

UNCORRECTED PROOF ISSUE

Wednesday 7 June 2017 - Estimates Committee B (Groom)

LEGISLATIVE COUNCIL

ESTIMATES COMMITTEE B

Wednesday 7 June 2017

MEMBERS

Ms Armitage
Mr Dean
Mr Finch
Ms Lovell
Ms Rattray (Chair)
Mr Willie (Deputy Chair)

IN ATTENDANCE

Hon. Matthew Groom MP, Minister for State Growth, Minister for Energy, Minister for Environment, Parks and Heritage, Acting Attorney-General and Acting Minister for Justice

Ministerial Staff

Sean Terry, Chief of Staff
Will Joscelyne, Deputy Chief of Staff (attending DPIPWE)
Adam Saddler, Adviser State Growth (attending State Growth)
Adam Foster, Adviser Skills (attending State Growth)
Mike Connarty, Adviser Energy (attending Energy)

Department of State Growth

Kim Evans, Secretary
John Perry, Coordinator-General
Bob Rutherford, Deputy Secretary, Industry and Business Development
Amanda Russell, Deputy Secretary, Business Services
Chrissie Berryman, General Manager, Workforce Development and Training
Alex Tay, Director, Industry Policy

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Department of Primary Industries, Parks, Water and Environment

John Whittington, Secretary
Tim Baker, Deputy Secretary
Adrian Pearce, Manager Finance
Peter Mooney, Deputy Secretary, Parks and Wildlife
Wes Ford, Director, EPA
Peter Smith, Director, Heritage Tasmania

Climate Change

Wendy Spencer, Director, Tasmanian Climate Change Office

Department of Justice

Simon Overland, Secretary
Nick Evans, Deputy Secretary
Kerrie Crowder, Acting Deputy Secretary
Ginna Webster, Deputy Secretary
Julia Hickey, Acting Director, Communications and Executive Support
Stephen Morrison, Director, Finance
Catherine Vickers, Director, Strategic Legislation and Policy
Neale Buchanan, Director, Monetary Penalties Enforcement Service
Wayne Johnson, Administrator of Courts (Magistrates)
Jim Connolly, Registrar, Supreme Court of Tasmania
Donna Spong, Registrar, Guardianship and Administration Board
Vanessa Fenton, Registrar, Mental Health Tribunal
Robin Banks, Anti-Discrimination Commissioner
Andrew Hawkey, Electoral Commissioner
Kim Barker, Public Guardian
Ann Owen, Registrar of Births, Deaths and Marriages
Catherine Edwards, Manager, Victims Support Services
Dr Graham Hill, Director, Legal Aid Commission of Tasmania
Jarrold Bryan, Project Officer - Single Tribunal
Pam Honan, Director, Community Corrections
Brian Edwards, Director of Prisons

The committee met at 9.00 a.m.

DIVISION 4

Department of Justice

Attorney-General and Minister for Justice

CHAIR (Ms RATTRAY) - Good morning everyone. Welcome, minister. Thank you for taking on the acting position while our friend and colleague, the Attorney-General, is recovering. We have always had a very strong relationship in this area with the Attorney-General, the

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honourable Dr Goodwin. She is probably watching and making sure that everything is going to plan. If she is, we wish her all the best and hope to see her again soon.

Minister, we will need to finish by 1 p.m. I have already talked to our team and we know that we have to be succinct with our questions and so the answers will need to be the same. We do not have the opportunity to have you this afternoon before the committee. I have allowed about an hour for Integrity, the DPP and the Ombudsman. We will need to finish with this part of Justice by around 12 p.m. That gives you a time frame. We will take a 10-minute break sometime this morning when I feel there is a gap.

For the committee, you have introduced yourselves to our newest member, the member for Rumney, Sarah Lovell. We have enjoyed Sarah being part of this committee. You know the rest of us.

Mr GROOM - I welcome Simon Overland Secretary, Nick Evans Deputy Secretary and Kerrie Crowder, Acting Deputy Secretary.

CHAIR - We invite you do the brief overview which I know you are happy to apprise the committee of.

Mr GROOM - I acknowledge that while it is an honour to be before the committee to represent the Government as the Acting Attorney-General and Minister for Justice, I take the opportunity to acknowledge the very significant contribution Dr Goodwin has made in this portfolio. As I am sure you would all appreciate, it is a portfolio very dear to her heart. She has an extraordinary commitment to justice in Tasmania, justice for the Tasmanian people and personally, she has done an extraordinary job in the portfolio. I acknowledge that.

I also thank everyone working across the justice system in Tasmania. Everyone would appreciate that it is diverse and complex in some of the issues that people are dealing with. In that context, I acknowledge the efforts of the department and all the courts, tribunals, agencies and the statutory officers. There are quite a few and they all do a very important job on behalf of the people of Tasmania.

In relation to a couple of key issues in the Budget this year, we have confirmed the additional funding of \$2.5 million allocated over two years to offset the previously expected reduction in the Commonwealth government's funding to the Legal Aid Commission of Tasmania and the state's community legal centres.

We filled the gap previously. We have recommitted to fill that gap. We have now had the Commonwealth change its position and provide some additional funding that has been earmarked to be directed towards matters relating to family violence and family law matters. We are having conversations with the Commonwealth in relation to the scope of that. We want to make sure that this money is used to the greatest possible effect in delivering community legal services to the people of Tasmania.

I acknowledge that as a consequence to the changes to the Corrections Act, which now allow victims of family violence to register as eligible persons, we have some additional funding of \$420 000 provided to the Victim Support Service over the next two years to maintain the eligible persons' register. The Victim Support Service will employ additional staff to manage the new and

expanded eligible persons' register. This is consistent with the Government's broad range of actions in relation to family violence.

We all recognise the very serious issue that we have as a community, not just in Tasmania, but around the country, and, around the world. It has been a very strong emphasis of the Government, the Premier and also Dr Goodwin in this portfolio. We will continue to do what we can.

I acknowledge that we recognise the need to reinvest in the ICT systems to make sure that they are fit for purpose and able to facilitate good communication between the courts, the police and also the prison service. That is why we have allocated \$150 000 this year for the preparation of detailed requirements for the redevelopment of the department's key justice ICT systems. We recognise that there will need to be additional resources applied to that. Further resources will be available from the Government's digital transformation priority expenditure fund.

I acknowledge that we have \$100 000 to continue the work in relation to the creation of a single Tasmanian civil and administrative tribunal, which will bring together a number of the tribunals under the jurisdiction of the Department of Justice. I recognise it is complex and it will take time, but we remain committed to that effort. We are also committed to doing what we can to relieve some of the pressures on the courts and assist with the backlog. It is in that context that we have \$1.9 million over the course of the next two years to cover salary and related costs of the five acting judges who have been appointed to the Supreme Court, and other associated costs to smooth the operation of court processes. It is important to acknowledge that this funding extends to the Supreme Court and the Legal Aid Commission of Tasmania, recognising that there will be flow-on consequences.

We acknowledge that there has been additional funding provided to the Office of the Director of Public Prosecutions to meet the costs of this initiative. Overall this will have the effect of reducing backlog of criminal trials and appeals. We are committed to doing what we can to make sure that we are reducing those backlogs. We all recognise that justice needs to be as timely as possible. It is a very important basic principle. From conversations we have had with the court and the Chief Justice, we are also giving consideration to other initiatives that could be pursued to provide further relief and assist with that backlog.

As the committee would appreciate, there has been a heavy legislative agenda this year. We have had six bills tabled this year: the expunging of historic convictions; expanding the provisions relating to rape; providing a mechanism for dealing with neighbourhood disputes over plants, one very dear to the heart of Dr Goodwin -

CHAIR - And not entirely simple either.

Mr GROOM - No, these things are always more complex than they seem in the first instance - providing for the mandatory minimum sentences for child sex offences; and providing for more comprehensive court security. We have quite a number of additional bills that we are proposing to table through the balance of the year. It is busy from a legislative perspective.

CHAIR - It certainly is a busy agenda that you have outlined. We talked quite a bit with the Premier yesterday around the Safe at Home program and rightly so. Some of the figures that were shared with the committee were quite alarming, particularly the numbers of children involved in family violence. It was more than 1000; it was quite confronting when members heard that.

Mr GROOM - One of the things that has been a step forward is the fact that we are talking about it more. This has existed for a long time. It is a positive for the community that we are talking about it more. When you see the statistics, it is horrendous. We collectively have to do the best we can to make sure perpetrators of violence are held to account. There are very clear messages sent to the community this type of behaviour is very serious and unacceptable, and then providing support to those impacted through those types of actions.

CHAIR - We will get to Legal Aid. It is welcome news around the state's support and the Commonwealth have finally realised they need to chip in and continue that program.

Mr GROOM - We want to make sure the scope is to be settled which gives the best possible outcome for the delivery of legal services in the state. We welcome they have recommitted additional funding.

CHAIR - And those most in need of that support.

Mr GROOM - Yes.

CHAIR - Actually access support. Thank you and we will get to that line item a little bit later.

The ICT is an interesting one. The justice system needs an all encompassing system so everybody is talking to everyone. I am pleased we having a focus in that area and then you talked about the backlog in the justice system. Timeliness is everything. People's lives are on hold with these matters. It is a big issue. Thank you for that overview. Some of those areas will be touched on. I wrote down some key points and we might get through the output groups. We may leave a couple and if we have time at the end we will come back. Members have a really strong focus on some particular areas of this portfolio. Thank you and we appreciate the words you provided to our colleague the Attorney-General, Dr Goodwin. She has been a champion in this field.

Output group 1-Administraion of Justice

1.1 Supreme Court services -

Mr DEAN - I have a general question. I do not want to upset the minister from the word go as I did yesterday, but I will start with a general question on the upper House position in relation to the infamous letter. Will you comply with the detail coming out of that decision in the upper House to release the infamous letter to an independent person, the choice of the Premier and the choice of the upper House President?

Mr GROOM - Mr Dean, I understand why this is a matter of interest to and your position, but the Government has made its position clear. The Government will not be changing its position.

CHAIR - He does not look at all upset either, so we might continue.

Mr DEAN - No, he does not. The increase in budget for the five acting judge positions -

CHAIR - There is a lot of acting going on here.

Mr DEAN - When is it expected they will start? Who are the five judges and how will that take place? Will you will identify -

Mr GROOM - They have already started. I will go through the list. We are fortunate we have some quite eminent people. We have the honourable Brian Martin AO QC, the former chief justice of the Supreme Court of the Northern Territory.

Mr DEAN - This is the reason I asked it, is he living here?

Mr GROOM - No, they live interstate but attend as required in order to meet their commitment in relation to their part-time engagement. What is important about this is we have been able to secure such eminent people to perform this role. Part of the feedback is to make sure that we have people who have good, broad experience, who are able to deal with things quickly. From my perspective, the quality of the people, if I can go through the list as it is important.

Mr DEAN - Yes, go through the list.

Mr GROOM - I hope I get the pronunciation of this right. The honourable Lautalatoa Pierre Slicer AO QC, who will be very familiar to us all, is a former judge of the Supreme Court of Tasmania.

CHAIR - Is that his Samoan name?

Mr GROOM - It is, yes. He has taken on a Samoan name.

The honourable Shane Marshall, who might be well known to a number of people, was a former judge of the Federal Court of Australia and the Supreme Court of the ACT; the honourable David Porter QC, a very well known former judge of the Supreme Court of Tasmania; and the most recent appointment was the honourable Bernard Bongiorno AO, former judge of the Supreme Court of Victoria, who is very highly regarded. I know that from my former practice in Victoria. It is a very eminent list.

These appointments follow the passage of the act which was put in place to enable the appointment of part-time judges. The five acting judges will supplement the existing six full-time permanent judges, plus the associate judge. The acting judges have commenced duties with sittings commencing on 27 February this year.

Additional funding of \$1.326 million of over two years has been provided in 2017-18 to fund the additional salary operating costs of the court for the appointment of the five acting judges. The acting judges have been sitting intermittently on criminal and civil appeals and some interlocutory matters. Arrangements are in place for some of the acting judges to deal with routine criminal trials and pleas in the near future. The idea is that they be used in a very targeted way in order to relieve some of the time pressures that would otherwise interfere with the permanent judges dealing with more substantial matters.

It is expected that the utilisation of the acting judges, along with other practice changes, will assist in reducing the backlog of criminal trials and appeals. The acting judges are also available to backfill if any of the permanent judges are on leave. That is another one, where the permanent judge goes on leave, we now have backup support to fill the gap.

In the conversations I have had with relevant people - and I will not go into the details of individual conversations - this has been well received. It has been part of the package. The way it

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has been explained to me is there is no silver bullet for this. There are a number of practical approaches that can potentially help relieve some of the backlog. We have seen some improvement in the backlog we have been experiencing. We believe this is a very helpful initiative.

Mr DEAN - I take it that they will be paid a similar salary to our current judges here on settling back cases, is that right?

Mr GROOM - It is similar but on a pro rata basis.

Mr DEAN - I take it they will also be paid for travel, as in the case of the Northern Territory judge. That will be on top of salaries. There will be travel, accommodation in this state -

Mr OVERLAND - That is right.

Mr DEAN - and will that happen with the Victorian judge and the judge from the ACT?

Mr OVERLAND - He will be based in Victoria, Mr Dean.

Mr DEAN - Yes, right.

Mr GROOM - The full-year projected annual cost for the acting judges' remuneration is approximately \$403 000 for the year.

Mr DEAN - What would be the cost of employing an extra judge here?

Mr GROOM - A seventh?

Mr DEAN - We had an estimate on that, it is about \$600 000, but these are more flexible appointments. If you appoint a permanent judge, then they would hold that position through to the age of 72, so it is a long-term thing.

My understanding is that the cost has been estimated to be in the order of about \$600 000, but the other advice I have had since acting in this position is that while that is one option, the issue is more complex and some of the flexibility that we have with part-time judges is to help the piece. From my perspective, based on the information I was given, I would not see these as substitutes, that is to say, the alternative is that you are putting on a seventh judge and do not have the acting judges. The acting judge has been a very important initiative. It is still early days to see what impact it has. We will continue to monitor this and have ongoing conversations with the Chief Justice to identify any other practical ways we can assist. The Chief Justice is very focused on this issue, as is the court broadly. We are very focused on the backlog.

Mr DEAN - The 2016-17 target is set for courses pending that are older than 12 months, which is 29 per cent of the cases. I want a number. We talk about percentages but it means nothing. What number of cases does the 29 per cent amount to? Are you on target to meet that?

Mr GROOM - We have seen a not insignificant improvement in the civil backlog.

Mr DEAN - We will get to that in a minute, but I am talking about in criminal -

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Mr GROOM - That is right. That has improved. The criminal case backload is more challenging. Part of the problem is that we have an increasing number of more complex prosecutions. In some instances, some of the drug trials are very complex, having quite technical points of law. That has contributed quite significantly to some criminal case backload. Over the past three years, the total pending criminal caseload as at 30 June each year has increased from 348 to 381.

Mr DEAN - There are 381 currently pending cases older than 12 months. Is that it?

Mr GROOM - From 30 June last year, 381 is the most recent figure. It has increased from 348 to 381. As at 31 March 2017, the pending criminal case load had increased even further, to 465. There has been a further jump in relation to the criminal load.

Mr DEAN - Even with those extra acting judges, the workload has continued to increase?

Mr GROOM - The acting judges are very recent.

Mr DEAN - They started in February.

Mr GROOM - That is right, that commenced in February. Our expectation is that we will see some improvement against that figure of 465. The estimate is that as at 30 June, the end of this month, the figure will be down to 450. You are starting to see a reduction in that number. In the last reporting year, the number of cases in the backlog decreased for the category 'Older than 24 months'. The really old ones reduced from 34 to 28. The number of cases in the backlog increased slightly in the category of 'Older than 12 months', from 107 to 110.

Mr DEAN - As the budget papers show, even in this coming year, 2017-18 year, you set a target of 29 per cent of the cases. Once again, numbers are what really matter to people. You still set a similar target figure to the one you had set in 2016-17, even with these extra judges. I wonder why that is the case.

Mr GROOM - You are right, the performance target for the criminal backlog in 2017-18 is to have no more than 29 per cent of cases older than 12 months. This is consistent with the current performance levels of last year, so 28.9 per cent.

Last year's target of 15 per cent was an attempt to get closer to the national report on government services target of 10 per cent. However, such target appears unrealistic, as only one of eight jurisdictions nationally claims to be able to achieve the ambitious target.

We recognise this is a very difficult issue. It is going to take time. There are a number of factors that impact, as I mentioned before. You have the increasing complexity of some of the prosecutions. An increased amount of bail coming through has had an effect. You have longer preparation time. You also have issues in relation to the availability of defence counsel and witnesses. All of these factors add to this issue but we are very alert to it and are seeking to do all we can, acting reasonably, trying to reduce that backlog.

Mr DEAN - How many of those 450 we have on the books now are in custody and how many are on bail? Are any of those on the pending 24-months position in custody?

Mr GROOM - To answer the first question, about 80 per cent would be on bail.

Mr DEAN - If you could put stuff like that into numbers, that is 80 per cent of about 450 are on bail. People prefer numbers rather than percentages. Anyway, I can work that out.

Mr GROOM - For cases older than 24 months.

Mr DEAN - So 20 per cent are in custody, older than 12 months?

Mr GROOM - We can get that breakdown for the ones older than 24 months.

Mr DEAN - I take it that the acting judges would be concentrating on those who are in custody and have been in custody for 24 months or longer. What would be the person longest in custody over the 24-month period? What would be length of time they have been in custody for over 24 months?

Mr GROOM - I will have to take that on notice. We can follow that up.

Mr DEAN - It seems to me to be a pretty interesting situation that should be the case.

CHAIR - We understand how important this area is, Mr Dean.

Mr DEAN - It is. If you look at the pending cases in the civil jurisdiction, you mentioned that, so what is happening there? There is a similar position there.

Mr GROOM - We have had some improvement in relation to the civil cases. There are different complexities in relation to the civil cases. With the Supreme Court, there are currently no delays in civil cases awaiting trial. Civil matters can usually be listed for hearing before a judge within three to four months of being certified as being ready.

There has been some suggestion that our position is strong when you compare it to some of the other jurisdictions where sometimes you can have delays of up to 18 months. You have to remember with respect to civil trials that there is a lot of influence in the timing of a civil case by the litigants. The court tries to manage it through case management but nonetheless, the litigants themselves can have a big impact.

Backlog figures show that over the past three years, the number of pending non-appeal cases has remained relatively constant. The age profile of pending cases shows that there were 34 per cent of civil non-appeal cases older than 12 months as at 30 June. That figure was 33 per cent as at 31 March this year.

The age of cases older than 24 months at the same date were 9.2 per cent and 9 per cent, respectively. Statistics show that while 9.2 per cent of civil cases are not resolved after two years, this result is within the national targets.

The court's clearance rates for civil cases in the last full reporting year of 2015-16 was 103 per cent, meaning that the court was finalising more cases than were being lodged. Some factors that contribute to the low backlog of civil cases are the effectiveness of mediation. This is a very important thing. It is part of an active case management to have a facilitated mediation process. The advice I have is that about 65 per cent of cases are settled through that mechanism. It is quite

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significant. The pre-trial management of cases by the associate judge to ensure that the matters are prepared for trial efficiently is a very important function and often underrated.

Mr DEAN - With the extra judges that have been employed, how many extra staff does it identify that will be needed? Are they employed on a part-time basis? Or are there no extra staff needed?

Mr GROOM - We have one extra associate.

Mr DEAN - The position is full time?

Mr GROOM - Yes, full time. Then there is a redeployment of other resources.

Mr DEAN - So it simply means the employment of one additional position only, no more.

Mr GROOM - I mentioned before that the annual projected cost for the acting judges is approximately \$403 000 per annum.

Mr DEAN - Does that include the extra position?

Mr GROOM - Yes, that is the point I am making. Other non-salary costs for judicial supports are met from consolidated revenue and the Supreme Court budget allocation. The four-year projected annual costs of acting judges support is approximately \$260 000 for things such as security, associate attendance, transcribers, ICT impacts, juries and witnesses' costs, travel and accommodation. That is the breakdown.

Mr DEAN - So in effect it amounts to about \$600 000-odd for the extra judges.

Mr GROOM - It does in terms of the flow-on cost. As I already mentioned, it has the flexibility so we can use five acting judges much more flexibly than we can one. That is the point. I am not saying that there is no case here, but I am making the point that to just have another one and not have acting judges, misses some of the flexibility that the acting judges can offer.

Mr DEAN - In the criminal jurisdiction, how many cases are there before the Supreme Court under 12 months? We are told that it is about 450 over 12 months.

Mr GROOM - The most recent statistic we have for less than 12 months is 271.

Mr DEAN - So about 700-odd cases are before the courts in round figures. How many of those people would be in custody?

Mr GROOM - About 80 per cent would be on bail.

Mr DEAN - Have the judges - and I know they have previously - discussed other methods of bail, such as electronic bailing and so on? Have they raised that, rather than keeping people in custody? Has that been raised in any of the jurisdictions?

Mr GROOM - We are open to ways that we can be more efficient when it comes to bail. Bail is presenting challenges, just because of the volume of bail applications that are now before the Supreme Court. We are contemplating further bail reform as we are concerned about bail. There

has been national concern about some of these matters because of particular incidents. We recognise this. From my perspective, I have had some engagement with the Chief Justice in trying to identify ways that we might be able to make bail more efficient.

Mr DEAN - What stage are you at with this reform? Does the reform look at electronic bail?

Mr GROOM - I cannot give you a precise answer to your question, but generally we are trying to find ways that make it more efficient. In relation to bail reform, we are still working through the advice from the department.

Our concern about bail is to ensure that there is an appropriate regard to potential risk to public safety in the decision. Our jurisdiction, as I am sure you would appreciate, Mr Dean, is a little different from other jurisdictions in that we still largely rely on the common law tests. In other states, they have the statutory provision which lists the factors considered. We are looking at the potential for a statutory test, with emphasis on the need to maintain public safety.

In contemplating that reform, there is potential for there to be additional caseload when it comes to bail. We acknowledge that. It re-emphasises the point you are making. We need to make sure how it is done and can be more efficient. We are open to ideas how it can be more efficient.

Mr DEAN - Last year we talked about the improved technology police have now in bringing matters before the courts. Now in operation for some time, we were expecting more guilty pleas through the Supreme Court and court jurisdictions. Is that occurring? Are there any patterns on the plea in criminal courts?

Mr GROOM - We are probably better off getting data we can get. I am happy to take that on notice and see what patterns we might be able to identify.

Mr DEAN - Has the workload increased across all areas of the criminal court? If it has, what is the increase?

Mr GROOM - The broad trend would be regrettably increasing. With the criminal caseload of the Supreme Court there are bail issue and the sheer complexity of the cases. The number of witnesses involved and some of the technical matters that have to be considered as part of the trial process. In terms of lodgements, in the Magistrates Court, the number of adult criminal lodgements increased by 3 per cent in 2016-17. If you make the comparison back in 2012, that is a significant increase. Back in 2012-13 there were 15 876 lodgements for adult offenders and in 2016-17 there were 18 127. A significant increase.

The youth lodgements are slightly down. They are up year on year 2016-17, 2015-16 but if you compare it to back in 2012, they are down but adult lodgements are up significantly.

Mr DEAN - With youth, that correlates with the diversionary conferencing and other systems, it does not mean less offenders in youth.

Mr GROOM - No, it means it is being managed more effectively.

Mr DEAN - They are in court but are diversionary conferenced or cautioned or whatever else happens. What about coming into the Commonwealth Court. The extra load -

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Mr GROOM - Into the Supreme Court?

Mr DEAN - Yes, into the Supreme Court?

Mr GROOM - Chair, we invite Jim Connolly, Registrar, to the table. It is a very important role - underestimate the Registrar's role at your peril.

CHAIR - We do not under estimate Jim's role at all.

Mr DEAN - Minister, what is the workload within the criminal court and would like the panel to know the last two to three years.

Mr GROOM - The lodgements in the Criminal Court, the Supreme Court.

Mr CONNOLLY - The criminal lodgements in the financial year 2015-16 were 449. That was slightly lower than the previous year, which had a lodgement number of 469. The projections for the current year indicate that total lodgements will increase to approximately 520. That is an increase of about 11 per cent. By category of offence that we are looking at, the increases -

CHAIR - You knew that Mr Dean would be on this committee, didn't you, Jim? You knew what the questions would be.

Mr CONNOLLY - I had some anticipation of that.

Illicit drug offences have had an increase in the number of lodgements and -

Mr GROOM - Jim, can you explain to the committee the complexity of some of the cases that are coming through? This is the point that has been emphasised to me: it not just the sheer numbers of commencements but it is actually the complexity of some of the cases.

CHAIR - Can we have those by category first, Jim, before you talk about the complexity? Thank you.

Mr CONNOLLY - Sure. The three that occurred to me in looking at the statistics are that increase in the lodgements of illicit drug offences in the previous year, for example, the financial year 2015-16, there were 58 matters lodged. In the current financial year to date, we have had 80, for example, so there is an increase there. The next highest category is the category of theft and related offences. Where, in the previous year, there were 20 lodgements, there were 44 in the year to date.

CHAIR - Jim, would the theft-related ones be because of the drug and alcohol issues? Do they correlate with each other in that respect? Is that what you understand, minister?

Mr CONNOLLY - They normally do.

Mr GROOM - I would assume so. I do not have any proper data on it but it would make sense to me that they are connected. Jim, can you talk about the complexity? It is an important point.

Mr CONNOLLY - Sure. No doubt the Director of Public Prosecutions will be able to elaborate on this later in the day.

Mr GROOM - Yes.

Mr CONNOLLY - The apprehension of offenders on illicit drug offences these days often involves a lot of surveillance device work, and also the analysis of financial data by forensic accountants to follow the money from the sale of illicit drugs. That can lead to a lot of disputes in court as to the admissibility of certain evidence. As a unit of work, each trial that involves charges of illicit drug offences takes longer to get from start to finish than it would have 20 years ago.

Mr DEAN - For the member for Launceston, none of those offences fall within the categories of mandatory sentencing at all. I am just passing that on.

Ms ARMITAGE - Unnecessary.

Mr DEAN - It is absolutely necessary.

CHAIR - We are not going to have a debate at the table about that.

Mr DEAN - Are we seeing many family violence situations getting into the criminal jurisdiction?

Mr CONNOLLY - I have not done any specific analysis on that but I imagine it would, as a result of the Government's strategy on resourcing the focus on family violence and the number of people charged. We do not specifically identify the matters that come through the Supreme Court as specifically family violence. We treat them just as part of the general cohort of violent offences like assaults, grievous bodily harm, wounding and that sort of thing.

CHAIR - Did you give us that third area?

Mr CONNOLLY - The third area I just noticed here, in homicide and related offences in the financial year 2015-16 there were nine offences there. There are 17 in the current financial year, according to my statistics.

Mr DEAN - It is up to 17?

Mr CONNOLLY - The financial year to date.

CHAIR - Up from nine to 17.

Mr DEAN - Yes.

Mr CONNOLLY - Yes. They are not necessarily principal offenders. That would also include people who are secondary offenders who might have been an accessory, for example. There has not necessarily been a spike in the number of murders but people charged out of the number of events -

Mr DEAN - I do not know how up-to-date your figures are but that might be 18 or 19 now.

Mr CONNOLLY - Yes, within the last month, I think.

Mr DEAN - There may have been another couple since then as well. That is high for Tasmania, isn't it? It is unusual.

CHAIR - Minister, it is a complex area. Over the years, the committee has been apprised of that information. Sadly, we continue to hear that it is the state of play.

I take you to your ICT Justice systems announcement? You talked about the whole of Justice and the money to be spent on that. Will that be across all jurisdictions? Will we know what is happening in other jurisdictions? Considering the world we live in, we are not immune to being involved. Will we be able to access other jurisdictions' information through this ICT system?

Mr GROOM - When you say other jurisdictions, do you mean interstate?

CHAIR - Yes.

Mr GROOM - I will defer to Mr Overland to provide more detail but we acknowledge and recognise that we need to reinvest in ICT systems. At the moment, Tasmania has less than the optimal system, which can have an impact on the efficiency of communication within the jurisdiction, among the courts, police, and the prison service. It can have very real consequences. Reinvesting in ICT services has been a heavy emphasis of the Government, not just in Justice, but across government. It is an important point for government as, typically, it has under-invested in historically. It is important that we recognise the very practical impact we can have in spending money in these areas.

We have \$150 000 in this year's Budget to design an upgraded system. Then we have a further fund that we can access to implement the upgraded system. This is very important. By having the most up-to-date ICT system we can, we will be best placed to be able to communicate with anyone, including other jurisdictions. I am not sure we can make a comment beyond that.

Mr OVERLAND - At the moment, connectivity in court systems is not good between states and territories. Some early work is being done, mainly in the domestic violence space. You might remember the National Domestic Violence Order Scheme. Legislation was passed in Tasmania to become part of and to support that scheme. Work is underway at the moment to create a national database that will link police and court data.

CHAIR - So we can identify people who move around.

Mr OVERLAND - Correct. The idea is that if a person is subject to a family violence order issued anywhere in Australia, that order will have Australia-wide coverage. That means if an order is issued in this state and that person goes to Victoria and there is an incident there, the family violence order issued here applies. That then means we need to ensure the police in Victoria know about that order and its details. Equally, the legislation provides for the Victorian court to deal with any breach. The courts will need to know about the order.

That work is happening now. It is being done by what was CrimTrac but has now been merged into the Australian Crime Commission to become the Australian Criminal Intelligence Commission, a new organisation. It is a national organisation, funded jointly by the states and the Commonwealth. The commissioners of police for all jurisdictions sit on the board of that body. They are leading this work. This work is seen as a forerunner for future work that might be done in other areas; for instance, bail and parole orders. Once we have the technical capability to provide

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a national database for court orders and information, then it has potential to be extended to cover other things. At the moment that is in theory. The practical focus is around the domestic violence orders.

CHAIR - What is the timeframe to fully implement something like this? Or is it too difficult to pinpoint a timeframe? It sounds really practical and would be helpful.

Mr OVERLAND - The timeframe here or nationally?

CHAIR - The timeframe for us all to be connected.

Mr OVERLAND - We have some connectivity now. The work we will do here improving our own systems will help. That would allow for a lot of that data flow to be automated. Once the data is put into the court or the prison system here, there is a capacity to upload directly into the national system. That is what we are working towards. The timeframe to create national capacity is being staged. The early phase will still require jurisdictions to input the data in a variety of ways. Some jurisdictions are further advanced than others. For instance, New South Wales pretty much has an automated system that applies right across the justice system. That includes police and court data. They are probably further down the track. Victoria still would require data manual entry.

CHAIR - They have a few issues in Victoria.

Mr OVERLAND - They have a few issues. We are probably somewhere in between. In terms of improvements that will be made to the ICT here, that will assist in the national overlay. The bells and whistles national system is probably three to five years away. These are very big complex systems, technically complex and very expensive.

Mr GROOM - The situation in other states is relevant to us when you are talking about national issues.

CHAIR - We are not that far away.

Mr GROOM - No. With serious crime for example, or sadly the emerging terror threat, it is important we have confidence in national systems in relation to this. It is a very important area the Tasmanian Government is keen to pursue.

CHAIR - New Zealand was our second or third highest number of visitors to Tasmania. Do we have a relationship with New Zealand in this regard?

Mr GROOM - In terms of the sharing of information? Yes, we do.

Mr OVERLAND - Yes, there are well established protocols around sharing of criminal history records between New Zealand and Australia.

CHAIR - I thought we had a better relationship. You do not actually have to pay to get out of New Zealand any more.

Mr GROOM - I am sure they get the money out of you somehow.

CHAIR - They did. Any other questions in this area?

Mr DEAN - In relation to the Supreme Court, criminal courts in Launceston, Burnie, and Hobart, what are the security issues? Are there any security issues being addressed or required because of recent situations?

Mr GROOM - Last year, following an incident, the Supreme Court reviewed its security and infrastructure and procedures. The aim of the review was to enhance existing security arrangements for the safety of all professional court users and members of the public. In response to the review, the Government, in last year's budget, committed \$450 000 for capital works and \$120 000 per annum for additional security staff for the next four years. The funds have been directed at a number of facilities. These include the installation of metal detector and baggage scanning equipment in Hobart, Launceston and Burnie, security officers permanently stationed at screening locations, modification of the Hobart criminal building reception area to enable the more efficient use of security officers, criminal courtroom modifications in Hobart, including the installation of a gate between the public gallery and the wall of the court in courts 7 and 8, Perspex barriers on the dock and the perimeter between the public gallery and the wall of the court to impede unauthorised access and CCTV cameras to provide a whole-of-courtroom view.

In Launceston the following upgrades have occurred: new two-way radios have been obtained for improved communication between court staff and the Tasmania Prison Service; CCTV cameras have been installed to provide a whole-of-courtroom view, in the main entrance and holding cells; and the number of security officers has increased.

As part of the ongoing improvements to the security of the court we have had an internal security committee to oversee security management improvements. The committee holds regularly meetings with the office of the DPP and the Tasmania Prison Service to review and pre-empt security issues.

We have formalised and developed procedures for liaising with Tasmania Prison Service and Tasmania Police, including obtaining two-way radios that use the same system as the Tasmania Prison Service for good communication with the cells in Hobart.

We will continue to strengthen the lines of communication with the Magistrates Court to assist with risk assessments. We have also enabled the provision by Tasmania Police of remote access to its live CCTV images in the event of an emergency so a view of the courtroom and the precincts can be seen for the purposes of any emergency response.

There are a number of further practical actions such as these that are underway and need further work, but it is fair to say it is a very significant focus. We need to recognise, for many reasons, in the current climate we need to be very mindful of court security. It is very important that we provide safe work environments for those who work in these environments. It is very important that members of the public feel safe coming into the courts to observe. Many people have to participate in these processes. It is a very strong commitment by the Tasmanian Government.

Mr DEAN - Have there been any breaches in the criminal courts since that incident last year?

Mr GROOM - I am not aware of any.

CHAIR - Thank you very much. We will move now to Magisterial court services and Mr Dean.

1.2 Magisterial court services -

Mr DEAN - It sounds like I am hogging the show.

CHAIR - We know you have a keen interest and a high level of understanding, and nobody is game enough to take the line items off you.

Mr DEAN - No, that is right. They did not but there were offers.

If I could first have a look at the KPMG Report, the review in relation to the Magistrates Court, which I understand has been released. I understand it is being considered and we will likely see some changes in relation to some of the issues raised by KPMG. Can you take us through that, and what significant changes are we likely to see within the magistrates courts?

Mr GROOM - We are still in the process of considering this.

Mr DEAN - That report has not been made public at this stage, I take it. Will it be made public?

Mr GROOM - I think it has been made public.

CHAIR - We have been fairly busy in the House.

Mr GROOM - I understand that. The Government is closely considering recommendations contained in the report which include legislative changes to improve the management of civil and criminal proceedings, streamlining administrative and electronic processes, and redefining the current organisational structure. There are a number of points that are relevant there.

We were commenting in the context of the Supreme Court. The administrative processes of the court can make a big difference in the speed and the ease of people using the system. We always have to recognise the need for improvement. This report has made a number of recommendations. Similarly, on the management of the court as an overall entity there have been some recommendations made for improving some of the organisational structure. We are going to give very careful consideration to that.

We are taking a number of immediate actions to respond to the issues raised in the courts. We have appointed a fixed-term general manager to drive and implement any required changes. Priority actions will be taken to revise the current remand in custody procedures, including a focus on sharing information between the Supreme Court, the Magistrates Court, Tasmanian Prison Service and Tasmania Police. There is the point again of communication. This will address issues raised in the review of the Magistrates Court as well as the recently released KPMG Audit Sentence and Remand Order Processing Order Report, recognising the need to improve our ICT systems and communication between all the different entities.

We rejected Recommendation 8, the consolidation of the courts on the north-west coast. The Government's view is that access is important. We took the policy position that we did not believe it was appropriate to consolidate those courts until we have confirmed that we will maintain a two-court structure on the north-west coast. We are continuing to consider our position. I can confirm

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that it has been publicly released and provided to relevant stakeholders. We are keen to hear people's thoughts as we consider our response to it.

Mr DEAN - What was the cost of that report?

Mr GROOM - The cost of the report was \$22 723.

Mr DEAN - You gave me some numbers from the magistrates court. Is the target set for 2016-17, this current year, likely to be met within the criminal jurisdiction of the magistrates court?

Mr GROOM - The target of what the current figure is? The question is?

Mr DEAN - You have set a target of 30 per cent only of outstanding cases. Will you meet that target? Where is the court running at this time?

Mr GROOM - There is a slight upward movement against the target. The backlog figures in the criminal division have shifted slightly. The percentage of pending cases over six months' old as at 30 June 2016 was 30.4 per cent, which was decrease on the 2015 figure of 32.3 per cent. As at March this year, the figure has increased again to 33.2 per cent.

Mr DEAN - Have you any numbers for cases in that category?

Mr GROOM - We have pending caseload numbers.

Mr DEAN - Do you have the numbers of pending cases older than six months?

Mr GROOM - Yes. As at 31 March 2017, older than six months but less than two months was 1234, up from 1014 in 2016; greater than 12 months old is 424, up from 409 in 2016 so there a slight upward movement.

The proportion of pending cases over 12 months has decreased from 30 per cent at 30 June 2016 to 11.4 per cent at 31 March 2017. To 31 March 2017 there has been an increase in cases between six and 12 months old. The combined figure for cases over six months old has increased. There is a slight movement up.

Mr DEAN - Do we have any of those people in custody? What is the situation?

Mr GROOM - Penny Ikedife, Administrator of the Magistrates Court. Penny, are you able to talk about the number of people held in custody versus those on bail in cases pending?

Ms IKEDIFE - I am afraid I do not have those figures. You would appreciate there are a number of people with a mixture of complicated offences.

Mr GROOM - We could take that on notice.

Mr DEAN - If I could as that is significant. What is causing most of the issues with the increase in petty sessions? Is it similar to the other court, drugs perhaps? I would suspect, in that court, family violence would be a significant issue.

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Mr GROOM - I imagine family violence would be a significant factor here. Do you have any figures on that?

Mr DEAN - Do you have any figures on the increases in family violence issues coming into the petty sessions?

Ms IKEDIFE - I can give you the information from the court's annual report. The 2015-16 figures, the number of family violence order applications lodged was 1129, up on the 2014-15 year of 909. Restraint orders, which can include family relationships, the 2015-16 numbers of applications was 1135, down on the 2014-15 year of 1223.

Mr DEAN - They make up the majority of cases coming in for the petty sessions, is that it, creating the increase we have seen?

Mr OVERLAND - There would also be criminal charges. At the moment that can be a little bit difficult to work out. Often the charge would be assault or damage property. It could be a range of offences not specifically tagged as family violence offences. You would probably be seeing some increase there.

Mr DEAN - Can we be given again - I know it changes daily, it changes hourly - the number of current matters within the petty sessions not older than six months, the current matters before the petty sessions? The minister indicated, in the initial figures, there is an increase also for the magistrates court.

Mr GROOM - Yes.

Ms IKEDIFE - The adult criminal?

Mr DEAN - Yes, we are talking about adult at this stage.

Ms IKEDIFE - The cases not older than six months, at 30 June 2016, 5165. At 31 March this year, 5611.

Mr DEAN - That is an increase, what was the previous year figures?

Mr GROOM - By way of clarification, the numbers I referred to before are in the civil jurisdiction. Penny is giving you the criminal jurisdiction. The basic position is the same, there has been a slight increase.

Mr DEAN - Do we have the number of bail breach charges coming into the petty sessions?

Mr OVERLAND - Just to be clear, Mr Dean, there is no offence of breaching bail. It would be additional offences whilst on bail, I think, is the question you are probably asking.

Mr DEAN - If that is the way we can look at it, is that a figure kept by the court? How do we know that relates to offences committed while breaching bail? If you have those figures, that would be good.

Mr GROOM - We will have to take it on notice, Mr Dean.

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Mr DEAN - It is an area that concerns me.

Mr OVERLAND - Tasmania Police might have some of that data. I have spoken to the commissioner in the past about this, but we will have a look and see what we can provide for you.

Mr DEAN - I ask the same question here as I did before. Magistrates have previously raised with me that they need more bail options. Is that a current issue within the magistrates courts, minister? In other words, looking at other bail options, once again electronic monitoring for offenders rather than keeping them in custody.

Mr GROOM - We want to look at this sort of issue more broadly. As I indicated before, we are trying to achieve multiple things in the area of bail. On the one hand, we want to make sure we are properly taking into account the threat to public safety. We all recognise the serious importance of that. At the same time, we want to make sure that we are doing it efficiently. That is very important as well because of the potential impost this can have on the court processes. Nick, in terms of electronic monitoring in the context of family violence, do you want to talk to that?

Mr EVANS - There are a couple of real-life projects happening at the moment to implement electronic monitoring in this state, as a bit of a forerunner to testing its applicability for bail and other purposes a little further down the track. We are working with Tasmania Police on a project on the monitoring of family violence offenders, which is funded by the Commonwealth government. That is a joint project between us and them. Sometime within the next 12 months that will come to fruition and some people who are on family violence orders will be able to be monitored. Also in the context of the -

CHAIR - Can I get some clarification of 'some people'?

Mr EVANS - Yes.

CHAIR - Is that their distance away from the city or what is the - ?

Mr EVANS - That is what the project is now looking at: who are the right people to monitor in this context? They will be people -

CHAIR - The criteria for that?

Mr EVANS - Yes, that is right. They will be people whose orders require them not go within a certain distance of another person. But exactly the criteria that would apply to that need to be sorted. As Penny has talked about, the numbers of people on family violence orders is large and we cannot monitor all of them. Also, there is work underway in the context of the Government's proposal to remove suspended sentences and the sentencing option of home detention being introduced. It is the intention that later this year that legislation will come before parliament to allow home detention with electronic monitoring to be introduced. The intention is at this stage that would be operative from 1 July next year. That will give us a good understanding and a good guide of the applicability of electronic monitoring in a broader context, including bail.

Mr DEAN - Thank you for that.

CHAIR - We did talk with the Premier yesterday about some of those issues when we talked about the Safe at Home program. The committee has an interest in and focus on this area.

Mr DEAN - Can I go to the Youth Justice Division now? Again I ask that question, in 2016-17, are we going to meet the target that is set, that is, 20 per cent of cases only not dealt with? I wonder what cases would fit into that category with young people not having their cases dealt with in shorter than a six-month period.

Mr GROOM - I appreciate the question. The advice I have is that some of the issues with the extended time frame for completion of cases can be as a consequence of the therapeutic approach that has now been adopted by the court, that is, alternative ways of dealing with these matters. In terms of the statistics, I can confirm that as of 31 March, there were 319 pending cases in the youth justice division.

Mr DEAN - Older than six months?

Mr GROOM - Yes.

Mr DEAN - Less than six months, 319. Older than?

Mr GROOM - Older than six months but less than 12 months is 54, and then greater than 12 months, 13. The greater than 12 months category has come down very substantially if you compared to 30 June 2015, 3, whereas it is now down to 13. The combined all, greater than six months is down substantially to 67, down from 122 in 2015. Those older cases have come down, but some of these statistics are impacted by the new approaches adopted by the court.

Mr DEAN - Most of the bail or conditions -

Mr GROOM - Very few would be in custody.

Mr DEAN - Look at the workload within the civil division and coronial division. Coronial division has a target set at 30 per cent. The civil jurisdiction target for this year is 35 per cent. Are there enough magistrates to deal with the cases currently in all jurisdictions, across the Magistrates Courts area? Are these backlogs -

Mr GROOM - This is one of the issues we have to look into, and raised in the KPMG review. We have not reached a position. The caseload has continued to increase slightly. In relation to the coronial division, to the year to date there have been 48.9 deaths per calendar month compared to 47.3 deaths in the last year. The increase in caseload for the year has been more than matched by the increase in cases finalised per months. There were 44.1 cases closed compared to 41.2 cases in the previous year. There has been some improvement there.

Mr DEAN - The pending coronial cases currently now before the coronial division?

Mr GROOM - Currently, to 8 May, is 604, and at the same time in 2015-16, 555 cases. Go back to 2014-15, it was 518, so there has been an increase in the caseload. Cases of less than 12 months have come down. Less than 12 months is 261 cases. It has come down compared 2014-15 with 346. The older cases continue to be an issue, so cases between 12 and 24 months, as at 8 May this year was 254. Compared 107 in 2014-15. Cases older than 24 months is 89. Compared to 2014-15, it was 65 cases. The older caseload backlog is still an issue that needs to be worked through. We are seeing better clearance in relation to that less than 12 months.

Mr DEAN - The greater majority of those cases would be ready to proceed? It takes time for the coroner's court to get all the information and evidence and there would be a lot of these could proceed now. This is a family situation where families are extremely upset their matters are still outstanding and have not been determined and so on. Has any effort been made to reduce that number to a manageable level?

Mr GROOM - We are very alert to this. We want to carefully consider the recommendations of the report in this regard. We recognise the importance of securing better outcomes. As is the case with all these issues, it is important to understand the complexity of the people we are dealing with. When it comes to some of the older cases, in some instances they are dealing with very complex medical evidence. You can spend a long time having experts investigate and report. Often they require the doctor who assists the Coroner to review hospital files, which can be complex. Another process to consider is whether, for example, a different course of treatment might have resulted in a different outcome. Sometimes these questions can be very complex.

In these more recent statistics, some that are older than 24 months involve medical cases. In total, at 4 May 2017 there were 42 current medical cases which have some of this more complex work.

Mr DEAN - For those people involved in this, what is an acceptable level of outstanding coronial issues. Over the past two to three years, it has gone up to 604. Is there a time when we get to what is happening in the criminal court and we say, 'Enough is enough. We need to now start working on reducing those figures rather than letting them increase'?

Mr GROOM - We are at the point where we recognise we have to get a better outcome from a timeliness perspective. We are focused on this. This was the subject of the report and we are currently considering it. It is important that people understand that you can be dealing with very complex matters. It is not straightforward. The other point, with respect to some of the cases, is that may be reliant on other agencies undertaking investigations. You could have a flow-on impact. For example, Worksafe Tasmania may be involved, so sometimes you could have to wait for - as Mr Overland indicated - toxicology results. They can need quite detailed forensic work. It is complex; the main point is that this is not a straightforward jurisdiction.

Mr DEAN - Thank you. I have heaps of questions, but I will leave it.

CHAIR - There are always heaps of questions but we have the opportunity on the floor of the House to continue to ask these questions.

Mr Finch, can I ask you to address your mind to the support and compensation for victims of crime.

Mr FINCH - Minister, fluctuations in the forward Estimates are explained as an increase with additional funding of \$420 000 for the Eligible Persons Register. How do people become eligible for this register? I realise that Safe Home - Safe Families has come more strongly into the equation, but who would be on that register? Who would be eligible for compensation as victims of crime?

Mr GROOM - The changes we made to the Corrections Act provided the capacity for a victim of family violence to apply to be listed as an eligible person under the register. As you have indicated, we have applied additional resources in order to meet the additional cost of this.

Mr OVERLAND - The criteria are spelt out in the act. Victims of violent crime have been able to register, but they have also been able to apply for compensation orders for what has happened to them. As the minister said, the recent amendments now extend this to victims of family violence in terms of being able to register. This means that they are kept advised on the release dates of the person who has offended against them. That can be important as often offenders can be released on day release ahead of full release. They will often go back to the community in which they live. The victims will often move in those same communities so they need to know that the offender is likely to be out and in that vicinity. Ultimately, when they are released, they are forewarned so that they know exactly what is happening. Then, if need be, they can make whatever changes they want to make to their life or take whatever action they want to take to try to keep themselves safe.

Mr GROOM - It is important to note also that there are ongoing support services available to victims of crime through the Victims of Crime Service, including how people are the subject of family violence. The service provides assistance in the provision of victim impact statements and in assisting them through the process of a criminal justice action and further support for victims of family violence before and after the court processes. It has that support function.

Mr FINCH - Does the application for support by a victim of crime occur after the court process has been completed or is it during that process, maybe at the end of that process?

Mr GROOM - I will call Catherine Edwards to the table, the Manager of Victims Support Services.

Mr FINCH - I would like to dig a little deeper into the number of people who have made application for this and when they actually apply to get support from this allocation of money from the Government.

Ms EDWARDS - In respect of victims of crime compensation? Certainly. For the reporting period ended 30 April this year, there were 371 applications lodged. Victims can initiate contact with our service at any time at an early stage. On occasion we do get victims who contact us as soon as they have reported an offence to Tasmania Police.

Generally, the determination compensation awarded by the Criminal Injuries Compensation Commissioner will happen after the court proceedings have been finalised. That then means that the entire police file and any comments of the judge on passing sentence can be provided to the commissioner. That does not always apply. For instance, there may be situations where an offender is not identified, but it is not necessary for a conviction to be recorded for a victim to be entitled to criminal injuries compensation. Certainly victims are encouraged to initiate contact with our services at an early opportunity.

Mr FINCH - There is an eligibility process that takes place if somebody is a victim of crime. Do they need to discover that they are eligible or is there some instruction that comes through the legal process?

Ms EDWARDS - Victims Support Services receives a large number of referrals from a wide range of bodies. We receive a high number of victims who have been referred to the service by Tasmania Police. There are also victims who are referred to the service from bodies such as the Legal Aid Commission, Sexual Assault Support Service, and the Women's Legal Centre. There are

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a wide range of networks and agencies that work with Victims Support Services to assist victims in the community.

Mr FINCH - So somebody who is a victim of crime will be informed as to whether they are eligible to make an application?

Ms EDWARDS - We do have victims who will initiate contact with the service and will identify as victims of crime. They may not necessarily have been in contact with a support service. It is a combination of people who self-refer and victims who have been referred from other support services and networks.

Mr FINCH - I am interested in the quantum here and it is substantial, over \$5.5 million this year and ongoing until 2020. I want to have an understanding of the quantum of the expenditure that might occur. I imagine it would be a fluctuating figure. You would not always know that we are going to use \$5 585 000 this year, full stop, and then no more is paid after that. Do you have a top-up situation or do you have a situation where you might not reach the expenditure of that figure? There might be some carry over to the next year? How much is actually used?

Mr GROOM - I will hand over to Catherine.

Ms EDWARDS - There is an initial appropriation or allocation into the fund each year, of \$2 million and currently Reserved by Law Funding of \$1.5 million. The amounts of funds required to be drawn from Reserved by Law Funding will depend on the amount of funds paid out in the form of the victims who require compensation in any given year. Monies may be transferred across, for instance, from the confiscation office account. It does vary each year.

Mr FINCH - Can you give some idea of, in the last couple of years, how much has been utilised or expended?

Ms EDWARDS - The average award at 30 April was \$14 642. The average award has trended up in more recent years, due to the number of historic cases of child and sexual abuse referred.

Mr FINCH - Do you have any idea of the total number, rather than the average?

Ms EDWARDS - For this year, the number of awards finalised as at 30 April is 169 awards.

Mr GROOM - It is about \$2.5 million. If you take the number of cases finalised by the average, it is \$2 474 498 million.

Mr FINCH - All of the allocated funds have not been used?

Mr OVERLAND - The fund is maintained, Mr Finch, so whatever is paid out is essentially replenished, so there is money in the fund to ensure the payments can be made.

Mr FINCH - I wanted to have an understanding of that. I want to look to a court order recently with a convicted murderer. There was a compensation to a woman involved with a hand injury of a million dollars.

Mr OVERLAND - That was a civil case.

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Mr FINCH - That is quite separate to this victim of crime?

Mr OVERLAND - That offender happened to have significant assets, so there was a civil case taken against him.

CHAIR - He could have settled for a lot less but he chose to go to court and pay the price.

Ms ARMITAGE - Regarding an appeal - last year we were discussing the possibility of appeal through the Ombudsman as opposed to the Supreme Court. Has that progressed? I have last year's here where the Attorney-General was to talk to the Ombudsman about the possibility.

Mr GROOM - That might be in the context of the RTI legislation.

Ms ARMITAGE - No, it was in this area. You do not recall?

Mr GROOM - There was an issue raised in terms of appeal an RTI case, which involved the Ombudsman, is that what you are referring to?

Ms EDWARDS - My recollection was it was a question around review of a termination.

Ms ARMITAGE - So it is not an appeal for people that do not meet the requirements?

Ms EDWARDS - The decision of the commissioner is final. There is an avenue to a judicial review in certain circumstances. In recent years a rare occurrence and a rare number of applications to judicial review.

Ms ARMITAGE - What is the number in the last financial year? How many have applied that were not successful in their applications.

Ms EDWARDS - For the reporting period to 30 April this year, there were five cases where the commissioner determined that no award would be made, following a hearing or decision on the papers. There were a further six cases where no concessions were made. That is to say the jurisdictional requirements of the act were not met.

Ms ARMITAGE - And they have no opportunity to appeal?

Ms EDWARDS - No, other than through judicial review on limited grounds.

CHAIR - So 169 were paid out and there were 11 - five plus six - that were not eligible.

Mr FINCH - Did you say there is an appeal process available to people?

Ms EDWARDS - It is a judicial review.

Mr GROOM - It is not an appeal per se. It is a more constrained basis for questioning an administrative decision.

Mr FINCH - The forward Estimates go through to 2020 for Safe Homes - Safe Families. Is there any expectation at the end of that period that this will continue at this level of funding? It is crystal ball stuff, is it?

Mr GROOM - I am not in a position to pre-commit future budgets. I do not think the Treasurer would appreciate that gesture. I cannot give any firm answer to that question.

I can say that this is a very strong commitment of the Government. We recognise that out in the community this is a big issue. It is very constructive that as a community we are starting to talk about it more. Through that conversation, there is a greater acknowledgement now of just how prevalent these types of issues are in our community, the flow-on impact that they can have for victims and the flow-on impact they can have more broadly. We have to do all we can as a government. Frankly, it is not just about governments, it cannot just be about governments.

CHAIR - It is about the community.

Mr GROOM - It is about the community. We have to call behaviour out. We have to recognise the very serious impact that this type of behaviour can have. From the Government's perspective there is a very serious commitment. You have seen that reflected in the actions of the Premier and also right across the Government as it has been relevant.

Mr FINCH - I remember in earlier budget Estimates there was not the strength in this output in previous years. It is very strong now, which is good to see.

Mr GROOM - It is reflecting the community.

CHAIR - It would be a very brave government of any colour to pull this program, I would expect. A comment, not a question.

1.5 Legal aid -

Ms LOVELL - Minister, can you advise how many family violence lawyers are currently appointed to Legal Aid?

Mr GROOM - I will call Graham Hill, the director of the Legal Aid Commission, to answer some of these questions.

Dr HILL - They are found in two programs. There is the Safe at Home program, which serves to get a family violence order to protect people in the state courts. We have three full-time employee lawyers in that program. Then there are also family violence duty lawyers, who operate at the Commonwealth Law Courts as people move beyond the state into the Commonwealth sphere. There are two in that program.

Ms LOVELL - Can you confirm for me whereabouts in the state they are located? Is there one in each region, or at least one in each region?

Dr HILL - With Safe at Home there is one in Hobart and one based in Launceston who does go to the north-west. The third one is an outreach Safe at Home lawyer who moves around the state. In the Commonwealth Law Courts, there is one based in the Hobart Family Law courts. The one in Launceston does the circuit to Burnie.

Ms LOVELL - So the target for approved Legal Aid applications in 2016-17 is 6350. Are you on track to achieve that target?

Dr HILL - No, I do not think we will get to 6000. As at 30 April 2017, we were 3729 for the year.

Mr DEAN - Is that an increase on previous years?

Dr HILL - Over the full financial year, we fell short of 5000 in the previous financial year. We were at 4300 at 30 April. There are a lot of grants going on at the moment with extra Supreme Court sittings. We would be tracking for slightly more than the previous financial year.

Ms LOVELL - The target set for 2017-18 is significantly lower. Why is there a decrease?

Dr HILL - I do not know why it would be set lower. The amount of money that we will have for grants of Legal Aid will actually be at a higher figure than it has been for many years.

Mr GROOM - It is returning it to that historical number, isn't it? They are good questions. Why would 2016-17 be higher? Do you know the answer to that?

Dr HILL - No, I do not minister.

Mr GROOM - The 2017-18 targets are pretty consistent with those for 2014-16. I am wondering whether there was a reason. I am not familiar with that myself.

Ms LOVELL - If the grants are at the highest level they have ever been, why is that target not higher than previous years? You would expect there would be a correlation there.

Mr GROOM - We can follow that up.

CHAIR - Can we have that information, if it is available? The committee would appreciate the opportunity to look at that. The performance information is something that members go to, to do a comparison.

Mr GROOM - Yes that's right.

Ms LOVELL - Obviously you welcome the additional funding over the next two years. Are you able to guarantee that with this additional funding the level of service currently being provided will continue? Or are places such as the Launceston Community Legal Centre, which been struggling to afford to hold on to their lawyers, going to continue on the path to losing jobs?

Mr GROOM - No, that is not our objective. Our objective is to make sure that we maintain our service delivery. When you talk about 'the new funding', are we talking about state or Commonwealth funding.

Ms LOVELL - Commonwealth funding.

Mr GROOM - From the state's perspective, we provide top-up funding. It was about \$2.43 million over the course of the next couple of years. We want to ensure it is used for legal aid as well as community legal services so that we continue to deliver good legal support for Tasmanians right across the spectrum.

UNCORRECTED PROOF ISSUE

We welcomed the additional funding from the Commonwealth. They have changed their position, as you would appreciate. The additional funding from the Commonwealth has an emphasis on family violence and family law matters. We are currently engaged with the Commonwealth to understand the scoping of that properly. We understand, respect and appreciate why the Commonwealth wants to give this focus on family violence matters.

We also want to make sure we are not unduly constrained. That as a consequence we are not able to access our important funding services delivered through Legal Aid or community legal centres in Tasmania. That is part of the ongoing conversation with the Commonwealth.

We do welcome they have changed their position and we have additional funding.

CHAIR - I take you to the telephone advice line calls. Our notes tell us that area will be fully staffed and hence the target has increased in 2016-17 to \$23 650, yet the 2017-18 target is back to \$17 000. Are we going to have less staffing of those call centres?

Dr HILL - No. We do not anticipate fewer staff in the telephone health line. We are developing on-line legal chat which will enable people to make enquiries through email rather than a telephone call. The research interstate shows about 25 per cent of callers to the telephone help line, would prefer to use on-line legal chat. We launched a new website on 12 August last year. Page use of that website has gone up and as there is a lot of legal information on it this has reduced the need the telephone calls.

CHAIR - I suggest that performance measure needs to be reassessed to reflect the email on-line component. It makes it more realistic, otherwise they are really of not much value.

Mr GROOM - To reflect it. That is a good suggestion. It is going to be an increasing component of the service delivery and is a fair point.

Mr OVERLAND - Legal Aid needs some recognition for the development of their on-line service. We have extremely good feedback for the quality of the revamp of the website, including the accessibility issues. Often, people seeking legal aid may have issues around literacy and numeracy, but a fantastic amount of work was done to redevelop the website and make it much more user friendly and accessible.

Ms LOVELL - Some clarification: the on-line chat is an actual chat with somebody on the other end to get advice, rather than over the phone.

Dr HILL - Yes, that is correct.

CHAIR - That could be added there. In the past, neighbourhood houses and community houses have always had a legal aid component available in their services. Is that still happening? That is where they meet with the legal aid officer in some of my smaller communities.

Mr GROOM - Do you mean they come in?

CHAIR - They come into there. Is that still happening if we are going from on-line chat are we using our neighbourhood and community houses?

Mr GROOM - This is a good question but also take the point in acknowledging the phenomenal effort of the Legal Aid Commission of Tasmania. It is important people understand the sheer volume they deal with.

In the last year, up to 30 April 2017, they provided 4319 face-to-face lawyer services. We have already referred to the telephone advice line referrals. A significant effort in processing the grants. They provide very important service to the people behind the Mental Health Tribunal and Guardianship and Administration Board. All these examples are extremely difficult issues, often with a lot of emotional turmoil or people going through very difficult periods and we should recognise that. We acknowledge services they provide to victims of family violence through the Safe at Home Program. In addition, Chair, to your point, they provided last year 178 community legal education events reaching 6747. That is on top of all the other work they are doing. It may be that is connected to the question, I am not sure, but that is providing community legal education. They also provided 492 mediations of high-conflict family law disputes.

Anyone who has had any exposure to the family law jurisdiction would understand just how difficult those issues are. All of these issues are difficult, but having had some very basic exposure to it myself in an earlier life as a lawyer, I will say -

CHAIR - Glad you clarified that.

Mr GROOM - Yes. Where families are ripped apart, it is one of the hardest things. Performing that mediation function has a very significant impact on outcomes in relation to these disputes, which not only are important for the families involved, but these things have flow-on impacts into the broader community.

I am pleased to acknowledge the effort the Legal Aid Commission has made in the context of its online activity. It is significant to note that they had 353 331 page views on their website last year. It is performing a very important function, providing fact sheets, YouTube videos and animations with authoritative legal information. The website has a very positive reputation.

CHAIR - Thank you very much, minister. I am sure the committee agrees wholeheartedly. We see those people needing that support in our offices from time to time. We understand very much the good work that the Legal Aid office does. On the strength of that, I will suspend the sitting and invite everyone to a cup of tea down the hall. We will be back at 11.05 a.m. to finish our last hour before we head into the Integrity Commission, the DPP and the Ombudsman.

The committee suspended from 10.52 a.m. to 11.08 a.m.

CHAIR - We will recommence. I remind members that we need to keep our questions brief and the answers relatively brief. We know that is a difficult, minister, but we hope that we can get through these output groups. Can I take you to 1.6, Protective jurisdictions.

1.6 Protective jurisdictions -

CHAIR - The Mental Health Tribunal and the Guardianship and Administration Board both come under these areas. I take you to table 5.3, which gives us some percentages for the

Guardianship and Administration Board. Under 'matters commenced within the statutory time frame', we have 75 per cent. Can we have the numbers relating to that 75 per cent?

Mr GROOM - For applications received, as at 30 April 2017 there were 354 new applications received and 833 matters listed for hearing before the board. The hearings include over 300 applications to review current orders. There are also emergency applications. The board has received and determined 453 emergency applications. There has been a gradual increase in the number of emergency orders made annually.

Then there is the enduring guardian instrument registration. The board has received 1945 registrations for enduring guardianships to 30 April 2017. Overall there are over 28 300 instruments registered, which reflects the volume of work through his jurisdiction. The income received as 30 April 2017 for enduring guardian registrations and revoked instruments is \$94 299. Two appeals received by the board have been finalised in the Supreme Court during 2016-17.

Under section 72 of the Guardianship Administration Act, there is a requirement that the board commence a hearing for an application within 45 days after the application is received. From 1 July to 15 December, the board had complied with this statutory requirement in approximately 36 per cent of new applications received. As at 30 April 2017, this has increased to 50 per cent. It is a difficult requirement but they have improved.

CHAIR - Sadly, mental health is a growing area. May I have the number of mental health matters that have been dealt with by the tribunal?

Mr GROOM - There has been a steady increase in the tribunal's workload continuing into 2016-17, with an estimated fourfold increase in the workload of the tribunal since the act began. Under the previous act the tribunal conducted approximately 450 reviews per annum. In 2015-16, the tribunal held 2155 civil hearings, making 1622 orders, including interim orders and variations to orders. It also held 55 forensic hearings. It is estimated that the tribunal will make and review in excess of 2550 orders in 2017-18. This compares with an estimated 2300 for the current financial year. This is a significant workload.

CHAIR - Is there enough time for appropriate consideration, given the workload and the number of hearings?

Ms CROWDER - They increased the number of sittings so that there is enough time to hear a case. They are not decreasing the time allowed for cases.

CHAIR - Is the increase in sittings for the tribunal why we have the significant increase in the payment to the board? Do we see the increase staying on the same trajectory?

Mr GROOM - I am not sure we can say we will see it on the same trajectory but it is fair to say it will continue to have a high volume.

CHAIR - Unfortunately, it is what it is. It is a reflection of our community that is what is required and we meet the needs. In your assessment, are we meeting the needs of the community?

Mr GROOM - It is important; it is a significant issue in our community. The anecdotal evidence suggests that is a growing problem. I do not think it will go away.

From our perspective, and the advice I have received to date, we have the resources necessary to deal with it. It will continue to have resourcing pressure. It is one of the reasons the jurisdiction has focused on finding efficiencies in processes and in how they manage the workload. This is a requirement across all courts and tribunals by virtue of the sheer volume that we are dealing with.

1.7 Equal Opportunity Tasmania -

Ms LOVELL - Are you able to provide a breakdown on the types of discrimination complaints Equal Opportunity Tasmania has received?

Mr GROOM - We are going to have to take that on notice.

Ms LOVELL - To clarify some data on page 118. The first line, complaints received compared to the number of complaints finalised, I am curious as to why the number of complaints finalised is higher each year than the number of complaints received, and why there is a drop then for the target for 2017-18?

Mr GROOM - That would be working through a historical overhang, a backlog.

Ms LOVELL - Is there a current backlog?

Mr GROOM - I would imagine there would be a backlog, but it is being worked through.

Ms LOVELL - The target for 2017-18 is 150 complaints received and complaints finalised 150. Does that mean that there will be no catching up on the current backlog in the next financial year?

Mr GROOM - It is a reflection of the work done in relation to the backlog. There has been a particular focus of Equal Opportunities Tasmania, so it is now starting to even out. We are trying to match matters dealt with, with matters coming.

CHAIR - The education sessions? The number delivered in the previous year was 216. Can you tell me where and what format that education delivery takes place?

Mr GROOM - It is across a spectrum, so local government – 16; state government and GBEs - 49; private enterprise - 35, community sector organisations - 20, schools, colleges and tertiary education institutions - 83, unions and industry bodies - 2, and training calendar sessions, including updates in relation to the legislation - 11.

They are the figures for 2015-16, I shall get the figures for 2016-17 up to 30 April.

CHAIR - The target is 250 for that.

Mr GROOM - It is not a complete year, so this is up to 30 April. Local government has been 8; state government and GBEs - 19; private enterprise – 25; community sector organisations – 19; schools, colleges and tertiary education institutions – 46; unions and industry bodies – 2; and training calendar sessions - 11.

CHAIR - Then it can meet the 250 target.

Mr GROOM - It looks like it is a bit shy.

CHAIR - Do you know if there is any reason for that?

Ms CROWDER - The educator that runs the programs resigned and so have a lag to fill the positions. There was a stopping of education for a period of time.

Mr GROOM - They are not full year statistics.

CHAIR - It is still going to be difficult to meet the 250 target, even meet the 216 in previous years.

1.8 Elections and Referendums -

CHAIR - Mr Hawkey will be pleased to know that I am not asking the lead question. I have had the tissue box here for every comment that has been made during the hearing so far.

Ms ARMITAGE - I will start off noticing that in latest election for the Legislative Council, your target was 85 per cent. I think you have come fairly close this time.

Mr HAWKEY - Yes, we ended up with all three divisions actually over 84 per cent - 84.2 per cent for Launceston, 84.4 per cent for Murchison and 84.4 per cent for Rumney.

Ms ARMITAGE - They are getting close to your target. I guess all the advertising and education is working.

Mr HAWKEY - We think so. What we have done to encourage returns, especially in regional areas, is to expand partly our pre-poll centres. Following on from Rumney, where we had three short-term pre-poll centres as well as the city's, we extended that this year. For Launceston the middle of the city had one major one, but Murchison only had the Burnie one for three weeks, but had two days in Queenstown and four days before the public holiday in Smithton. For Rumney, along with Hobart and our office in Moonah, we had two days in Nubeena and two weeks in Sorell.

This is good on two points. One is that it helps raise the profile within these communities for the Legislative Council elections. Last year, we saw a compound effect in St Helens, that it was more than our estimate that we got across the pre-poll and the polling day. Also, with our concerns about Australia Post and the postal delivery system, this provides broader access for people who cannot vote on polling day in those areas.

Ms ARMITAGE - That is good. Regarding the war - it is not really a war, the transition - what is the cost of the transition? Where are the costs being borne? I guess it is initially for the transition but also, when it comes into effect, for offices that may need to move. At the moment, and the member for Apsley no doubt will speak, that office is located at Scottsdale. The new division of McIntyre, where it is at the moment, it would have an office in Scottsdale and an office in Deloraine. One office will have to move. Who is going to bear the costs and what are the likely budgetary effects of that going to be?

Mr HAWKEY - From the tribunal's point of view, we have a budget for the transition and the redistribution process, which is a reserved-by-law item. It was \$141 000 this financial year and further funding for next year. The other issues, my understanding is that it is a parliamentary one,

not an electoral redistribution. The areas under the redistribution are set under the act. The rules about setting out the process of defining new boundaries of transition and any consequences of any member that may have lost or a shortened term, this legislation was set up in 1995 when the House went from 19 to 15 members. That was the breadth of that legislation which the tribunal administers. As to the broader questions, my understanding is that would probably be the parliament or the House's discussion, or maybe the Government's, I am not aware.

Mr GROOM - Unfortunately it is outside of my jurisdiction; I think it is a DPAC committee.

Mr FINCH - I have always been enamoured with the way the Electoral Commission lets the community know, and it has increased those opportunities to let the community know about elections times and what is happening as far as the Electoral Commission is concerned; it is very good. With these recent changes to the Legislative Council, there are people who are now in different electorates. Will there be a process of informing people about the new lay of the land and where their next opportunity for voting, et cetera, might lie?

Mr HAWKEY - Yes, there will be. Historically we have written a letter out to any elector who may have changed boundaries. We will be looking at that. We may also be looking at other forms of advertising. We will have things on our website, such as looking at 'Who represents you?', which is one of the things on our website. We are possibly looking at the two layers of where things have transitioned from one to the other.

The other important thing to note is that a federal redistribution is currently underway for the five Tasmanian House of Representative divisions and, conventionally, the state parliament follows and adopts those rules. That is due to be determined about 14 November 2017. It is partly an issue of timing as to how one process ends and the other begins, but we will try to provide a coordinated approach. Under the current arrangements, people living in Scottsdale have not only moved from Apsley to McIntyre, but they are also, on the proposed boundaries at a federal level, moved from Bass into Lyons. I fully acknowledge that this is a significant change for a lot of people. My estimate is that about 83 000 Legislative Council electors have moved. We know Murchison has taken a little bit of Montgomery, and so on and so on.

CHAIR - Just a couple of streets.

Mr HAWKEY - It is a significant process. I agree that the tribunal, firstly, and also the commission should look at some serious needs for communication.

Mr FINCH - Has a date been set as to when the Legislative Council boundaries are to be finalised?

Mr HAWKEY - The boundaries are determined already. That happened on 20 May 2017. There are two phases to the redistribution process. One was on the numbers: what are the new boundaries and should names be changed? That process was completed on 20 May 2017, following that further redistribution. Immediately following that - on that day in the newspapers with a full page of the boundaries - it called for public submissions in relation to the transition arrangements. The secondary process, now that we have the new boundaries and the new names, is the process of ensuring the allocation of members of the current system to the membership of the new.

In 1998 that was a significant process because we went from 19 to 15 members. In 2007 it was very small because there was some general boundary areas in certain areas but in all cases over

75 per cent of electors from the current moved directly into the other. None of the names changed so it was not a major process at all.

Under this process two current Legislative Council divisions were technically abolished and replaced by McIntyre and Prosser. This transition process is all about determining how the transition happens from the current boundaries to these newly determined boundaries.

Mr FINCH - When will members who are affected know where they have landed?

Mr DEAN - And the process you have to work through to get to that?

Mr HAWKEY - Currently we are effectively up to step 8 in the process which is under section 29A, the enquiry into the transition arrangements. This will be on Thursday and Friday this week, one in Hobart and one in Launceston. Then the tribunal is required under 29D, E and F to undertake the initial transition proposal; that will effectively be like the boundaries. This will be the view of the tribunal, following those first enquiries and empirical data and so on.

Then there is a 14-day period from that announcement which is a period of consultation. Comments, suggestions and objections can be lodged with the tribunal. That is under section 29F(2). Then, a consideration by the tribunal is followed by either a further proposal, if it needs to be changed, or the final determination. One could argue that the understanding of the tribunal is known with the initial proposal, but the final detail will not be until the end. That is the process established under the act. It is quite a long process. The aim is - and was, certainly in 2009 - to make sure everyone has the opportunity to engage with the process and there is full consultation.

Mr FINCH - Would you like to hazard a guess as to when final determination might be?

Mr HAWKEY - Certainly this year. It really depends on what comes in the view of the tribunal. I am only one member of that tribunal, but I would hope in August we would be close to it finishing, but it really depends on that process. As we have said, the hearings are this week. Hopefully, we will have the proposal out within two or three weeks from that, which then starts the 14-day period. The tribunal is very aware that it is not an easy process for those involved, and it is trying to do it in a timely but compliant and appropriate process.

Mr DEAN - That has been one of the concerns I have heard. Who is actually on the tribunal?

Mr HAWKEY - The tribunal is chaired by Mike Blake, the Chair of the commission. The member of the commission, Karen Frost, is also on that. As the Electoral Commissioner I am on that tribunal. The Surveyor-General, Mike Giudici is on that, and a representative of the Australian Bureau of Statistics.

Mr DEAN - It is predominantly made up of the same people who made these decisions in the first place. That has been the concern of a number of people. Just how independent is that? How can they be satisfied that they are being heard fairly and appropriately? Would you like to answer that?

Mr HAWKEY - First, they are the appointments made as set out in the act.

Mr DEAN - I realise that. I am saying is the act right, I suppose?

CHAIR - That is a question for the minister.

Mr DEAN - That is another issue, but is that right? Is that a fair comment that I made?

Mr HAWKEY - You have the Surveyor-General, and in that sense you have people who are recognised as specialists with integrity in those areas.

Mr DEAN - But it is three against two, isn't it? You, Mike Blake and Karen Frost, there are three, and there are two others who might well be independent, but the three - you, Mike and Karen - could hardly be identified as being independent.

Mr HAWKEY - Under the act though, if any member disagrees with the reasons, that is to be put into those reasonings, and those reasonings now are public comments that could be discussed, but it is probably not appropriate for me to go any further in relation to that.

Mr GROOM - We need to be a little careful with the policy side of it.

Mr DEAN - Sure. How does it now occur then? Is the tribunal or the minister to simply say, 'McIntyre will go to this member; Prosser will go to this member'? What is the process?

Mr HAWKEY - That is the process I was talking about. There is an initial submission of people's information and an initial proposal for that transition is made by the tribunal. Consultation will then be available for people to put up evidence and reasons alternative to that, which again the tribunal considers. If we look at the boundaries, there was an initial committee, which was me, the Surveyor-General and the ABS person.

If you are talking about the influence of the TEC, there was only one member on that initial committee. That was put forward, and there were changes made, which is why there was a further redistribution. There was evidence put forward that Hadspen was more appropriate to stay in Launceston, and Perth was really a regional centre of the area which is McIntyre. The tribunal took that evidence and supported that. There was a change. That similar process is also a part of the process for the transition.

Mr DEAN - Next year, 2018, depending on where the state goes, they could call an early election, but it will be a very business year for you with the state election, which has to be held in March - it can go into May because it is on dates when they came into power - you are right, you have got to understand the date situation.

Mr HAWKEY - There is something else that usually happens in May -

Mr DEAN - In fact, the state election could be as late as a date in May, couldn't it?

Mr HAWKEY - Yes, technically. There would be the issues with the overlap of the Legislative Council and the House; there are significant problems with that.

Mr DEAN - Yes, that is my point. You are going to have the Legislative Council elections as well, and then you have the local government elections at the end of October.

Mr HAWKEY - September, October. It is going to be a very big calendar year, yes.

Mr DEAN - My question is about your staffing levels. Are there any special allowances made for you next year? How do you see your area coping?

Mr HAWKEY - I am pleased to say, as I raised 12 months ago, we are in a transition process. Following the inquiry there was a review of the Electoral Commission. Under that review, the structure now has a more substantive operations area. We also, as I mentioned last year, have moved away from using the Australian Electoral Commission in the field and this year at our Legislative Council we had new returning officers based in Burnie and Launceston who were recruited, a similar structure to other states and territories around the country.

We have known this has been coming. Although a state election can be called at any time without a fixed day, we are moving in the right direction to prepare for those events as they come.

There are some significant issues for Local Government which I am happy to discuss if need be.

Mr DEAN - What are they?

Mr HAWKEY - One of the critical concerns we are seeing, the changing events with elections, is Australia Post service delivery. The cost increases, the timing and delivery. We are seeing the impact of that on our state elections. I made a public submission to the Targeted Review of the Local Government Act 1993 and raised this as an issue. I am fully supportive as part of that target of review, the voting period be extended to a four-week period rather than the current three.

Mr DEAN - That is at the close of the postal votes.

Mr HAWKEY - Which would bring the start of that election forward a week. In 2014, it cost 50 or 60 cents to send out voter packs to 380 000 people over a three day period. The reply paid was under 50 cents for 250, which was effectively next day. Under our current arrangement with Australia Post, our regular mail is three to six days and is only about 94 -96 per cent success rate. They are not guaranteeing 100 per cent with six days. For priority it is one to four and costs are significantly greater.

Regular mail out is 83 to 94 cents, so it is almost double and 60 cents reply with priority over one dollar. Australia Post has released another 3 - 6 per cent increase in those costs for this current financial year.

Not only are the costs increasing for local government, but the ability to get postal votes back will be an issue.

Mr DEAN - That would mean with the local government, the elections positions, in some instances, these will not be known for a further three weeks after or whatever the period is?

Mr HAWKEY - The point with local government elections is there is a close date. With a parliamentary election we have the early voting, where someone can receive the vote in the post and then 10 days following polling day return it. We do not have that with local government, it is all in by close of poll because everything is postal and count all on that day. You have to get it out and back in a short period of time.

With Legislative Council, we had to send a letter about an issue from Hobart to Forcett and it took four days because it was going through a regional area. We could have walked it there faster than Australia Post delivered it.

Mr DEAN - You are saying it would require a legislative change?

Mr HAWKEY - They are considering it as part of the targeted review for local government.

Mr GROOM - From the Government's perspective, we want to make sure we are addressing any practical issues. The commission has a very busy period coming up. We want to make sure it has all the necessary resources.

CHAIR - Is it time to go to the polling booth for local government?

Mr GROOM - That is a broad policy question. I am not going to form a view in this hearing. We have to address the practical issues raised.

CHAIR - If you post a letter in Scottsdale, it goes to Scottsdale Post Office, comes to Hobart, gets a stamp on it and goes back to Scottsdale. What a nonsense. No wonder it is \$1.

Mr DEAN - Is there an increase in the number of complaints being made in relation to elections?

Mr HAWKEY - We get a range of small elements – 'was this authorised correctly?' - that sort of thing. I have had a few of those. We had one significant one where someone mentioned the name of a candidate. I had to contact him and that was where the mail took forever to get to the person. That was addressed but nothing significant in that sense.

CHAIR - Thank you very much. We appreciate the information Mr Hawkey provided to members. If you are not right in the middle of it it has been a difficult one to navigate.

Output Group 2 Legal services

2.1 Crown Law

CHAIR - My question on Crown Law is there is an increase and it reflects a permanent transfer of \$101 000 for corporate overheads. Can you give me some explanation?

Mr GROOM - It relates to the transfer of the library to Crown Law.

CHAIR - It is a management type of issue?

Mr GROOM - Yes

CHAIR - Why was that needed to be done? Is it the mechanics of the department?

Mr OVERLAND - Library services has been a reasonably contentious issue for a period of time. There has been a significant amount of work done over the last three years to rationalise the library services, but to also ensure it is properly funded and properly managed. It is now essentially managed by the Supreme Court, but Crown Law is a key user of that service and not the main

department. It makes more sense to have the administration and the funding attached to the people making the most use of the service.

CHAIR - There has been a slight increase in the number of new matters, about 118. Can we have some indication of what the increase was around?

Mr GROOM - Broadly, it would reflect fluctuations in demand from government agencies, whether there is a particular emphasis.

CHAIR - Is there any one agency needing to use it? Do we have someone who can help us with that information?

Mr GROOM - I introduce Michael Varney, Director of Crown Law.

CHAIR - Is it one department needing more law advice or is it spread across?

Mr VARNEY - It is generally spread across. There has not been a particular spike from one agency. Our major clients are Health, DPIPWE, State Growth, and Treasury and Finance.

Mr GROOM - No doubt it would fluctuate a little.

Mr VARNEY - It does vary year to year.

CHAIR - And the legislative agenda, does that contribute in any way?

Mr VARNEY - It can do. That is particularly more a Solicitor-General matter. This is looking at the Crown Solicitor's office in terms of those matters.

Mr GROOM - It would fluctuate with the nature of business government deals with. It is not a completely steady flow. There has been an increase and it is important we are making proper use of Crown Law. I am not aware of any specific spike in work. It reflects the fluctuation of government demand.

CHAIR - I had reason to contact Crown Law Office last week and they were timely, helpful, all the things a member of parliament needs to be able undertake their roles and functions. Thank you.

Mr GROOM - I appreciate that. They deal with complex areas across a wide range.

CHAIR - This is the most complex one in a while and it will not take overnight to sort.

Mr GROOM - They do an outstanding job.

Mr DEAN - Did you ask them about the number of staff in this area?

CHAIR - No, I did not.

Mr GROOM - The head count currently is 34, an equivalent of 31.98 FTEs. There is a good gender balance, although a little underrepresented in the males.

Mr DEAN - That is why I keep asking about the minister for men.

CHAIR - You can ask that this afternoon.

Mr DEAN - Is this a case of where Crown Law, depending on the matters they get, go out to private lawyers to determine cases for them?

Mr GROOM - They can. There is a lot of capacity within Crown Law. The level of skill that exists within Crown Law is widely not properly understood. From time to time, for a variety of reasons, if it is a very specific issue, there may be the need to engage externally.

Mr DEAN - Also, the number of lawyers actually in the staff numbers that you have provided to me within Crown Law.

Mr VARNEY - As the minister said, we brief out for specific matters where the skill requirement for that matter is best sourced from the commercial sector. That is through a competitive process that we go through for the brief-outs. In terms of FTEs for lawyers, there are 24 legal practitioners in Crown Law.

Ms LOVELL - Minister, I am informed that Dr David Alcorn, as CEO of the THS, has access to patient medical records. My understanding of patient confidentiality - being limited as I am not a lawyer - is that only a treating clinician can access patient records without consent of the patient. Has legal advice been sought from you by the THS, or by anyone within the Department of Health, as to whether Dr Alcorn or anyone else in an administrative role can access patient records without patient consent?

Mr GROOM - It would be privileged if any legal advice had been sought in relation to it. I have no first-hand knowledge myself.

CHAIR - Is that something that you need to put on notice then?

Mr GROOM - As a general proposition, the Government cannot go into details in relation to legal advice that is sought, for reasons which would be well understood.

CHAIR - It is well known to the committee and well understood.

Mr GROOM - I do not have any immediate knowledge myself.

CHAIR - If there are no other questions in this area, thank you very much. Thank you, Mike. We will move on to Legislation development and review.

2.2 Legislation development and review -

CHAIR - Yesterday we talked for quite a while about the legislation and subordinate legislation. We probably have done enough in that area unless anyone has a question.

Mr DEAN - I am not sure whether the Premier would have covered it all. Minister, what legislation are we currently looking at in this area? Is there any new legislation coming forward, on bigger issues?

Mr GROOM - We have the Magistrates Court (Criminal and General Division) Bill. I mentioned before the importance of us looking at our processes within the courts to make sure that they are current and fit for purpose and assisting in the efficiency of the courts. That is the guts of that particular legislation.

Mr OVERLAND - There are four bills as part of a package, which is to modernise the legislation that the Magistrates Court, bench justices and justices of the peace work under. That has been a long time in development and is intended to come forward later in the year.

Mr GROOM - It is focusing on the Court of Petty Sessions.

Mr DEAN - The reason I asked the question here is, when you look at our legislation, a lot of ours is very old. An example I have cited it in the parliament is the Boundary Fences Act, which is about 700 years old. It is so old, so much needs changing within it. With some of these older acts we currently are working with, and this one is receiving significant mention -

CHAIR - In the boundary fence - the native vegetation bill?

Mr DEAN - The native vegetation bill - is there not a need to start looking at some of these old acts that are still very pertinent and meaningful in our framework of legislation. Are we doing that? Is there any instruction that we do that?

Mr GROOM - We do look for opportunities from time to time to modernise. The new legislation we are bringing in in relation to the Magistrates Court would be an example of that. We recognise that the Justice Act as it applies to the Court of Petty Sessions, there have been amendments made over time but maybe it does not properly reflect modern and best practice.

In relation to the specific example you have cited, I do not have any first-hand information on that.

Mr DEAN - Another act that we could look at would be the Police Offences Act.

CHAIR - Is it about 600 years old?

Mr DEAN - In that, there are so many areas that are currently being looked at by other members. The Greens have looked at a number of areas in that, which, in my view, is justified. Is that not an act that we ought to be looking at rewriting?

Mr GROOM - I need to defer to Mr Hidding in relation to that particular one, but as a general proposition, there is no doubt at all that there is a case from time to time for us to modernise and make sure the legislation is fit for purpose. In my own portfolio responsibility, responding to the outdated Justices Act is a very good example. We ought to move in that direction.

There was one that I wanted to mention because it is an important one, and that is the amendments to the Limitation Act 1974. We are proposing to remove, with retrospective effect, the limitation period for a personal injury claim arising from physical or sexual abuse of a child.

The amendment gives effect to the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse that state and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person, where that

claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child. We all understand that there are very obvious reasons why it is that there may be a significant delay in someone wanting to pursue a claim in that context. That was a specific recommendation of the royal commission and the Tasmanian Government will be acting on that recommendation with an amendment to the Limitation Act.

Mr DEAN - When is that likely?

Mr GROOM - It is in the spring, this year.

Ms ARMITAGE - I was wondering what the staffing numbers are this year? I missed that.

Mr GROOM - In Legislation Development, it is a head count of 12, an FTE equivalent of 10.9. We have a very significant gender imbalance in that section - we need to get the guys into it.

CHAIR - Members, do we have any questions in regard to capital investment in this area? My understanding is that there is a decreasing capital investment regarding the completion of the Supreme Court security upgrade. Are there any planned capital works in the future?

Mr GROOM - We are still doing further works in relation to security, as I outlined before, there is an ongoing commitment in relation to that. We also have the IT system work that we mentioned.

Output group 3 Corrections and enforcement

3.3 Enforcement of monetary penalties

Ms LOVELL - I am referring to page 126, Table 5.5, Fine Collection Rate. It is not a significant change, but I am wondering why there is a decrease in the target for the fine collection rate? More so, is that a trend that you are predicting to continue, which may become more problematic than it is in these first couple of years.

Mr GROOM - I will hand over to Nick Evans, the Deputy Secretary.

Mr EVANS - You will note that the data from 2015-16 remains at 98.2 which is the amount we collected. The 2016-17 target is at 95, which has been a long-standing target. We have actually exceeded it for the last few years. It is a fair point that we should at it in the light of that target being exceeded. For a few years we ordered a lift in the target, but that does not reflect the actual collection rate, which is 98.2.

CHAIR - As we always do because we are all sitting down we ask what are the outstanding quantum of penalties for the Tasmanian community. If you are not sitting down please do so right now.

Mr GROOM - In 2016-17 the debt owed to the consolidated fund reduced by \$750 000. It now sits at \$45.1 million. The total debt owed to all sources increased by approximately \$2.4 million to \$70.1 million as at 30 April 2017. The increase is mainly due to a single compensation order for \$2.35 million. That was a very substantial case.

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Mr DEAN - Does that include local government?

CHAIR - Yes.

Mr GROOM - Of debt, \$31.1 million of it is subject to a payment plan. The age of the debt: about \$14 million is not yet at the due date; \$12.5 million in less than three months; \$8.7 million between three months and one year; \$8.7 million between one and three years; \$6.8 million between three and five years; and \$19.4 million greater than five years.

CHAIR - Are we still on the program where those very old debts are being pursued quite vigorously. We have been informed in recent years that there has been a concerted effort to try to track down those people, given that most people are identifiable in this day and age. Are we still working hard on that program?

Mr GROOM - Yes, we are. As we have said in previous years we do run into issues when people are overseas or interstate. A lot of that large historic debt and is owed of people who have fled the country.

Mr FINCH - Does there come a time when you find that pursuing those debts is just clogging up the system too much? The cost factor might mean that it would be better letting it go.

Mr GROOM - There is capacity for a debt to be declared uncollectible, but it is a last resort. We manage that very carefully, but it is possible.

CHAIR - Is there a whole-of-country process where if they return to another state we can be informed? Surely, they do not all flee the country and never come back. There is always a reason to come back to the country where you racked up these debts. Is there a program in place? Or is that under the new ICT justice model?

Mr GROOM - No, there is no program in place to do that. Whilst improved ICT would be an important part of doing it, there are probably a few issues to be sorted out from a legal and other perspectives before we could even contemplate the ICT aspects of it.

CHAIR - It might be a good little business to start up. Tracking them down.

Ms ARMITAGE - Not just fleeing the country. Do we have reciprocal processes with other states if someone moves from Tasmania to Victoria? Do we work with the other states to try to get the money back?

Mr EVANS - Conversations happen, but sanctions we can apply relate to matters administered by the Tasmanian Government, so suspension of a driver licence -

Ms ARMITAGE - They are not reciprocal?

Mr EVANS - No, that part is not reciprocal. Our ability to apply sanctions to people to live in other jurisdictions is limited. We might know, might even approach them or find where they are, but our ability to sanction and lead them to actually paying their debt is limited.

Ms ARMITAGE - Do you have a figure of how much money is owing, located outside of Tasmania we are unable to get?

Mr GROOM - Yes, we do have a breakdown. Why don't we bring Wayne Johnson in?

Ms ARMITAGE - We have a couple of minutes because this is a really important area. When the state is owed \$45 million and we struggle to fund hospitals and education, let us work out how we can get the money owed.

Mr GROOM - Wayne is the Director of Monetary Penalties Enforcement.

Mr JOHNSON - Thank you. You asked about the figure, \$8 million. I can give you a breakdown as far as states.

Ms ARMITAGE - Interstate, not in Tasmania. It might be overseas even.

Mr JOHNSON - Yes. Most of that would be in Queensland, \$4.2 million.

CHAIR - Swanning on the Gold Coast, nice.

Mr JOHNSON - And Victoria, also \$4.2 million. That is at 30 April. The minister is quite right, it is really difficult for us to, first of all, track down people interstate and then get money out of them. It is not to say we do not try, and there are a few options available to us.

Ms ARMITAGE - We have a similar issue with mainland states having people in Tasmania. Do they come to us with a similar problem? Can nothing be worked out between us?

Mr JOHNSON - It is a similar problem. How many interstate people are here with debts, I do not know.

Ms ARMITAGE - I know with local council it is a big issue. People come over, they get parking fines, they get a lot of fines and they go back.

CHAIR - It continues to be an issue.

Mrs ARMITAGE - I am assuming the police do not have the same problem. If people are convicted of a speeding infringement, for example, in Tasmania, would they be able to chase up, or does that come under this? It is the same?

Mr GROOM - Yes.

Mrs ARMITAGE - They cannot actually chase those up either?

Mr JOHNSON - Infringement notices, court-imposed fines and enforcement fees.

Mrs ARMITAGE - I was just thinking that the police - I thought they had more reciprocity with jurisdictions. No?

Mr JOHNSON - All of the police fines come to us to collect.

Mrs ARMITAGE - That is all the same. Thank you.

Mr JOHNSON - Yes.

Mr DEAN - On that point, with the monies that we have people hiding in other states and so on that we know about, is there any move afoot at all to look at some national legislation around this? We look at national legislation in relation to other issues. Is there any move afoot to look at that which would benefit all states?

Mr OVERLAND - There are discussions from time to time in various ministerial forums, particularly the Law Crime and Community Safety Council about this issue. One of the problems is that each state takes quite a different approach to that collection of outstanding fines and debts. The issue does come up from time to time, but there has been no significant movement around it.

Mr DEAN - Do we go through the estates of deceased people who owe money? Do we file claims with the estates for the recovery of state debt?

Mr JOHNSON - Yes, we can chase the estate for money. Having said that, debts can be deemed uncollectible if a person dies, so they made a discretion to deem the debts uncollectible if I think they cannot be recovered for certain reasons. That does not mean that once you die, your debt then ends. Correct.

Mr DEAN - My other quick question was on licences and registrations. How many people, say, just this year if you can to date, or the previous one, whatever your figures are to identify the number of persons that have lost licences and registration -

Mr GROOM - Suspension of driver licence for the period 1 July 2016 to 30 April 2017 was 17 126; suspension of vehicle registration, 1489. Then there were a series of others.

CHAIR - It is always a very interesting area and we appreciate the effort that is taken in your area, Wayne, to put those figures together. We are astounded by the numbers and that is why I invited everyone to sit down.

Output group 1 Integrity Commission

1.1 Integrity Commission -

Mr GROOM - I call Michael Easton, the Acting CEO of the Integrity Commission.

CHAIR - My first question in this area is about the number of complaints or queries. Are queries and complaints both the same? I recently made a query to an officer and it was turned into a complaint. I am in all sorts of trouble because of it. It wasn't to this area. We have a graph but it doesn't talk about the Integrity Commission. Can we have the numbers to date, please?

Mr GROOM - The complaints we have recorded in 2016-17 were a total of 109. Notifications, a total of 58, with 35 of those from Tasmania Police. Allegations were 276. Those that were referred after triage were 26. There were 20 assessments commenced and 18 concluded in the year. There were eight investigations commenced and six have been concluded in 2016-17.

CHAIR - In regard to the length of time from lodgement to report, earlier in the week we were informed that there was one particular complaint/lodgement that took seven months to receive the

report. Is that a normal time frame? Do we have an average of a time frame around the lodgement and then a report?

Mr GROOM - I imagine they would vary in their complexity quite significantly but I will hand over to Michael, who will be able to answer your question.

Mr EASTON - It does depend on the response of the commission to the complaint. You are talking about a lodgement?

CHAIR - From the time it was lodged to the time the report was received, in this case by the minister.

Mr EASTON - A report of the investigation? Probably seven months would be about average. Bear in mind that the commission can deliver a report at a number of stages. You are only talking about the final stage, post-investigation. Usually an investigation would take at least six months because it has had to go through those earlier steps before it becomes an investigation itself. Once it becomes an investigation then further complexities arise. Ultimately, something that makes it into an investigation is probably going to take at least six months from go to whoa. That is why investigations often end up taking a year because it is not just the investigative stage, it is the preliminary stage which absorb time before it even becomes an investigation.

CHAIR - In relation to the fact there can be progressive reports, what situations are chosen for a progressive report to be provided? A lot of things can happen in a six to seven month time frame. People do not know it is being undertaken and rightly so, but when would you issue interim reports.

Mr EASTON - I may have misled you then when I was talking about other reports in other stages. If the matter has finished effectively at the assessment stage, we deliver an assessment report at that stage. We do not deliver progressive reports throughout our investigation.

CHAIR - In the case of someone working in a department, would there be at the end of that assessment that you are going to continue on with an enquiry, would you advise the minister of that department there is an enquiry on foot?

Mr EASTON - The answer is yes. Under the Integrity Commission Act 2009, once the Commissioner has determined to investigate a matter, so it has gone through its initial phase and then an assessment phase, under section 38 of the act we are obliged to inform the principal officer of the relevant public authority, that is not always the minister, a determination has been made on that matter to investigate it.

CHAIR - When would it not be the minister? We always say in this place the buck stops with the minister, so when would it not be the minister?

Mr EASTON - Under Schedule 1 of our act, we have a list of principal officers. There is a range of public officers, including parliamentarians. Depending on whether it is a state agency, it is a parliamentarian or a minister, then the principal officer will vary accordingly.

Having said that, to give a full answer, the legislative requirement is to provide that report. Our procedures may dictate that keep a principal officer informed along the way. It is not a requirement; it is a discretion we have. Our procedures now are to do that where possible, as we see fit.

CHAIR - It talks about the roles, the key initiatives of the commission. With educating public authorities and public awareness, given the number of issues gone to the commission, do they need much more educating? It seems everyone knows there is an avenue for an issue to be explored. How much more public awareness do we need in this area of the Integrity Commission?

Mr GROOM - It is an important ongoing role for the Integrity Commission. There might be at various times particular points of focus where the Integrity Commission is seeking to highlight a particular issue. It makes sense they are engaging in active education.

Mr EASTON - Only to add there are emerging issues and risks. Social media was probably not an ethical risk five to 10 years ago but certainly is now. We have people moving through the public sector. People come and they go so we have effectively got a new constituency all the time.

CHAIR - Social media is an interesting one, because people do not always identify themselves accurately. They can make allegations about somebody on social media, but they are not identified. Do you have means of being able to find out who that person is when they go under an alias? People do not necessarily add their own name to their comments.

Mr GROOM - I am not sure there can be an expectation the Integrity Commission would monitor social media and follow-up any allegations made.

CHAIR - I am sure they have better things to do than to monitor what has been said, but if it is a complaint by somebody and it is not their true identity making that allegation, how does the commission deal with that?

Mr GROOM - That would need to engage with the Integrity Commission but I do not know there would be a reasonable expectation there. The Integrity Commission would be monitoring and looking for references to complaints.

Mr EASTON - In terms of social media, we do have means of finding out aliases and so forth, as anyone can. It is normally done through open-source material. It is publicly available; it is just knowing where to look. It is amazing the trail that is left by people using similar aliases or similar photos. It is quite easy to join the dots. It all sounds quite secret squirrel, but it is not; it is just knowing how to use social media to look into matters. Just because we receive a complaint, be it about social media or an issue related to social media, it does not mean we are going to investigate it. We have our thresholds.

Mr DEAN - As the chair of Integrity Committee I elect not to ask questions. That is my position here. It is not that I am not interested; I am interested, extremely.

Ms ARMITAGE - Are you happy with the recommendations that have been coming out of the ongoing five-year review?

Mr GROOM - From my perspective, we have decided to undertake this in tranches. We have presented the initial suite. They set up the governance structure. From the Government's perspective, we feel that that has been the right approach. We will present further reforms later on.

Mr EASTON - We are very happy with the process of the review. The fact that it was undertaken by the honourable William Cox ensured that it was done very well and with a lot of backbone and rigour. We participated in that. We made some extensive submissions. We provided

oral submissions as well. There were 55 recommendations which came out of the review. One of those recommendations in itself has about 40-some recommendations - technical amendments to the act. We produced a response to that. We agree in principle with 50 of the 55 recommendations. There are five on which we have a differing view. In response to your question, yes, we are very happy with the review. We are now taking the next steps, turning those recommendations into legislative changes based on the Government's response.

Ms LOVELL - Do have any idea when the second bill will be tabled in parliament?

Mr GROOM - We are looking at finalising that later in the year.

Mr OVERLAND - Even though there are recommendations, there is quite a bit of devil in the detail. It could well take some time to work through a number of those recommendations.

Mr DEAN - Will the last one include all amendments?

Mr GROOM - Part of our approach, in speeding it up was to make some governance structure changes. From the Government's perspective, we want to make sure we consult on further legislation in addressing the recommendations.

Mr FINCH - Does the whistleblower legislation meet contemporary standards? Is it protective of whistleblowers? If they step forward to reveal something to the Integrity Commission, are they solidly protected in respect of a complaint?

Mr GROOM - It might be more a question for the Ombudsman. As I understand it, they have a role in relation to that.

CHAIR - Hold that question, we will get to it.

Mr FINCH - Okay. When we talk about this seven-month investigation and up to maybe a year, I wonder whether some of those processes, in the preliminary stages of an investigation will not be truncated to move a bit more efficiently through the process, so that an investigation is not elongated as they, on the surface, seem to be?

Mr GROOM - As I indicated before, I do not see the inside of this. From the outside, I would not underestimate the complexity of some of the work that has been done.

Mr EASTON - The issue of timeliness is always relevant. The reality is that if you have a complaint coming in and then we project ourselves, if it goes through investigation to a final report, let us say a year later, whether that matter goes into investigation earlier or not probably is not going to affect that overall time. Our processes allow for an initial triage phase, which is just to determine whether or not it is under our jurisdiction, and that is done very quickly, usually within seven days.

The next step is an assessment phase, and this is required under the act. Our usual average there is about 20 days to produce an assessment decision and that includes a report from the assessor, one of our investigators. During that phase it is very much determining, through only open source materials and maybe some coercive materials like emails, whether it is worth investigating or whether it should be investigated, and what the issues are.

That very much informs the investigation itself, so if the matter went straight into investigation after a one-day assessment, the investigation is still going to have to canvass those areas anyway. Whether you spend a bit longer on the assessment, 20 days, and then you end up spending six months on the investigation, probably is not going to change whether you did a one-day assessment and then a seven-month investigation because you have to canvass the same materials.

A lot of our time is spent waiting for information. If we require bank details or we require other information relating to emails and so on, we have to get that from someone else, we do not just walk up and have it. Often in an investigation, which may take a year, there could be, I will hazard a guess, two months of waiting for information. It does not mean we are not doing anything, but we are waiting for information to inform us as to the next step.

In answer to your question, we always look for ways to truncate the process, but the field has to be covered in terms of information and we do that very carefully because of the potential outcomes of investigations.

CHAIR - Thank you very much, Michael. We appreciate it.

Mr DEAN - Before Michael leaves, I was going to do exactly that as the Chair of the Integrity Committee. Michael has done an extremely wonderful job in his position as acting CEO of the Integrity Commission during that time and that is reflective in the work that has been done and new matters coming in, so it is a wonderful contribution.

CHAIR - The committee endorses what the Chair of the Integrity Committee said, and what the minister said. Thank you, Michael.

Output group 1

The Office of the Director of Public Prosecutions

1.1 The Office of the Director of Public Prosecutions -

CHAIR - I am not sure where the last 12 months went. I know you have been extremely busy so we will head straight into line of questioning.

Mr DEAN - My first question is in relation to the additional judges that are now operating; we talked about that at some length this morning. What is its impact on the Office of the Director of Public Prosecutions and the extra staffing levels? What is their position with sufficient legal counsel to deal with the matters that are coming in? What are the stress levels of the office?

Mr GROOM - We recognise that there is the potential to be a significant increase in workload, including up to as much as 25 per cent increase in sittings on criminal matters, and as a consequence we have made an allocation in relation to the Director of Public Prosecutions to reflect that; \$285 000 has been specifically allocated with respect to the reduction of backlogs. That would include to reflect the increasing workload from the acting judges, but I might hand over to Darryl Coates, who can talk about this from a practical perspective.

Mr COATES - It has had a significant effect on the office at the moment. With the extra staffing a total extra staffing in the Budget will be 7 FTEs. There will be four Level 3 lawyers.

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Mr DEAN - Three additional lawyers?

Mr COATES - Four level 3 lawyers. Level 3 lawyers are in the middle of their experience levels. We have three administrative staff, not just to cover the backlog, but to expand the Family Violence and Sexual Assault Unit. We have not got them at the moment so we were very busy before the extra sitting times. Now we are really busy.

Mr DEAN - When will these positions be filled? We were told they started in February.

Mr COATES - We have advertised for them. The advertising closes in about a week's time. We knew we were going to get some positions, so Treasury allowed us to advertise early for some of those. We have one new level 3 lawyer starting in July. That is the position with staffing.

Mr DEAN - The five judges are not permanent positions? Are these new employees? The lawyers in particular, are they employed in a similar temporary capacity as the judges? Is that the way it works?

Mr GROOM - Mr Coates has identified this additional funding represents a few different things. There is \$390 000 for the Family Violence and Sexual Assault unit. There is also \$360 000 to support additional requirements as a result of the phase out of suspended sentences. So \$285 000 is for the reduction of the backlog. It will be an ongoing task.

Mr DEAN - Did you say \$285 000 for the backlog?

Mr GROOM - Yes, but the arrangements we have for the acting judges is for two years.

Mr COATES - \$285 000 we have for two years and we have \$800 000 extra on an ongoing basis in forward Estimates. For example, the extra counsel for the Family Violence and Sexual Assault Unit, will still help with the backlog. They will be doing those cases but will be able to move them on at a quicker rate and it will free up other people to be doing other work.

Mr DEAN - I asked the question because your office has previously met with some criticism within the Supreme Court or Commonwealth Court, in not being ready to proceed with cases and so on. Is that an area you have difficulty with now? Are you able to meet all of your commitments within the criminal court as they cases are set down?

Mr COATES - Whether we are in a position to meet our commitments depends on lots of things, a lot of which is outside our control. I would dispute we have received heavy criticism from the Supreme Court.

Mr DEAN - I am not saying it was heavy criticism but I have often heard lawyers say the Crown had not been ready.

CHAIR - They might be trying to protect their own tardiness.

Mr COATES - I am not saying we are never without fault. Of course, we are. I do not believe we have faced significant criticism.

Mr DEAN - It comes down to work pressure. That is what it is about. Family Violence and Sexual Assault Unit, what does that entail for you? Are they there yet?

Mr COATES - In relation to sexual assault, firstly, we have an advice service for the police in relation to charges because of the complex nature of the sexual assault charges. Second, within 48 hours of charging a person in relation to a sexual assault offence the police notify us. Within 48 hours of that, they have a witness assistance officer contact the complainant. We try to get a prosecutor early and, where we can, the one prosecutor. We will extend that to family violence cases.

I have been to going to DPP meetings and a number of hearings of the Royal Commission. We have a lower drop-out rate from complainants than elsewhere. There is a high drop-out rate with family violence, for pretty obvious reasons.

Mr DEAN - When you say a high drop-out rate?

Mr COATES - You have complainants who do not want to proceed. Sometimes we say that they do not have a choice, but we are very reluctant to do that with sexual assault cases. Often in family violence cases, if you have an unfavourable complainant there is very little other evidence.

Mr DEAN - What is the workload like since this unit has been set up?

Mr COATES - We are just in the process of extending it with the Police from family violence. Obviously, it is a considerable workload doing the advices for sexual assault. I have the figures there somewhere. Last year it was close to 140 advices on complex matters. It takes time and resources in the office.

Mr DEAN - Is your office responsible for identifying the matters to be heard by these additional judges to bring the numbers down? Do you have a say in that or is that for the court?

Mr COATES - No, we have a say in that. Generally, the sittings go for four weeks and then there will be two weeks of appeals. You have two weeks of appeals. There are five weeks of criminal sittings. You go five weeks and then overlap with the court of criminal appeal. Then you have another five weeks. It is the Crown's primary responsibility to list the matters but the court has the final say. We try to do it in cooperation approach with defence counsel. We have a list of cases that we would like to put in for the rest of the year. It is a complex business. It is not just the age of the case that you have to take into account. You have to take into account people are in custody, the seriousness of the case, the vulnerability of witnesses and so on.

Mr DEAN - I am interested in the phase out of suspended sentences and the \$360 000 funding that has been provided. What are extra functions required to phase out the suspended sentences within your office.

Mr COATES - In its place will be a list of deferred sentences. There are also drug treatment orders and - I forget the term, it's not a probational order, but -

Mr DEAN - Similar?

Mr COATES - Yes, a similar thing, but much more complicated. Home detention and there are also deferred sentence orders and so on. That is going to take a lot more court time. Getting people back and monitoring them is going to take time. I suspect pleas of guilty are going to take

much longer because you are going to have to consider whether the person goes to jail or whether they get one of these alternative orders. How much time is really just an estimate at the moment.

Mr GROOM - From the Government's perspective on this, we recognise there is a resourcing consequence. We have made an initial allocation which is focused on the first tranche. Some of these other matters are still yet to come. I want to make sure that we are staying in close consultation with the DPP as well as the courts and others that are impacted by these reforms to make sure they are properly resourced.

We all recognise what the Office of the DPP does is extremely difficult. They have a reputation for working very long hours. They deal with stuff that frankly, most of us would never want to know about. We have to do what we can.

Mr DEAN - They do a great job, there is no doubt about that. I have never heard anybody say they have not. If I could just have one quick question -

CHAIR - One more.

Mr DEAN - Yes, sorry. It is about the relationship with Tasmania Police in the prosecution of serious matters in the Magistrates Court. I am just wondering how that is progressing. Once again, I suspect the requirement of your office to provide sufficient staff to go down that path. Is that working out well and does it relieve you of extra works if those matters get back into the criminal court jurisdiction?

Mr COATES - There are a number of offences in the Magistrates Court that Tasmania Police and I agreed would be better for us to prosecute. They included: causing death and serious injury by negligent driving; prosecution of police officers; some of the animal welfare prosecutions; and there are a couple of others as well. As a result of that, rather than there being a transfer of financial resources, they provide my office with a solicitor for 12 months.

Mr DEAN - That is the police?

Mr COATES - The police will provide one for 12 months, and then they go back and then we would get another one. We do not tend to put them in the summary area. That frees somebody else up to do that work. That gives them an opportunity for some professional development. We believe the advantage of that is that these matters are complicated, especially the cases of causing death by negligent driving. The families of the deceased get, first, a crown prosecutor, and second, they get the witness assistance service.

Mr DEAN - That is great. Good. Thank you very much. I have others, but I will leave those.

CHAIR - Thank you, Mr Dean, for allowing us to finish on time. The committee acknowledges the work of the office and your team. It does not go unnoticed. We know that you have a very busy schedule, so we thank you for your time today. I know the minister appreciates your work as well. Thank you.

Output group 1
The Office of the Ombudsman

1.1 Decisions on complaints referred to the Ombudsman and Health Complaints Commissioner and right to information -

CHAIR - We will open the questions with the newest member of the committee, the member for Rumney, Sarah Lovell.

Ms LOVELL - Minister, there is a backlog of Right to Information external reviews that currently need processing. What is that backlog currently?

Mr GROOM - In terms of Right to Information statistics for 2016-17, there are two enquiries been received and finalised; 67 requests for review have been received; and 57 that have been finalised. There are 58 open files.

Ms LOVELL - What plans do you have to address that?

Mr GROOM - We want to make sure they are progressed as quickly as possible. As is the case with these questions, the Ombudsman deals with a lot over a broad spectrum. It is a difficult workload, but they are doing an outstanding job.

Mr CONNOCK - You will recall I have said for as long as I have been here that we need two people in the RTI jurisdiction. We were lucky enough to have that in the last year, because of savings we made in the previous year. We had one permanent officer and I was able to put her on another fixed term for 12 months.

CHAIR - Are you going to be able to extend that?

Mr CONNOCK - Unfortunately I cannot extend because of the current funding.

CHAIR - Minister, will the Government consider an extension to that very important role?

Mr GROOM - We want this is facilitated as efficiently as possible. I am not going to announce policy decisions here.

CHAIR - We will expect something in the near future.

Mr CONNOCK - The other thing though is we have had an 81 per cent increase in the number of applications. While we were looking good for a while -

Mr GROOM - What you might do is provide a breakdown of where you get these applications from.

Mr CONNOCK - We get a lot from journalists and politicians, which has been the case historically. I mentioned this last year. Members of the public, there are people who have special interests. We have one person who is making multiple applications at the present time, which only partially accounts for the huge increase.

We have had a reduction in the number of journalists and politicians seeking it and that has eased things a little. As I said last year, the problem with those sorts of applications is the applicants are not entirely sure. They know there is something there, but they do not know what it is. It is

very difficult to narrow scope of an application and they have the right to any information in its responses.

We have had to deal with those as formal reviews rather than being able to be able resolve them with a less formal process. That was a big contributing factor to the backlog.

We have addressed a lot of those. Politicians and journalists accounted for half of the open files last year. We are now down to less than a third - somewhere between a third and a quarter. We have been addressing those as we go and having two people has made a big difference.

While we had hoped that would clear out the backlog, this record number of new applications have put paid to that. We have 58 open matters. Some of them are not as complex as the ones we had in the past. We will try to triage those. I heard Michael Easton talking about that. We are trying to bring a lot more to the front of the process and trying to resolve things without a formal review. It is not satisfactory for anybody. The applicant has to wait for that review to be completed. They may want the information for a specific purpose which has a time component to it.

We would like to be doing more if we could. We would also like to be doing more training at agency level. We could educate, not only RTI officers, but more senior management positions, about how this act works. If these can be handled better internally, it is advancing, but there is still room for further improvement.

CHAIR - It is hard to train your staff when they are so busy doing their day-to-day duties. Where is that balance?

Mr CONNOCK - We have one permanent funded position and this fixed term one. The permanent was poached by another agency and left us, so we seconded someone from another agency who had experience in RTI.

The fixed terms was a tribunal member from New South Wales who had high level decision-making skills but no knowledge of RTI as such. The other officer had a good working knowledge in RTI so between them they worked really well together. We managed to move through quite a lot of those older matters.

Ms LOVELL - One of the big challenges with the right to information process seems to be ensuring that proper education and training is provided in departments and to ministers' offices and other public authorities. You touched briefly on that. What training is currently provided to those authorities that are covered by the Right to Information Act?

Mr CONNOCK - They are on a request basis at the moment. My officers have been busy building up professional relationships with RTI delegates and other people working in the area. There is an informal group of delegated officers that meet every so often. My officers go to those meetings and talk to them. We are not in a position to develop formal training modules or to deliver regular training. A couple of years ago, when this was really probably at its busiest, I only had 1.6 FTE dealing with it. He has retired but is keen to come back on a consultancy basis if we can afford him. He used to provide a lot of this training. He has a way with the act and with conveying the concepts that are entailed. There maybe a little more there, but it is not anything like we should be doing; it is just too big a job.

UNCORRECTED PROOF ISSUE

Ms LOVELL - Last year, during Estimates, Mr Connock, you spoke about the need to try to case conference right to information external reviews. Can you explain what that means in the right to information request context please?

Mr CONNOCK - You have to strike a balance here. An applicant has a right to information unless it is exempt information. We cannot say, 'You can't ask for this, you can't do that.' We try to bring the parties together to see what the applicant actually wants, and whether there is some way that the agency can accommodate it without us having to go through a full review.

As Ombudsman, I have the power to make directions. If we come to some sort of agreement at that level, I can make a direction as to how the review proceeds, and it may not have to go to a full-on review, which is much like an investigation, as Michael was talking about. It takes time because you are constantly going backwards and forwards to the parties for submissions, waiting for that information. It is perforce a lengthy procedure. As I said, that is not very satisfactory from many points of view. If we could conference and get resolved outcomes that would be preferable.

Mr FINCH - Does the whistleblower legislation protect whistleblowers? Does the legislation meets contemporary standards? Is that protection solid for whistleblowers?

Mr GROOM - From the broader perspective, that would be a matter for government but I think it would be helpful to hear Richard's practical experience.

Mr CONNOCK - I think they look good. We have never had a public-interest disclosure, however, in this state. They could be made to various entities, and it is not for the person making a disclosure to determine the quality of that disclosure; it is for the person receiving it. That is my office in most instances, the Integrity Commission in some instances, the Commissioner of Police in other instances and the heads of agency.

Heads of agency will normally refer it to us because we have the principal role under the act. It can be a protected disclosure, which is less than a public-interest disclosure. But we have never declared any disclosure a public-interest disclosure, so those protections have not had to be looked at.

I do not know if you are aware of the Griffith University project, 'Whistling While They Work', which is a research project that has been going on for quite some time with the support of all the parliamentary Ombudsmen around the country. It is developing and monitoring processes for dealing with public-interest disclosures and agency readiness to deal with them, appropriateness of process and so on. It made its first report in 2007, I think it was. It listed all the definitions that should be covered: misconduct; corrupt conduct; all of that. We adopted all of that holus bolus and put it in our act. We have taken on all those recommendations. We are about the only state that has.

Prior to that we had a very high threshold. Misconduct had to amount to something that was either a criminal or a sackable offence. That is why we thought we were not getting a lot of disclosures. Even after that very broad definitional change, we are still not getting nearly all workplace related disputes, in our experience.

Mr DEAN - They come to us by way of anonymous letters.

Mr CONNOCK - As anonymous letters to you, yes.

CHAIR - For some reason, Mr Dean seems to get a lot of those. I think they realise he is forensic and doesn't let go.

Mr DEAN - What is 'the recruit trainer mental health official visitor is to maintain the efficiency and effectiveness of the official visitor program' all about? Has it been covered?

CHAIR - No, it hasn't been covered.

Mr CONNOCK - We coordinate the mental health official visitors and the prison official visitors. The mental health official visitors are appointed under the Mental Health Act and the prison official visitors are appointed under the Corrections Act.

I am the Coordinating Prison Visitor and the Chief Mental Health Visitor. In practice, it is a separately budgeted output in our office because it is not part of the general Ombudsman jurisdiction. We have a manager there who coordinates all the visitors. It is really just ensuring that they visit all the facilities within their jurisdiction regularly; that they report any concerns they have; and that they follow those up with management. It is like an auxiliary to our complaint handling functions in that they do not have high level investigation powers but they are on the spot and they can resolve issues as they arise. In practice, in both areas they debrief with management at the end of a visit and address problems. They are also an incredibly valuable source of information.

CHAIR - Any other questions, members? If not, thank you, Richard. I know how busy your office is and you are so thank you for taking the time to compile your information and support the minister.

Minister, we thank you for your contribution today. We are grateful for the work you do and the answers that were provided today, and for the work your team has put together to enable the committee to ask the questions and receive the answers. We know that you will have some matters to follow up with some information.

Mr GROOM - I appreciate that, Chair. I take the opportunity to thank Simon Overland and the department, and all the people involved in the delivery of justice in Tasmania. It covers a wide span. I take the opportunity to thank profusely also my ministerial office staff for all their work in preparing for this.

The committee suspended from 12.53 p.m. to 2 p.m.