate to fulfil the job.

CHAIR - Do we have a quantum of how much has been spent on changes to residential tenancies in Tasmania during COVID-19? You indicated that you received some extra funding and I am particularly looking at rent relief and the Landlord Support Fund of up to \$4000. The minister indicated that in her overview but do you have -

Ms ARCHER - Before Mr Graham provides those figures, because I know he has those figures on how much we've paid out, it is important to note that up until 1 December residential tenants have been able to access the fund twice because I've extended the period before. The Landlord Support Fund came after and so they've been able to access that as a once-off. To date, technically up to \$6000 in the one tenancy may have been provided. Additionally for the period 1 December to 31 January, it's possible they could get another \$4000 for a different rental arrears period. It always has to relate to a different set of arrears; it can't be double-dipping, but just because a tenant's already applied doesn't exclude a landlord from applying if there's hardship and it relates to a different period of arrears. That's why I'm saying this funding is significant. The fact that we're extending it now is in recognition that some landlords want to get back to the old normal. However, the new normal means there needs to be a certain amount of protections in place over Christmas and the New Year and while there is some uncertainty in other states which are still at medium risk.

Mr GRAHAM - Under the Landlord Support Fund, as at 19 November, 265 landlords received a total of \$348 820 and under the Rental Relief Fund, 1066 tenants have been paid a total of \$912 085.66. With the second round of payments, a further \$161 000.

Ms ARCHER - A total figure there, please.

Mr GRAHAM - It's about \$1.6 million and growing.

CHAIR - Do we have any idea of how much is being spent on reducing rent by mutual agreement. Is there any cost attributed to that?

Mr GRAHAM - The Rent Relief Fund was designed to be an incentive for landlords to agree a rent reduction. In essence that reflects the rent reduction that was agreed by landlords - that \$1 million-plus. It was money paid by the state to the landlord as a condition they pass it on to the tenant as a rent reduction.

There were rent reductions over and above that, particularly early in the COVID-19 period where tenants and landlords worked together to do so, but that \$1.1 million to \$1.2 million is probably the best estimate.

CHAIR - And there's been some negative feedback from landlords organisations saying that it seems to be a bit one-sided with all the supports going towards people who are the tenants and not necessarily consideration for landlords. Do you agree or disagree with that?

Ms ARCHER - I don't agree entirely with that particular organisation which has been saying a lot in the media lately. It's certainly not consistent with the majority of landlord contact

I've had. I recognise though that some landlords are feeling this significantly. On the flip side some tenants are as well.

Because Mr Graham is dealing with landlords and tenants on a daily basis, I am sure he can give an accurate picture. I think he would say, because we've had many a discussion on this, tenants and landlords have had good relationships. There's been a willingness to help each other out. Even pre-COVID-19 there were some tenant situations where you would have a bad tenant. Unfortunately it may be that type of category of tenant which may have taken advantage of the situation, but one message I will send out is they have still incurred their rental liability. It has not been a rent holiday and that is why we have encouraged tenants to continue to pay rent or negotiate a reduction in rent so they do not fall into arrears and are unable to pay.

I cannot, for the life of me, work out why that association has also opposed the payment plan which the parliament has now passed, because that payment plan looks to the future. It looks to when the emergency period is over and there is a tenant who can either start paying rent again or has been paying rent but there are some rent arrears still. They want to pay that back by a sensible and reasonable payment plan that suits both parties as adjudicated by the Residential Tenancy Commissioner.

I cannot for the life of me work out why a landlord association would not support the view that it is a good thing not to have to go to court and prosecute to get your arrears, that the parties come together and negotiate a payment plan that gets registered with the Residential Tenancy Commissioner. It protects the tenant while they are complying with that payment plan from being evicted and the landlord is getting paid their arrears.

CHAIR - Thank you, minister, I appreciate that. My final question before I hand over to others, is under this particular area regarding consumer complaints resolved within 60 days, 96.9 per cent. Do we actually have a number and a breakdown? I do not mind if you take that on notice.

Mr GRAHAM - I will have that here with me.

CHAIR - I am not surprised. Break-up of building and other areas covered will be of interest, because we have had a lot of building activity, minister.

Ms ARCHER - We have and it was an essential service throughout COVID-19. Those who could on larger sites continue, did so, within social distance and personal hygiene measures.

CHAIR - The building industry virtually never missed a beat.

Ms ARCHER - They were very good. There were some firms that chose to or could not continue because of restrictions on site, but largely we encouraged those who did have work, to continue. It has always been the case of ensuring we had medium- and long-term work for our commercial sector and because this Budget, with the significant investment in infrastructure, has given them confidence and certainly will encourage private investment.

Mr GRAHAM - With regard to the inquiries and complaints concerning the Australian Consumer Law, there were 1538 during the period and 668 of those related to consumer

guarantees, so where a product or service failed to meet the expected standard and is the lion's share of work we do under the Australian Consumer Law.

With regard to last financial year, travel and travel-related products as a result of the disruption by COVID-19 and cancellation, recovery of deposits, refunds and other kinds of things was a significant part of the guidance and support we provided to Tasmanian consumers. Much of that was not simple and straightforward by virtue of many of the flights, tours and other things cancelled as a result of government restrictions as opposed to companies, but we navigated a way through for Tasmanian consumers. That was probably a stand out of what we did, particularly during the period from March to May this year.

With regard to building and licensing, traditional trades, 563 complaints, 225 of those relate to building and the remainder relate to electrical, gas and plumbing and then with a general miscellaneous category. Building is the significant part of complaints we get, or inquiries or complaints.

It is really typically helping people navigate issues with builders or tradespeople, what can they do in this scenario, what advice can we give them through to formal disputes, potentially mediation or adjudication.

Ms ARMITAGE - I don't know where to start. First of all, I will ask through you minister, if

CHAIR - Think about the Arts.

Ms ARCHER - We haven't done Heritage yet, either.

Ms ARMITAGE - I'm not worried about Heritage. I have had issues with the Building Act for several years now and I have been trying in vain to get an answer from Mr Graham at a couple of stages and a commitment that Mr Graham will meet in Launceston with some industry stakeholders who are having terrible problems with the Building Act and have been for some time.

I had one very simple question way back in May. I'm trying to remember what the question was because it was so long ago and I have written a couple of emails. We met in person at one stage here and I did ask the question -

Ms ARCHER - I reckon Mr Graham might remember what the question was.

Ms ARMITAGE - I'm sure he will because I have asked several times during a variety of committees. Many of these come from builders and building surveyors in the northern region. I believe the department was seeking from local government at the time in May and I remember passing the advice on to the builders at that time and they questioned the answer. Now I can't quite remember but it was something to do with COVID. I did seek an answer in writing from you several times and unfortunately I haven't had a response.

Mr GRAHAM - First let me apologise that the meeting in Launceston never occurred.

Ms ARMITAGE - Hopefully, it will early next year, if you will commit?

Mr GRAHAM - It will occur and yes, I'm happy to commit to that. I apologise I didn't end up making that trip in late July when we had intended to meet.

The conversation we had in May was in this room when we were talking about the commercial leases bill and you were following up because local council had had some contact about potential changes to the Building Act and you wanted to discuss them further. At that time, I had understood that it may be related to extending permits which we did under COVID where we extended building and plumbing permits for six months. I subsequently realised it was actually to do with the changes required to some of our regulations for the PlanBuild system which is the online portal that is forthcoming to simplify planning and building approvals.

Ms ARMITAGE - That's probably more likely because when I gave your answer, I was told that didn't sound right. I couldn't remember what it was.

Mr GRAHAM - Yes. When I spoke to you here, I wasn't aware that that consultation had occurred. In essence, the Planning and Building Portal is an online portal that has been developed by the Government to effectively be a one-stop shop for planning and building approvals. It will give property owners far more access to information about their local planning scheme but also a simpler process to navigate approvals, which will open up that information and hopefully reduce the time and cost associated with those approvals. There are some changes to our regulations that are being made to support that system. They are relatively minor in nature but they are required to effectively make that system work.

Ms ARMITAGE - I am advised by several builders, building designers and quite a few people in that field that by trying to remove red tape we've actually increased red tape. I've been told that the Building Act is supplemented by directives that are made for the making of determinations for miscellaneous procedural requirements or the issuing of guidelines to assist in complying with the act, but what has occurred in reality is that rules are being made up on the run with little scrutiny or input from those working in the industry. As a result, the operation of the act has had the perverse effect of increasing red tape by making the categories of works harder to understand.

Mr GRAHAM - The act creates the ability for the director to issue determinations under the act which relate effectively to procedural matters under the act. One of those is the categories of work determination, which is a significant one that builders and architects and building surveyors would rely on in their day-to-day work. It effectively defines the categories of work that are low risk and need no oversight or approval, those where a permit authority is required to be notified and those where a building permit is required, so it is an application and approval process.

Ms ARMITAGE - That is confusing for owners. Owing to a misunderstanding of the act and the difficulty in knowing when permits and reports are required, much of the defective work being carried out residentially leaves homeowners with little prospect to recover damages. Residential work is being completed by competent persons and not necessarily registered builders.

Mr GRAHAM - Two-and-a-half weeks ago we released an update to the director's determination for the categories of work. That updates the determination put in place in 2017. It's my view that significantly simplifies the process for determining the risk pathway that

certain work would fit into and then therefore determining who is required to do that work and the level of oversight it needs, or whether it is just a building surveyor or whether it is local government as well. That is currently out for consultation with industry associations, with LGAT and all councils and they have that for a period of six weeks. That was part of the regulation I referred to that needs to be streamlined for the operation of PlanBuild. It is my view that it significantly simplifies what you would call the front door to the system of our understanding who can do what work and what approvals are needed as you go through it.

That is out for industry comment at the moment and we will consider any feedback we get from builders, architects and building designers, as well as local government.

Ms ARMITAGE - I'm sure you will have many. If we have our meeting next year that would be good.

I have one other question, Chair. I believe Tasmanian building surveyors are currently excluded from trading in other states, caused by the structure of the Tasmanian Building Act. Are you of the understanding that you can't go from Tasmania to the mainland and work if you are a building surveyor because they will simply refuse you because they don't believe our building surveyors are up to the standard because of the structure of the Building Act and their training?

Mr GRAHAM - There is an issue with Victoria, but not an issue nationally. I'm not aware of Tasmanian practitioners seeking to operate in every other state but the only state I am aware of that being denied is Victoria, and it relates to the roles and functions that building surveyors perform here compared to what they are required to perform in Victoria.

There was a recent tribunal finding late last year from the AAT which agreed with the Victorian interpretation of their act that said because Tasmanians surveyors don't issue permits, they don't do the full set of functions that a building surveyor would do in Victoria. Our view is that is not correct and I have followed that up with my counterpart in Victoria, so far without success. It was before my time but my office did offer significant support to the applicant in that court case and my predecessor provided an affidavit and was even a witness in the context of that case to really try to clarify that we think in practice what building surveyors in Tasmania and Victoria are required to do is effectively the same and requires the same skills, experience and competence, so the court case makes no sense. That being said, I haven't been successful in convincing my Victorian counterpart of that. There are, as you would be aware, some moves afoot for automatic mutual recognition of licencing and I imagine that is an avenue for this matter to be relitigated.

Ms ARMITAGE - Can I just go back to something you said? You said you only know about Victoria, so do you know that nationally other states will accept Tasmanian qualifications? You said you only know that Victoria refuses, but do you know if any of the other states will accept us?

Mr GRAHAM - With regard to building surveyors I couldn't say, but in general, yes, there are Tasmanian licence holders in many fields who operate quite comfortably.

Ms ARMITAGE - Building surveyors? You stated that nationally it was okay and in Victoria, it wasn't. I am simply asking.

Mr GRAHAM - I said the only state I was aware of where that had been a problem was Victoria. Building surveyors play a different role in every jurisdiction. I can find that out for you, but we haven't had any problem, other than Victoria.

Ms ARMITAGE - That is because it is the only state where we have had someone go there and try to work that we know of. All I am trying to get from you is that we actually don't know that the other states accept Tasmanian building surveyors because we haven't had a Tasmanian go there and be refused, like we have in Victoria. It would be good to know because the person we are speaking about with the changes to the Building Act moved their family to Victoria and then found they couldn't work there. It may have happened in other states too so if you could find out whether they could work there, that would be good.

Mr DEAN - And does portability occur the other way?

Mr GRAHAM - The Mutual Recognition (Tasmania) Act obliges us to register people who meet our experience, qualification and competency standards, so yes we do provide a licence to people from other jurisdictions who meet our standards.

CHAIR - But they have a higher standard.

Mr DEAN - Without them taking on any further training?

Ms ARMITAGE - They do not need to.

Mr GRAHAM - They meet our standard.

Ms ARMITAGE - They have higher standards than we do.

Mr DEAN - Only in Victoria.

Ms ARMITAGE - Well, the others may too, we do not know.

Ms ARCHER - I will say that if a meeting did not occur, it is absolutely genuine for Mr Graham. He has been very busy, as you can appreciate, with forward measures.

CHAIR - I appreciate that.

Ms ARCHER - I would like to acknowledge the effort Mr Graham has put in throughout COVID, not least of all the actual team that put together the standalone legislation we required for commercial tenancies, which was enormous. I do not think many got much sleep for a few weeks of that period. He is very genuine when he says he just simply could not make it.

Ms ARMITAGE - I certainly acknowledge that. The problem has been going on long before Mr Graham. We have had problems with the Building Act before you took that spot. Ms Webster knows us well.

CHAIR - I can endorse that, as a member of the Subordinate Legislation Committee. Mr Graham has needed to come to inquiries and briefings on regular occasions and I certainly endorse that work ethic.

PUBLIC

Mr WILLIE - The first question is: how many people applied for the rent relief fund 1, and how many were successful? The second question is: how many people applied for the rent relief fund 2, and how many were successful? Also, I know it is not necessarily the line item, but how many landlords applied for the Landlord Relief Fund and how many were successful?

CHAIR - We have one number. The first rent relief fund is 1066, but I did not ask for the second one.

Mr GRAHAM - I can take that on notice.

Ms ARCHER - I have the total, but not split into the two rent relief.

Mr WILLIE - It would be good to have a breakdown of both, and the landlords.

Ms ARCHER - We will take that on notice, because then it can be answered properly for you.

CHAIR - Mr Willie, are you happy with 90.3, the COVID-19, Rent Relief Fund? If there are no further questions in this area, that concludes.

Mr DEAN - I had one question in relation to landlords. I asked it when we were talking about the bill last week, or whenever it was I raised it. What have we looked ahead at when we come out the COVID-19 period? We have landlords now saying in the media that they will be increasing their rents quite considerably to try to catch up. There is going to be harm or hurt done to a lot of tenants. What have you done in that regard?

Ms ARCHER - I will answer broadly first, and then go to Mr Graham. It raises a big red flag for me with my Attorney-General cap on, that it has also been said that they will not rent to certain categories of people.

Mr DEAN - That is right, yes.

Ms ARCHER - Which I hazard a guess would be discrimination, so I would say to them I urge caution they do not unwittingly break other laws in the process.

I understand it is a difficult time. I understand they want to go back to the old normal, but the simple fact is COVID still exists. I know it is very easy for Tasmanians, because we have not had a positive case for some time, to become a bit complacent. It would, as I said, only take one case, and we saw what happened in South Australia. Thank goodness they managed to get that under control, but they did that by taking immediate action in terms of isolation.

We do not really want to be shutting things down, so I really urge caution with landlords and ask them to continue working with the Residential Tenancy Commissioner with the tenant that they have, and whatever the Residential Tenancy Commissioner can do.

Moving into the future, some of the roles and functions that the Residential Tenancy Commissioner does to provide greater strength and powers, I will be looking at putting tenancies in the Civil and Administrative Tribunal -TasCAT. Other states have had their own single tribunal, so put that function into that.

Obviously we have nine tribunals that will become that TasCAT. We are looking at what else might be able to go in there. I see that is something to look at. Indeed, it is also something to look at in terms of the discussion we were having earlier in the day with the Ombudsman in relation to the review of his decisions.

Forming TasCAT opens up possibilities for dealing with disputes that simply cannot be resolved by way of mediation or other agreement. You know about the payment plan; we are hoping that that will go a long way. I think it shows that, as well as dealing with the here and now, we are looking to the future of how tenants can repay any arrears that may still exist, despite the assistance that we have provided as a Government, to these private rental situations. The Government has never had an obligation in these instances, but, of course, because of COVID-19, we have been willing to provide that assistance. That means, as I said, that it protects tenants from being evicted, but landlords also get paid.

It is a bit of give and take. It is a balance. It is not a deal for either one party. But I would again urge caution with landlords thinking of doing something that might break other laws.

But as to what other measures, whether Mr Graham can identify anything further to what I have said?

Mr GRAHAM - Just to point out that some existing protections exist within the Residential Tenancy Act. The first is unreasonable rent increases. A tenant who gets a rent increase can apply to me to have that deemed unreasonable. I will look at that and have regard to market rents and other things. I have the power to disallow that rent increase or vary it, or to accept it. That is one thing where it does immediately provide a protection for significant increases in rents, but also every case needs to be considered on its merits.

The other thing we have seen in recent media is the notion of blacklisting tenants. The act also has some protections with regard to the maintenance of what is known as a tenancy database - in essence, information about tenants with regard to their history; that needs to be disclosed and positive. There are some offence provisions linked to that, so there are some existing protections that prevent some of the behaviour that has been referenced.

As the minister said, people may also be in breach of other laws and we would work with the appropriate bodies in the event we became aware of that.

Mr DEAN - I did ask this question, too, how many landlords do we have in the state?

Mr GRAHAM - It is a hard thing to know. The only data we have is from the MyBond database. There are 44 000 distinct bonds. Some of those will be, for example, multiple tenants in the same property having distinct bonds, so the 44 000 would be an overstatement, but not a significant one. I would imagine, based on that, it would be between 30 000 and 40 000.

CHAIR - Thank you, that concludes our area for -

Ms ARCHER - The secretary would like to correct something on behalf of Ms Pearce.

Ms WEBSTER - Through you, minister. We just gave the incorrect figure. I think Mr Willie asked how many improvement notices we had issued for COVID-19-related matters. It was 10 and not 24.

DIVISION 10

(Department of Primary Industries, Parks, Water and Environment)

Output Group 3

Natural and Cultural Heritage

3.1 Historic Heritage Services -

Ms ARCHER - At the table with me obviously, we have DPIPWE, Heritage Tasmania falls under that. Starting with Tim Baker, Secretary of the department; Louise Wilson, Deputy Secretary, on my right; and Ester Guerzoni, who is Senior Executive Officer, Heritage Tasmania. This is in the historic heritage area which is the output we are dealing with first.

CHAIR - Thank you very much, minister. Do you have a brief overview?

Ms ARCHER - I can briefly do something for you. I know in the interests of time, you would like me to be brief, so I will be.

CHAIR - I am also thinking about your time, minister.

Ms ARCHER - I know. So am I.

Mr DEAN - She looks a bit worried.

Ms ARCHER - I want to highlight the features in this area to do with our World Heritage sites and our stimulus funding provided throughout COVID-19 Relief and Recovery Fund.

The feds have certainly provided a top-up on our \$3 million commitment to the Cascades Female Factory infrastructure for the visitor centre. The federal component is \$2 million. That is certainly going to help develop Cascade's history and interpretation centre. I have seen the architectural design and it is wonderful.

The federal government has also provided \$400 000 towards the construction of the shearing shed at Brickendon and \$230 000 on the visitor centre at Woolmers. I mention those because, of course, they are World Heritage and important assets to the state.

CHAIR - And both in the electorate of McIntyre.

Ms ARCHER - Thank you for that. I have been to Brickendon and Woolmers, and I have also recently visited Clarendon House and had a wonderful journey on each occasion.

The Tasmanian Royal Botanical Gardens also comes under this portfolio. I really enjoy spending time at the botanical gardens and would encourage all Tasmanians to get there. There has been a lot spent there in recent times. Because of the Public Building Maintenance Fund -

our COVID-19 stimulus funding, they have put \$302 000 to very good use updating the Japanese Garden, doing some - not upgrades or redevelopment - heritage fixes to the convict wall. Enormous heritage work that has been needed there at that iconic site. We have also allocated a total of \$7.6 million to the gardens for their infrastructure by way of a new visitors centre there and other onsite entrances. That is a significant amount of money, but one which will help their sustainable growth into the future because of the additional revenue streams that will result in.

If you have not been in some time please go, because the Japanese Garden looks wonderful with the upgrades and its modernisation.

There is also a \$10 million Heritage Places Renewal Loan Scheme amalgamated into the new Business Growth Loan Scheme administered through the Department of State Growth. That is where we encourage development or upgrades of our heritage. It is concessional loan funding to support the state's businesses to recover, adapt, grow and develop enhanced business models that support employment, retention and business growth.

Finally, the State Budget once again includes annual funding of \$312 325 to support the work of the National Trust Tasmania as part of the existing triannual funding agreement. I would like to acknowledge the work of everyone in the various areas of this Heritage portfolio and that includes not only National Trust, but the department itself and indeed Heritage Tasmania employees and the Tasmanian Heritage Council, and the enormous efforts they do each and every day, particularly throughout COVID-19.

Mr DEAN - My first question is about the office. I have strong support for heritage in this state and always have done. The office has gone through a huge amount of turmoil in recent times. My question, minister, is how is that office now functioning and what is the morale like currently in that office? What will be the position with the manager? Will it be advertised and filled or has it been filled now? Where are we with the position and conditions that are currently working in that office?

Ms ARCHER - The members will know from recent announcements what has occurred there regarding the Heritage staff. It has been managed within the department so I might get the department secretary to go through that process in more detail. Also, the synergies with Lands, so that you can see where we are going with where Heritage Tasmania staff now sit.

I appreciate your reference to a lot of turmoil, but as you would appreciate there are all sorts of issues around managing staff successfully and in terms of due process that needs to occur in these situations as well. It wasn't an easy situation. The department was doing everything it could, to the extent of having an independent consultant come in and try to resolve some issues that were there. The feedback I've had is it's been handled very well. It's positive and certainly those that are managing that area have been received well. I might hand over to Mr Baker in terms of that process moving forward.

Mr DEAN - I just want to say there are some very good staff in that office. I worked close with the ones in Launceston for a long time and they are absolutely brilliant people.

Ms ARCHER - I've met some of the Launceston staff. When I was up there one day, I visited them.

Mr BAKER - There were a few points in there, minister. I will start by talking about the decision to move Heritage Tasmania into Land Tasmania. Land Tasmania is probably regarded as the most successful land-based services organisation in Australia. When you think about their work on land titles, spatial information and mapping, there are a number of synergies with Heritage Tasmania. There had been consideration about the move of Heritage Tasmania into Land Tasmania for some time. We have just finished consultation with the staff on the move, which took place last week and we can get Ester to talk to this in a moment as well, if you would like, minister.

The staff are really positive about that move. They see a huge amount of synergy. One of the things particularly about Land Tasmania is that it has the best spatial and mapping software solution in the country, which will work really well with some of the ongoing issues we've had, which I'm sure we will get to, minister, around the register and modernising the register.

Mr DEAN - Talk more about that tomorrow with Land Tasmania.

Mr BAKER - Sure, we will. What I would also say upfront is that in all teams there is always the possibility for tension between team members. There is no doubt that has occurred. A circuit-breaker was required and has been implemented. Both the decision to move Heritage Tasmania into Land Tasmania and the need for a senior project manager with extensive experience in the heritage space is what led to the decision to move the former director - and I think that has created a circuit-breaker. You asked a specific question around what we're doing with the role itself. We have a very senior and experienced operator in our department acting in the role and in the new year we will move to recruit to the role permanently. That's the plan.

Mr DEAN - Have they relocated into the same buildings?

Mr BAKER - No.

Mr DEAN - They will still retain their separate areas of functioning and operating?

Ms ARCHER - You can answer that, yes.

Mr BAKER - Yes.

Mr DEAN - - But they will now come under Land Tasmania?

Mr BAKER - Correct. There are no plans to move them physically, I should say, in Launceston. What I would say is in Hobart, as you may or may not be aware, the department has recently co-located into the Lands Building in the city so there might be some movement in the floors so they can sit together but in Launceston, there's no plans to move them at all.

Ms ARCHER - In Hobart I think that would be an advantage -

Mr BAKER - That has already taken place.

Ms ARCHER - - if you're in the same business, or if you're in the same department and same area of the department, it makes sense = you would actually be on the same floor, if possible.

PUBLIC

Mr BAKER - In fact, minister, the consolidation to one building has already happened in Hobart. They were in a separate building just down the road and they have now moved into the new facilities in the Lands Building.

Mr DEAN - I haven't any more questions on that point but I have a couple of others.

Ms ARMITAGE - Minister, how many homes are on the Heritage Register at this point?

Ms ARCHER - Homes or properties?-

Ms ARMITAGE - Or properties, sorry. Properties are not all homes.

Ms ARCHER - As you would appreciate, yes.

Ms ARMITAGE - Properties.

CHAIR - Some may have a home; some may not.

Ms ARCHER - Who has the figures? I think Ester has them.

Ms GUERZONI - It was 5030 as at 30 June.

Ms ARMITAGE - It was 5030. How many have been removed in the last - was it the last couple of years quite a few were removed from the register?

Mr BAKER - Sure. You can answer that but I wouldn't mind it again through the minister, if that's okay.

Ms ARCHER - Yes.

Ms GUERZONI - Quite a few years ago now, 514 were removed from the Heritage Register.

Ms ARMITAGE - It was that long ago. It didn't seem that long ago.

CHAIR - It was 514?

Ms GUERZONI - Yes, 514.

CHAIR - You are very soft, Ester.

Ms GUERZONI - Sorry. I will try to speak up.

Ms ARMITAGE - The reason that they were removed at the time? I don't remember.

Ms GUERZONI - The Heritage Council had done a review of the register -

Ms ARMITAGE - Reassessed.

Ms GUERZONI - - and were looking to ensure that all the places added in the earliest years of the register's development met the criteria in the legislation. They reviewed a large number of places, went through the statutory process, determined that these ones did not meet the criteria for entry, and did public consultation. There were no appeals. There were submissions, and in the end, 514 were removed.

Ms ARCHER - That project concluded in December 2016.

Ms GUERZONI - That's correct, minister. Yes.

Ms ARMITAGE - I can remember getting calls about it, but I didn't realise it was that long ago. Out of the 5030, how many trees - do you actually have a breakdown of other things like trees on properties? Do you have heritage trees listed on your register because I can recall in real estate at one stage there was a heritage paddock. -

Ms ARCHER - I'm very happy for the departmental -

Mr BAKER - Before Ester goes there, I would just like to make a couple of points.

Ms ARCHER - That's right. You wanted to add to that, didn't you.

Mr BAKER - I guess the first point I would make is that bad data leads to bad outcomes and part of the work of the Heritage Register review was about ensuring that local heritage was managed by local authorities, state heritage was managed by Heritage Tasmania, and then national heritage or world heritage was managed in partnership with the Commonwealth. I think there was a lot of fixation on how many had been removed. The fact is, through all the best will in the world, the register was put together in a pretty haphazard, rushed way.

There were a number of registers put together and the more accurate we can get that register, the better we can manage heritage and that's the key point. I understand that there has been a lot of discussion about removals but it has really been about how we can better manage the heritage. Now, the example you gave is a good one because a number of those either removals or edits to the register were about saying it's actually the property that has the heritage value - not the building on the property, I mean, not the whole property.

Ms ARMITAGE - A heritage tree or a heritage paddock.

Mr BAKER - Yes. I think it was making life more difficult for everyone, when we didn't need to. Really, the concentration was around what are the core heritage values we're trying to protect and how do we ensure we do that as best we possibly can. The other point I make is, the Heritage Register itself should not every be seen as a static register. It is a register that evolves and changes and I am sure we are going to have questions today about things that have been put on or things that have been modified. That is the nature of this register.

The more we can turn the register into a living, breathing type of register, the better the heritage outcomes will be for Tasmania.

Ms GUERZONI - We do have some trees. We have memorial avenues entered on the register. We have the one at Kempton and we are currently working on doing the memorial up

on the Domain and adding that to the register. There are those larger planting groups that we may have on the register. There are not many of them.

Any individual properties that are entered on the heritage register, if there is a tree of some significance and it may be because, for example, if it is a church and it was a tree planted for a specific memorialisation or tribute to somebody, we may suggest that it be looked after, that it is included in the entry. Looking after it means making sure you get an arborist's advice and understand how best to look after the tree so it remains there for as long as possible because eventually, trees die.

Ms ARMITAGE - Do you have many properties then, that have a home on it that may not be heritage but the tree is and does that only affect the tree, not the home as you say, like a church. It is not actually reflecting the building, only the tree.

Ms GUERZONI - I cannot recall any off the top of my head. I could look into it, if you would like me to?

Ms ARMITAGE - No.

Ms GUERZONI - If I could add one thing. At the local council level on local historic codes, they do have significant trees that can be entered on to a local planning scheme so that might be the case for any particular situation that you are thinking of.

Ms ARMITAGE - No, that is all right. I recall when I was in real estate we could not sell a property because it had a heritage paddock and I recall someone with a heritage tree and I wondered whether it affects the house or property as well, but only the tree. That is fine, thank you.

Mr WILLIE - Thank you, Chair. My question is about Table 10.5 on page 270, and is around the percentages of places on the Tasmanian Heritage Register that are actively managed. There is a note in Table 9 that indicates this has been impacted by COVID-19 and 1.5 per cent, does not sound like much but in reality, it is around 75 places, so can you add a bit more information to that footnote on how COVID-19 has impacted?

Ms GUERZONI - A bit of context first around how the figure is established. When we are talking about places actively managed, we talk about the number of places that have had a works development or a certificate of exemption applied for. We also talk about the level of activity that we do in relation to adding, removing and amending registration entries and we also relate to any grants that we have been managing, such as the Kelvedon Boat Shed.

You are talking about the forward targets?

Mr WILLIE - Yes, the actual is 13.5 per cent but the target has been reduced to 12 per cent and the footnote is that it has been impacted by COVID-19.

Ms GUERZONI - One of the important things is that when we were heading into COVID-19, we expected a large turn-down in the building sector and anecdotally, we know that architectural firms and building companies have had a downturn - so that might be an under-estimate.

The amount of works applications and certificate of exemptions that we have dealing with, will have been relatively stable compared to same periods in previous years, but that figure is very much at the whim of how the building sector is travelling at any one particular time.

Mr WILLIE - With a particular niche in the building sector

Ms GUERZONI - Exactly.

Mr WILLIE - because it probably does not apply to new house, residential sector or a whole lot of others that are still going gangbusters.

Mr BAKER - The other point I would make, through the minister, is that there could be an argument that a lower target is a good thing, Mr Willie, because it speaks to the amount of work that is done pre-approval.

One of the things Heritage Tasmania have done over the last five to six years and I will say under a leadership of the former director, has been a huge amount of work to try to get the pre-approvals sorted so that works guidelines and things like that, which enable owners of these properties to be able to do work within a framework and not have to go through the process of getting to the heritage committee.

Ms GUERZONI - Tim is referring to the certificate of exemptions. When our Heritage Council release works guidelines which provide property owners and developers with a clear indication of those works that can be approved through a certificate of exemption. It is steering people towards doing the right thing and being able to do simple tasks around the house, like if you were replacing your verandah, or had a significant tree on your property and needed to remove one limb, or painting, or maybe refitting a bathroom, you can apply for a certificate of exemption. That is a very quick turnaround and very cost effective for property owners.

Going back to the original question, I suspect, that our certificates of exemption have probably increased. There were quite a few people in lockdown doing more things possibly, whereas the development applications have been just steady.

Mr DEAN - I wanted to revisit the office again. It was in relation to the consultant who was used, Louise Cooper Consulting, I think at a cost of about \$6500, or a little more, for a culture change and in an office of 17. Whose decision was that? I know why it occurred, but whose decision was it?

Ms ARCHER - I think it is for Ms Wilson to answer that. She has been managing that process.

Ms WILSON - Largely it was my decision, as the deputy secretary. Prior to that, when the process started, I was the general manager of the division that Heritage Tasmania is in. It was not done on a whim, it was very carefully thought through, the approach to the cultural change piece. The issues were very complex. I was personally involved in consulting with staff at the time, also reviewing what staff were saying and had been saying for a little while beforehand. With the deputy secretary at the time, I developed a plan designed to address each

and every issue that had been raised with me and in other forums that I was aware of, in order to restore a bit of balance to the workplace and to help improve the culture.

I consulted with People and Culture, our experts in this space in the department too. We determined that we needed to bring in an independent facilitator with the right skills to be able to lead the team through this. I would have to say that we did not expect it to cost quite as much as it did, but we did run some extra sessions in response to staff requests. It was not just me coming up with a plan out of the blue. I had expert advice and also responded to staff requests for some additional sessions to work through issues.

Ms ARCHER - And that was the increase in cost.

Ms WILSON - Yes.

Mr DEAN - What is the staff level in Heritage Tasmania?

Ms WILSON - It is 17.

Mr DEAN - Did that include all staff, staff in Launceston as well, were they involved in that?

Ms WILSON - Yes, it included all staff. There was a range of activities that we did - and are still doing - as part of the workplace culture work. Some of those activities were done in the early stages just with staff, without managers. It was really important for staff to be able to discuss issues and work through some of these issues that they had been raising without managers there. We also did some sessions with managers, then we brought both staff and managers together to actually start to do that process of looking forward.

Mr BAKER - I was not in the department at the time, but I make no apologies for the investment. We, as a department, have a serious responsibility when it comes to matters like this. I think it is a reflection on how seriously we took the feedback we were receiving and how we acted decisively to address the concerns that were raised. I have to say, having done a lot of work in this space, that number doesn't surprise me at all. I accept Ms Wilson's view that it was probably a bit more than we expected, but it is a solid and very good investment in the long-term health and wellbeing of the staff in the team.

Ms ARCHER - What I want to add here, to come up with the Cultural Change Action Plan and then implement it is no easy task. There have been various comments made by some basically saying we have done nothing or it has taken so long but in the interests of getting this right and getting it right for the team, I think that that type of investment and the time that it took shows that it was a measured, considered and concise way of doing things. Now what has occurred with another position where the director has gone to that because of his skills and expertise and providing this nice synergy with Lands Tasmania has resulted in an outcome that I think is well-balanced and suits all staff.

Mr DEAN - That position Mr Smith has moved into, is that a similar level position?

Mr BAKER - Same level and again I want to reiterate that senior executives in the State Service move around. All of us who have been senior executives have moved around, even across departments. It is not uncommon.

Mr DEAN - It is a good move to move them. I don't think they should be in one position too long.

Ms ARCHER - The former secretary of Justice is now the secretary of Health and doing a wonderful job.

Mr BAKER - Also, it was remiss of me not to thank the former director for the time he was in the role. I should have done that up front. He did an outstanding job while he was in that role and a lot of the changes that Ester was talking about in practice, red tape reduction, have been driven by Mr Smith and he deserves acknowledgment for that.

Ms ARCHER - I think so too and certainly when I have taken over this portfolio his knowledge has been invaluable to me.

Mr DEAN - That matter is done and gone now so moving on.

The National Trust buildings we have around the state and there are lots of issues raised on this in relation to their integrity moving forward and where they sit on the Heritage Register. They are on the very top of it, in actual fact. As to the funding that is provided towards ensuring the maintenance and the integrity of those buildings, what is the future for them? It has been talked about there should be special funds raised by a number of different strategies for that to occur?

CHAIR - A lottery?

Mr DEAN - We cannot allow those buildings to fall into disrepair.

Ms ARCHER - I agree and one of those things when I came into this portfolio that I believe that I should be tasked with as minister is precisely that. Come up with a vision for our heritage buildings and I am actively looking at that and hopefully developing something so that we do have something that can be sustained into the future to invest in those properties.

One principle that I do believe in is that if a property is left vacant or unused then that is the fastest way for it to deteriorate. As you move around the state and move around Australia and you see alternative uses for heritage buildings, there are so many opportunities there. For example, if you have a private developer who takes on a property like that, although difficult, sometimes what can be achieved is just absolutely incredible. I could use an example of whisky distilleries. A lot of our heritage buildings and properties are being used for that purpose.

My visit to Brickendon really opened up my eyes to the options that are available. Aspects of that property are world heritage listed and the enormity of what is on that property but the upkeep of course is quite significant as well.

It is coming up with a source of funding that can be utilised. As I said, with the loan scheme, for example, that is available. It helps and provides some assistance but what we are looking at is developing up something and I can't give you any concrete response today but that is on the top of my list of 'to dos'. I am a bit of a reformist, as people know and so I am looking at a sustainable model of funding into the future.

Mr DEAN - That is great you are because National Trust funding hasn't been even CPI increased for a number of years and I argued that case and submitted a report to Mr Hodgman when he was the public minister - the minister for this area, but that should at least be CPI adjusted.

Ms ARCHER - What I have been doing is meeting with as many people as possible who know a bit about heritage and getting ideas and what I'm doing is drawing those ideas together.

Mr DEAN - I'm very pleased you're looking at the funding of that because it's critical and important.

Ms ARMITAGE - With heritage properties and I know of one 1825 property in Launceston that's falling into terrible disrepair. It's a home and people live in it, and it's just a very sad state of affairs.

Is there any requirement for homeowners to do any maintenance rather than keep the property in its original condition?

Ms GUERZONI - In our legislation, unlike some of our counterpart legislations around the state, there is no provisions specifically relate to maintenance. Of course, maintenance is something everybody should do to their property because that will last a lot longer and better for that. The Heritage Council does have capacity to issue notices and have discussions with the property owners about maintaining the property.

Ms ARMITAGE - Maybe, I need to give you the address but I'm sure they've probably have had discussions in the past.

Ms ARCHER - Can I just add to something on a previous question to do with National Trust properties? It was remiss of me not to mention the Capital Works Grant where the maintenance could be carried out during COVID-19 of \$350 000 provided to Clarendon. One of the reasons for my visit recently was to see what they'd done there and it's quite significant what they've managed to do on that property with that type of funding. Again, that's a grant situation we were able to provide them with, as opposed to the question you are referring into the future.

Mr BAKER - The other point that I would make, Mr Dean, about the National Trust, minister, is that the department is working very closely with them. In fact, Ms Wilson is on the National Trust and is also the Deputy Secretary responsible for built heritage. It's sort of a watching brief for us as well and we're talking to them and have a member of our staff who sits on the trust, so it is an actively managed issue for us in the department.

Ms ARCHER - And I meet with the Chair.

Mr DEAN - You are pretty well known to Mr Ray Foley who was on there at one stage and called back on a number of occasions and so on. He'd still put his hand up to help or assist, and I speak to him regularly.

3.4 Royal Tasmanian Botanical Gardens -

CHAIR - If that area is completed, thank you very much and we are moving now to the Royal Tasmanian Botanical Gardens.

Ms ARCHER - So we have on my right Jason Jacobi, the Deputy Secretary of Parks and Wildlife, who wears a few hats within the department here, and Gary Davies, to my far left, who is a Director of the Royal Tasmanian Botanical Gardens and doing a fabulous job in that role.

CHAIR - Thank you. You've already touched on it. You've invited us all to get to the gardens.

Ms ARCHER - I have already said - Gary said that everybody should visit the gardens and see what -

CHAIR - Unless it's in my electorate, minister, I just don't have the time, I'm sorry.

I will invite the member for Rosevears, Ms Palmer, to start the questions. Thank you.

Ms PALMER - Thank you very much, Chair. As we have said, it's certainly one of Tasmania's most popular attractions and visitation to the Botanical Gardens has grown by more than 40 percent over the past six years, especially by locals. This places pressure on the aging infrastructure and the facilities.

You touched on this on your overview about work that is being done in the Japanese garden and the new visitor centre. Could you please expand on the Budget measures to support the Royal Botanical Gardens capital works program?

Ms ARCHER - Yes, the earlier funding that was committed to the gardens in 2018 was \$3.6 million. In this Budget we have provided additional funding of \$4 million, so that is what brings us to the figure of \$7.6 million for the upgrades at the Botanical Gardens. That is for a new visitor centre, which is expected to vastly improve the visitor experience and will form a key component of the garden's major capital works program.

The program will also include improved disability access across the site and other urgent civil maintenance work and landscaping.

The design process for the construction of the visitor centre is now underway. I am really excited to see that program get under way, hopefully, in 2021. That is what we scheduled for.

I also briefly touched on the maintenance funding that was provided to the gardens, that was \$302 000. It is amazing how far that money has spread across the site. There is the historic Eardley-Wilmot Wall, which I was attempting to explain before, but didn't do so well, which has required specialist stonemason work. That was the terminology I was looking for, wrestling for.

The Japanese garden is very popular for weddings. The original boundary fence has been upgraded, with works also occurring on the conservatory on site and also the glass house in the nursery. That will provide more than 100 square metres of additional growing space and allow

for expanded display collections to be prepared for the conservatory. You can see the spread across the site.

What has been pleasing throughout this maintenance program is that every effort is being made by the team at the gardens to have local contractors engaged for all the upgrades, resulting in at least 28 local jobs being supported during COVID-19.

Over its 200-year history, the gardens has grown and evolved to become one of Australia's premier cool climate gardens, with highly significant plant collections, including the world's only sub-Antarctic plant house.

I would also like Mr Davies to have an opportunity to publicly explain, if he is permitted, the new works that are going on.

Mr DAVIES - We can.

Ms ARCHER - I think we should. There's a new display. Do we call it a display or new planting section?

Mr DAVIES - A Tasmanian collection.

Ms ARCHER - A Tasmanian collection that is currently under way as a result of a maintenance. If you want to touch on part of that collection.

Mr DAVIES - Through you, minister, the Tasmanian collection was part of a small area in the gardens and had a tarmac running through it. What we have done is have a whole new Tasmanian collection that will replicate a rainforest.

It is an exciting project that has a meandering path through it, with an interpretation area, and another boardwalk that will run through the forest. It joins the current fernery to the rest of the collection. The board has put about \$100 000 into that. About \$70 000. A trust called the Stanley Smith Trust in America, which we found somewhere, someone said, 'You should apply to these people'. They actually gave us funding in quite a simple process.

The board equalled that, and then put in another \$40 000 out of donation funding, so it's a \$100 000 project now and should result in a very nice Tasmanian rainforest that replicates a part of the World Heritage area for visitors who've just got a short period of time.

CHAIR - Be careful, the USA might want that money back. I wouldn't spout that too much. They're in trouble over there.

Ms ARCHER - It's going to be a wonderful area and where it's situated and also the access to it. It's really good. I've seen it pre-planting so I can't wait to see it post-planting. Things are evolving at the gardens all the time, so that's why I encourage people to go back.

CHAIR - Any other questions? I have a question in regard to the collections. Any found to be non-viable or used up for the conservation program or research purposes are routinely removed from the collection. How many have been removed?

Ms ARCHER - This is in the footnote in the Budget.

CHAIR - How many have been removed?

Mr DAVIES - I think, minister, we'll take that on notice. It's quite a complicated thing. We'd need the seed bank involved.

Ms ARCHER - Great, we'll take that on notice.

CHAIR - Thank you very much and that is the end of the questioning. I do apologise if you've been waiting for a long time. It's taken quite a while today but it's always useful and we do like to get to every line item, as you know, minister.

Ms ARCHER - I appreciate that you do. Thank you, department, thank you.

DIVISION 11

(Department of State Growth)

Output Group 5

Cultural and Tourism Development

5.1 Tasmanian Museum and Art Gallery -

Ms ARCHER - On my right is deputy secretary Jacqui Allen who has a long title Cultural and Tourism Industry Development. It's the Department of State Growth and the Arts sits within. Jacqui has a few roles within it but importantly the Arts. I also have within this portfolio Arts Tasmania, so there's David Sudmalis. There is Alex Sangston heading Screen Tasmania. I also have Janet Carding from Tasmanian Museum and Art Gallery, heading that. So they are the different outputs. We have all three available.

Everybody's probably heard me rabbit on quite a lot lately about the COVID-19 stimulus we provided to the cultural and creative sector. On a per capita basis we punch above our weight. We had the most generous stimulus on that per capita basis in the country. Our support was through a package of assistance that included new funding for screen, for contemporary music and arts organisations worth \$1.5 million. We also put in place a strategy to extend many existing funding agreements for an additional year. This measure was worth more than \$2 million.

It is pleasing to say that out of the COVID-19 Small Business Sustainability and Recovery Grant Program, nearly \$4.3 million in support was accessed by cultural and creative businesses. Although it was not directly provided through my portfolio, it was provided by the Department of State Growth and those businesses accessed that.

We also provided \$3.8 million in capital funding for the Tasmanian Museum and Art Gallery to assist in addressing maintenance and upgrade issues that were able to be completed largely while it was closed to the public. Members will be well aware that what came out of COVID-19 was that we could perform a lot of maintenance due to closures when we wouldn't

normally be able to do it. I know I can say on behalf of Janet Carding that funding also was put to extremely good use across a number of different sites for which TMAG is responsible.

I acknowledge that the Arts sector will not have an overnight recovery from COVID-19 and that the return must be done in a safe way. The Government's framework for COVID-19-safe events and activities will ensure that our creative community can resume operations in a safe and supported way so people can once again enjoy our vibrant arts community. I acknowledge that we need to keep reviewing that because we really would like to get back to greater capacity.

We acknowledge there are many challenges, and as a result of this budget I am very pleased that we have provided \$4 million of new funding to the arts over the next two years. It is extraordinary what our arts practitioners can do with that type of money - \$2.5 million over two years is for an Arts and Cultural Support Fund, and that is intended to support the creation of new work to enable artists to bounce back after COVID-19 due to cancellation of their events and contracts.

There is also \$1 million to implement a community arts and cultural development program. I am really excited about that because community arts are really important to the development of up-and-coming artists across different genres. That will enable them to work with other arts practitioners and specialists.

I am going to finish up quickly by announcing there is an additional \$500 000 over two years for the Screen Innovation Fund. We have been great supporters of the screen industry so to be able to top up that fund, that is in addition to their usual film and television project funding. There will be further detail available on these new programs within this new funding very soon. We will continue to facilitate partnerships and connections to ensure that our creative and cultural sector remains vibrant and with strong growth.

I am going to try to be quiet now.

CHAIR - We will move straight to 5.1, Tasmanian Museum and Art Gallery.

Ms ARCHER - I might get Ms Carding up to the table then. Because of our special legislation we have a TMAG Board to which Janet reports.

Ms ARMITAGE - Some of the answers were given in your overview so that is a little bit less talking for you, minister.

Given the significant impact COVID-19 has had on this state, and I note the 375 000 visitor target for 2021, what measures are being taken to assist in reaching that target?

Ms ARCHER - Sorry, can you just repeat that?

Ms ARMITAGE - I can. The target for 2021 is 375 000 visitors for TMAG and I am wondering, considering the impact of COVID-19, what measures are being taken to assist in reaching such a high target?

Ms ARCHER - Because I'm about to lose my voice, I'm very happy for Ms Carding to start off and then I can fill in any gaps while I try to get my voice back.

Ms CARDING - So 375 000 visitors has been our target for some time and the year was so unusual and volatile that when we were asked if we would like to venture a new target, we said it's very hard to set a new target, leave us with the old target and we'll work through the year to understand what we can do in terms of the COVID restrictions and how we would work through that. Whilst we have seen a substantial drop - we had 264 000 visitors for the year that ended in June and we are relatively quiet at the moment - what we are finding is that we're getting very substantial digital reach. We are doing Facebook live tours every week at TMAG.

Ms ARMITAGE - I have some questions about your digital reach.

Ms CARDING - Great. What we're finding is that we are now looking at how we might reach that total of 375 000 visitors through a combination of through-the-door visitation, physical visitation and outreach and other means, but it is still early days.

Ms ARMITAGE - How would you rate the success of the pilot of virtual tours of the TMAG collections given the restrictions imposed during COVID? Do you believe there is a place for virtual tours and online interaction with TMAG exhibitions in the longer term?

Ms CARDING - We were very pleased. It was a rapid pivot - and we've used that term a lot, haven't we? - when we closed to move to virtual tours. By the third month, so between March, April through to May, we had seen a fourfold increase in the engagement and a threefold increase in the reach, so we were seeing substantially more people tune in.

It's very hard to get specific measures, especially at such a difficult time. For instance, sometimes we would have one login but we knew that was a teacher with a whole class of students. What we're doing this year is looking to improve that metric. To answer the second part of your question, I do think there is a long-term benefit. Particularly at the moment we're seeing increasing numbers of schools that are choosing to visit us virtually. We have one member of staff at the museum and they're talking to a class of students that might be at the other end of the state, but we've saved that travel and transport cost and we've dealt with the COVID restrictions.

Ms ARMITAGE - With all of the virtual tours, is there any concern that this might affect TMAG's bottom line at all? Do you charge for some of the tours?

Ms ARCHER - It's free entry to museum, but I'm not sure.

Ms ARMITAGE - I thought you might have some that charged, a bit like the TSO where some are charged to go online and listen.

Ms CARDING - We haven't put a charge on virtual tours at this stage. We've been able to do them by some simple redeployment of staff as part of their existing duties. I think it's fair to say that if it was something that we were to move into longer term, we would need to look to understand the funding mechanism and the business model behind that.

Ms ARCHER - I must say also nothing will ever substitute being there in person, but certainly as a resource to schools, it's a great resource.

Ms ARMITAGE - It's great for parents because they don't have to have children come down and stay over. They might start having virtual tours of parliament.

Ms ARCHER - It may actually peak an interest to then do an in-person visit.

Ms ARMITAGE - True. In the last year 47 per cent of TMAG visitors were from interstate, with 35 per cent Tasmanian and 18 per cent international. Given the current international travel restrictions, what plans does TMAG have in place to entice a greater percentage of Tasmanian local and interstate visitors? Do you have anything in place to try to bring more in, apart from the virtual tours?

Ms CARDING - We are planning two exhibitions that will open in the next few weeks. One actually opened last week and the minister very kindly came and launched that for us.

Ms ARCHER - A very exciting one.

Ms CARDING - That was an exhibition by Tasmanian artist David Keeling, and it was wonderful through a whole conjunction of events to have that land as our summer show. David is coming into his seventieth year and we were able to do a full retrospective for the first time for him as a Tasmanian artist.

Ms ARMITAGE - I recall it was sold out when we went to get tickets. It was good that it was oversubscribed.

Ms CARDING - Absolutely.

Ms ARCHER - You might remember that there was the Wolfhagen retrospective as well which was terribly popular, and a few others.

Ms ARMITAGE - It's great that they are.

Ms ARCHER - David's work is amazing.

Ms CARDING - The hope is that that will bring Tasmanians in to have a look and really appreciate David's art. He makes his art about Tasmania as well so the in landscapes he has captured, particularly in the north of the state, there are some really beautiful images from the national parks there.

Our second project, which opens in about two weeks time, takes different tack. At a time when you can't go around the world, we have come up with a very quick pop-up exhibit called Around the World in 80 Objects. These are from the TMAG collection and we are putting them in our central gallery. It is an opportunity to bring out things that tell a different story than the Tasmanian story we often tell, and our hope is that it will be a bit of fun and that locals will come in and take that virtual trip around the world. These are some of the things we are trying and obviously we will be marketing them.

Ms ARMITAGE - My last question, Chair, as my other questions were answered in the overview. The TMAG annual report states that there was a total engagement across TMAG's social media platforms of 60 736. I am just checking what that exactly means. Is that 60 736 individual people or is that just likes or views? How does TMAG determine meaningful

participation with and engagement with the online programs and how is this informing strategies to expand access to TMAG's programs in the future? How does that number stack up?

Ms CARDING - We use two different measures, one is reach and the second is engagement. Reach would be just that something appeared on somebody's social media feed so it might go past the page when they are in, but in order to actually have it count as engagement you need to view the Youtube video, engage with a like or comment on a piece and forward it onto somebody else, so that is the metric we are focusing on.

Ms ARMITAGE - An interaction.

Ms CARDING - Absolutely. We are quite careful to distinguish between the two and engagement is what we are really interested in, because reach is a little bit like walking past a shop but engagement is going in.

CHAIR - Thank you very much, a very good analogy.

5.2 Arts Industry Development -

Ms ARCHER - At the table is the Director of Arts Tasmania, David Sudmalis. I nearly said good morning then; I think you have well and truly sozzled my brain.

CHAIR - You should sleep well tonight. I will invite the member for Elwick, Mr Willie, to ask the first question.

Mr WILLIE - Thank you, Chair. In your overview you said Tasmania provided the most dollars per head of population for the support of the Arts sector during COVID in Australia. Are you able to provide the COVID stimulus spend for the creative cultural sector per head of population without recreation being included?

Ms ARCHER - We will take that on notice.

Mr WILLIE - This question is pretty similar to the member for Launceston's around the attendance targets. It dropped to 122 431 attendees in 2019-20 due to COVID with a target of 325 000 for 2021. Could you talk to the strategies you are going to put in place to attract audiences to visit cultural venues in Tasmania to get to that target?

Ms ALLEN - The story with regard to targets is a similar one to TMAG, so essentially we elected to maintain the target we had set pre-COVID because we want to be able to track and understand the impact of COVID. I guess there are a number of factors at play around what will influence attendance at venues. Obviously there are the gathering restrictions we are currently working within and is impacting the number of people you can physically get in a space and we are not clear what the trajectory will look like for that. Also, the capacity for artists and arts organisations to get back to work. There are some people who have been able to work through COVID-19 and others, such as the orchestra, that as part of what they do is get together as a large group of people.

We are seeing an emergence of performance activity and we have seen quite strong growth in the visual arts, but we have elected to leave that target as it would have been and understand what the influence of COVID-19 has been.

CHAIR - Any other questions? We are not leaving here until 7.30 p.m. What would you like to add? Some specific highlight for the Arts industry.

Ms ARCHER - Our recovery strategy we have released, perhaps David might want to answer that.

Mr SUDMALIS - I might introduce that and then hand it to you, minister, if that seems reasonable. On the 13 November, a few Fridays ago, the Cultural and Creative Industry's Recovery Strategy 2020 and Beyond was launched. It represents and supports the resilience and integrity of the arts and cultural sector, our colleagues in the screen and in the Tasmanian Museum and Art Gallery.

It provides support. It is not a strategy without attached funds. It is also a strategy rooted very much in the realism of its time. There is a recognition front and centre that the arts and cultural sector has been heavily and significantly impacted through the suppression measures regarding Public Health advice around COVID-19 and the term 'recovery' is central to the strategy.

Ms ARCHER - Yes, it started off as a cultural and creative industry strategy, now it is a recovery strategy and that is for 2020 and beyond. We have done that because there has been so much work that had been put into that and then COVID-19 hit and further work needed to be done. There was no point in releasing a strategy that did not then address the impact that the industry had and its recovery from this.

My Ministerial Arts and Cultural Advisory Council provided a lot of input into the strategy and then the recovery strategy. The process prior to that was there were a number of community and industry forms. I need not go into that at this point, but there was a significant amount of work done.

Then, because of the virtual environment, MACAC was able to meet virtually and that work continued on the strategy and morphed into a recovery strategy. I am really proud of the strategy. It is umbrella document that seeks to bring together a range of actions across the arts, screen, collection sector and the creative industries more broadly.

It aims to draw more attention to the work that happens here in Tasmania and shine a light on the contribution made by the sector to our community, not only economically, but socially. The social part of it is that new community fund I was talking about.

The strategy actions are based around three principles and they are enable, connect and share. We want to enable and supply opportunities by providing information, advice and funding. We want to develop relationships and connections amongst artists organisations and across sectors and want to champion our creative community through sharing their stories and work.

Part of the whole ambition of that recovery strategy is getting people working together and across sectors and utilising skills, advice and mentors. I encourage people it is available

online. It is a great document and it has been very well received by the cultural and creative industry community.

With the additional \$4 million in funding announced at the same time, it is a significant document that will go a long way to providing some assistance and, as I said, an umbrella document for everyone who participates in the industry.

CHAIR - Thank you. I am so pleased that I invited you to respond my request for information for the committee.

5.3 Screen industry development -

Ms ARCHER - Alex Sangston is the Executive Manager of Screen Tasmania.

CHAIR - Welcome, Alex. Minister, I know you gave a brief overview. Is there anything else you want to share regarding this important area of the arts?

Ms ARCHER - It is no secret that we are huge supporters of all of the sectors that sit within this industry, but also the screen industry is something that can project Tasmania to the world. It provides a lot of opportunities for emerging practitioners, and also opportunities for traineeships and to develop our own production industry here.

For a small state, we don't have the same large production companies and facilities, but what we do have is the incredible landscape and the beauty of Tasmania, and the stories of Tasmania, and the incredible talent that we have here in Tasmania - both in front of the screen and behind the screen as well.

I am proud of the screen sector and the work that Mr Sangston does in this regard, and he has a very good working relationship with our screen practitioners as well.

We must not forget that the gaming sector - in terms of games, not gambling - is part of our screen sector. We have been developing that sector really well in the last few years in particular, and in terms of them tapping into funding that is available through Screen Tasmania as well.

CHAIR - Thank you, minister. I would like to follow up on your suggestion or statement that we project Tasmania to the world. I absolutely agree, but would you consider that it needs to be factual? I refer to the support by the Tasmanian Government on behalf of the Tasmanian people to *Wild Things*, and ask are you comfortable that this particular documentary is factual, on behalf of the Tasmanian community?

Ms ARCHER - What I am comfortable with is the process that we follow, that is governed by the Cultural and Creative Industries Act 2017, which I might say was unanimously passed through this parliament.

CHAIR - Possibly did not know that we would be supporting not-factual documentaries.

Ms ARCHER - I would like a chance to explain this, because it is really important. We have an independent process, and that is that the Screen Tasmania advisory group assesses the

funding applications. Under that act, it provides recommendations to me as minister, and I sign off on those recommendations. As I have said, I have conducted a review of that.

This issue with this particular area is that there is a classification system. It is a national system, and that governs or regulates audiovisual things to a certain extent. Quite rightly, what it doesn't do is allow for political interference in that type of process, or in our decision-making. Certainly, with the cultural and creative industries in terms of this decision, the act limits the imposition of politics over arts funding.

I can get Mr Sangston to go through in more detail the process that the Screen Tasmania advisory group follows, but that body assesses each project on its merits against the program criteria, and provides recommendations to me. This provides dispassionate, expert advice at arm's length from political decision making which is appropriate and is to be celebrated. Simply because it is a film that is uncomfortable - and indeed uncomfortable for a government which supports the forest industry -

CHAIR - I didn't say uncomfortable - I said not factual.

Ms ARCHER - No, you described it as that. I am describing it in my words. It is uncomfortable for our Government that the film depicts protestors, but it is not just in relation to protests that occur in this state. It covers a number of other topics. It does not breach any of the guidelines. I have heard it described as a training manual; it is not, it is a documentary. As to it being factual - it is not narrated, it is vision of various activities, and that is what documentaries are. I am not quite sure what you're saying might not be factual with that.

CHAIR - It has been suggested that it is not factual.

Ms ARCHER - It is not a narrated film so I cannot see how vision of something that is occurring is not factual.

CHAIR - Obviously that is your view.

Ms ARCHER - I am wondering what you mean by not being factual if it is vision of real-life activity; whether we like it or not, that is a factual representation.

CHAIR - The forest industry has indicated it was disappointed because it wasn't factual representation, so I am following up on that particular avenue. That is your view; some may have a different view. If there is no issue with that, why doesn't the Tasmanian Government have its name against its \$50 000 on the donation list? Apparently, it was there originally and then it taken away.

Ms ARCHER - I will ask Mr Sangston to address that.

Mr SANGSTON - Through you, minister. Chair, the money provided by the Government through Screen Tasmania was \$50 000 as a production investment, it is not a donation. What you are referring to is, our website was replaced with a new website about four months ago and in that context -

CHAIR - So the Tasmanian Government conveniently disappeared,.

Ms ARCHER - I would ask you to allow Mr Sangston, sorry, Chair. He is representing what happened within the department and he has no reason to lie to this committee.

CHAIR - I am not suggesting it was a lie. I just made the suggestion that it conveniently disappeared. I will put that question to you, minister.

Ms ARCHER - It didn't conveniently disappear; Mr Sangston will explain exactly what occurred.

Mr SANGSTON - We took a decision - which was completely nothing to do with *Wild Things* or the production funding we had - that the list of projects we had funded had become too long. We decided to list only the projects we had funded in the previous 18 months and that meant the investment of *Wild Things* doesn't appear on the website. It still doesn't, but we are credited - Screen Tasmania is credited on the project and we are credited by the production on its own website, as is normally the case.

CHAIR - Minister, are you still comfortable that the Tasmanian Government made that \$50 000 investment in that particular *Wild Things* documentary.

Ms ARCHER - I am comfortable with our independent process that is required under the Cultural and Creative Industry Act to keep political motives out of decisions that need to be made at arm's length from Government. In relation to STEAG, it follows the guidelines, and it did in this instance. I have no reason to use any sort of discretion to refuse a recommendation because no discretion is unfettered. I would be subject to judicial review. I have gone through this and I have taken advice as well, and there would be no valid reason not to accept that independent recommendation. I don't have to like the subject matter - and I don't support forest protests - but that does not give me the reason to reject a matter for funding. It was not the total funding of this particular film - it sits alongside other financing partners including the Screen Australia, which made a higher investment; Screen Territory; Film Victoria; and Documentary Australia Foundation.

CHAIR - I have no jurisdiction over those particular areas.

Ms ARCHER - But I will say that these are largely based on economic decisions and a ratio of spend. The project was estimated to expend \$150 000 on Tasmanian goods and services during its production, providing eight Tasmanian film-makers with employment. That was one of the other factors that STEAG was required to take into consideration. I am comfortable with the independent process. I do not have to be comfortable with the subject matter of any film.

I will say that we can't reject things based on something depicting unlawful or alleged unlawful activity. To do so, it would mean we would not have funded *Rosehaven*, we would not have funded *The Gloaming*, and they are both highly successful series. I reckon if we went through films and television and looked at unlawful activities, there would be a lot of it. There is no way of restricting that type of thing on TV.

There is often uncomfortable subject matter in documentaries. It could be a documentary on heinous crimes, for example. We regularly see drug taking, which can be highly educational as well. It is a subjective decision as to whether or not you watch a film. The classification

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system allows you to make that decision based on violence and other classification categories that the act governs. But what it does not permit is political interference.

CHAIR - My final question in this area, minister, is in regard to the request to have the film screened. Now, I remember when the previous minister for Arts, the late Dr Vanessa Goodwin, organised a viewing of *The Kettering Incident* in the parliamentary reception room. I am interested, is that something that will be made available in the future?

Ms ARCHER - We do not have the film rights, do we?

CHAIR - Did we have the film rights for *The Kettering Incident*?

Ms ARCHER - I was not involved in that. Is anyone able to address that for me?

CHAIR - I am sure there is someone who has been around here long enough that would know that.

Mr SANGSTON - Typically decisions to make screenings available at Parliament House are usually done by the distributor. The agency would organise it, but the distributor has to provide the permission to do it because they are the people who have the right to distribute the film.

CHAIR - It has happened in the past while I have been here, but just the one time, and as I said, by the former minister for the Arts, the late Dr Vanessa Goodwin. It was well received by members of the parliament. Most of us are away from our families so we do not get to go home, it is a useful exercise.

Ms ARCHER - I have not received any such request, so I am not quite sure where that question came from, if it is supposed to make me look bad or not, I have not received that request. I am not quite sure what you are getting at?

CHAIR - I will follow up, but I believe there was a request.

Ms ARCHER - Not for viewing for all members of parliament, I haven't received any such request.

CHAIR - For a viewing of the film, not necessarily for members of parliament directly, but for viewing.

Ms ARCHER - I received a request certainly by an individual, I responded with the fact that I did not have the distribution rights. If I did, I would be breaking the law. As first law officer I am not prepared to do that.

CHAIR - That was exactly the response.

Ms ARCHER - And it is the correct response.

CHAIR - Thank you, any other questions in regard to that? We are going to be very fortunate and finish just six minutes earlier than our allocated time frame. Minister, on behalf of the committee, we very much thank you for your just six minutes shy of nine hours today.

Output Group 90
COVID-19 Response and Recovery

90.1 Cultural and creative industries support -

Ms PALMER - Minister, just to finish up the day, it has already been mentioned that the culture and creative sector is certainly one of the hardest that has been hit by the pandemic. Can you outline for us how the Budget will provide additional support to our individual artists and art organisations to recover from the impact of COVID-19?

Ms ARCHER - Yes. I have largely covered it.

CHAIR - In your previous answer when David was at the table.

Ms ARCHER - I think I did, but what I would like to say the reason I'm particularly excited about the community arts and cultural development is a brand new focus program, which is the \$1 million over two years that will deliver long-term improvements in social health and wellbeing.

Community arts is a level that doesn't necessarily make money or have that economic return some of our other funding streams provide, but it provides improvements to social health and wellbeing through partnerships that address health, disability, justice and education priorities between the arts and community sectors.

For a number of years, I've had a lot of people talk to me about the benefit of arts in the disability sector and I've seen it for myself. I recently launched the Mosaic Arts Festival.

Education which is a bit of a no-brainer and Justice also, we run a lot of arts projects that are both therapeutic and also have other benefits in our prison service. Health - it has obvious benefits to health, to people's mental health and it has done so during COVID-19. That particular fund provides those community connections, and we're currently developing the guidelines for that which we're hoping to release in December. I'm getting smiles so I hope that means that's on track.

Of course, the \$500 000 over the next two years, the top-up to the Screen Innovation Fund, is also an initiative I know Screen Tasmania is welcoming. Then, indeed, the Arts and Cultural Support Fund. We've had some funding for the events sector so, those supporting service providers or equipment providers that have suffered as a result of events and festivals not going ahead. This is a fund that will assist those who have had their gigs cancelled; we might refer to -

CHAIR - Which are many.

Ms ARCHER - Which are many, with the development of new projects. It's not only producing new work as we recover from COVID-19, but it's to compensate for cancelled events they may have had. This is dealing with those performers as opposed to the back-of-house.

Ms PALMER - Like ballroom dancers, minister.

Ms ARCHER - Ballroom dancers, exactly - a very good example.

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Ms PALMER - A very good example.

CHAIR - Some of those have had to send their wife to other employments. We sincerely wish the industry all the best in the future and we certainly acknowledge it is one area of our community that has been significantly impacted by COVID-19, and we wish them all the best for the future. Minister, again, thank you very much for your time today and you certainly gave fulsome responses to the questions that the committee presented to you.

Ms ARCHER - Thank you.

CHAIR - Along with your team of supporters, of whom there were many.

Ms ARCHER - There were. Thank you.

The Committee adjourned at 7.28 p.m.