

**Thursday 9 June 2016 - Estimates Committee B (Goodwin)**

**LEGISLATIVE COUNCIL**

**ESTIMATES COMMITTEE B**

**Thursday 9 June 2016**

**MEMBERS**

Mrs Armitage  
Mr Dean  
Mr Finch  
Ms Rattray (Chair)  
Mr Valentine  
Mr Willie

**IN ATTENDANCE**

**Dr the Hon. Vanessa Goodwin MLC**, Attorney-General, Minister for Justice, Minister for Corrections, Minister for the Arts

**Department of Justice**

**Simon Overland**, Secretary  
**Nick Evans**, 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  
**Michael Easton**, Tasmanian Integrity Commission  
**Daryl Coates**, Director of Public Prosecutions  
**Richard Connock**, Ombudsman  
**Michael Varney**, Director, Crown Law

## **Department of State Growth**

**Kim Evans**, Secretary  
**Amanda Russell**, Deputy Secretary, Business Services  
**Glen Dean**, Finance Director  
**Jacqui Allen**, Deputy Secretary Cultural Industries and Tourism Supply Support  
**Janet Carding**, Director - Tasmanian Museum and Art Gallery  
**Alex Sangston**, Executive Manager - Screen Tasmania  
**Steve Kyne**, Acting Director - Arts Tasmania

## **Ministerial Staff**

**Kristy Bourne**, Chief of Staff  
**Ella Woods-Joyce**, Deputy Chief of Staff  
**Jim Dunham**, Senior Adviser  
**Kay Cueller**, Adviser  
**Anna Van Loon**, Adviser

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

## **DIVISION 4**

(Department of Justice)

**Attorney-General, Minister for Justice, Minister for Corrections, Minister for the Arts**

## **Output group 5 -**

### **Culture and Creative Industries**

**CHAIR** (Ms Rattray) - Welcome, everyone. I welcome to the table the Honourable Dr Goodwin. Would you like to give a brief overview, minister?

**Dr GOODWIN** - It is a great pleasure to be responsible for the Arts portfolio. The arts are a fundamentally important part of the community, the economy, our identity and the Tasmanian brand. Across the three agencies - Screen Tasmania, Arts Tasmania and the Tasmanian Museum and Art Gallery, as well as administered payments - the Hodgman Liberal Government invests around \$22 million per annum into the sector. Members will be aware this year's State Budget provides additional funding of \$700 000 to the Tasmanian Museum and Art Gallery over three years to implement its strategic plan. I was pleased to announce this week that the Government has endorsed TMAG's strategic plan 2016-21. It is now available to the public and we have copies for you here today.

This plan sets out TMAG's focus for the next five years and the future transformation in the museum seeks to make for the benefit of future generations. This plan positions TMAG to become financially sustainable and also demonstrates how the museum's long-term aspirations are aligned with the Government's goals of building the Tasmanian brand and attracting 1.5 million visitors to the state each year. The impact TMAG seeks to make on the community over the next five years is to enrich, inspire and educate local and global communities by connecting them with Tasmania's unique journey and place in the world. This will be achieved through a focus on four strategic outcome areas: being a welcoming physical and virtual destination; having strong collections that tell Tasmanian stories; developing an involved community; and using resources in a transformational way. The Government's investment will enable TMAG to start implementing the strategic plan that will guide this important institution into the future.

One of the first goals to be implemented is the establishment of an effective governance framework for the museum. The Government recently conducted a review of TMAG's governance. I was pleased to announce that as a result the process of drafting legislation that will enable TMAG to become a statutory authority has begun. The legislation will address the concerns expressed by the Auditor-General in his report of March 2015 regarding the lack of clarity around roles and responsibilities related to TMAG's management. These legislative changes will provide the clarity to allow TMAG to function effectively as a twenty-first century museum. I was also pleased to recently announce the change to TMAG's opening hours as another important step towards achieving the museum's goal of becoming a welcoming and accessible destination.

Our support for the Arts extends across agencies. Screen Tasmania and Arts Tasmania continue kicking goals. Tasmania have developed and implemented a new cultural heritage funding program as well as overseeing excellent initiatives such as the Collect Art Scheme and the Tasmanian Government Art Site Scheme. Screen Tasmania has facilitated numerous excellent new screen projects including *Rosehaven* and *Nightingale* as well as soon to be screened features such *Light Between Oceans* and *Lion*.

Yesterday we had the launch of the *Kettering Incident* on Bruny Island and a screening last night at MONA. I am very excited to have the *Kettering Incident* screening on 4 July on Foxtel. It has been a long anticipated wait to see the next episodes.

The Government continues to support great organisations like the Tasmanian Symphony Orchestra including their recently announced tour of China and the Theatre Royal as well as significant funding of \$30 million for the Theatre Royal precinct's redevelopment on the Wapping site.

In summary, this Government is strongly committed to the Arts. We are investing significantly and look forward to many more exciting developments in this space in the year ahead.

**CHAIR** - Thank you very much, minister, for the overview.

**Mr VALENTINE** - One of my questions has been answered with respect to the strategic plan. There were two things that were being considered last year. One was the strategic plan and the other was the strategic review. Perhaps you can give us an update on the strategic review for TMAG and that obviously encompassed possible consolidation between TMAG,

Screen Tasmania, Arts Tasmania, back office functions and a few things like that. If you could update us on that please, minister?

**Dr GOODWIN** - Essentially the whole portfolio review of all areas Arts Tasmania, the TWAB board, also Screen Tasmania board and TMAG. We decided to focus in the first instance on progressing the TMAG recommendations because of the concerns around the Auditor-General's report and the need to provide some on the Government's arrangements.

When I became the minister I was somewhat confused by the fact the trustees according to the current act have the Superintendent of the Museum. I am the minister so obviously there is some responsibility there. The department has some responsibility and the director is torn between the two. It was not clear to me how the structure was functioning or not functioning. I think was confirmed by the Auditor-General's finding regarding the lack of clarity and the suggestion there needed to be more of a strategic focus or at least have a strategic plan. That is being worked on.

**CHAIR** - Hence the legislation that is going to be coming to the parliament?

**Dr GOODWIN** - Yes, hence the legislation. The department did an internal review and looked at what was happening elsewhere in terms of how similar organisations are dealt with. The recommendation is to establish a statutory authority so the legislation is currently being drafted. The trustees are supportive of that approach and obviously there will be consultation on the legislation when it is finalised.

**Mr VALENTINE** - What does that really mean in terms of its functioning, the statutory authority? Can you explain it to us?

**Dr GOODWIN** - It basically means there is a clearer structure around TMAG the trustees will become, if you like, the skills based board. Although the trustees are very good, they are volunteers at the moment.

**Mr VALENTINE** - I know I have been in that place a couple of times.

**Dr GOODWIN** - It will help clarify the relationship between the trustees who will become the board and then the relationship with the department.

It also frees up TMAG to pursue other sources of funding where it has been unclear in the past in some areas how they can do that. It will make all those things a lot clearer, the statement of expectation between me as minister and TMAG as a statutory authority. There will be clearer lines of responsibility and accountability. It will give TMAG more freedom in a sense.

**Mr VALENTINE** - It will put it on the same footing as,

**Dr GOODWIN** - Like the Botanical Gardens sort of example.

**CHAIR** - Is it going to be a board that will be remunerated in the future?

**Dr GOODWIN** - I would expect so, yes.

**CHAIR** - What are you planning? How many?

**CHAIR** - The legislation is being drafted but it does need to move from being a volunteer board to being a skills-based board with some level of remuneration. It is not appropriate for something the size of TMAG with a significant budget to be run by a group of volunteers. They need to be skills based.

**CHAIR** - You must have some idea of the number you are thinking of.

**Dr GOODWIN** - The legislation really has not been drafted yet.

**Ms ALLEN** - I think we are contemplating a board of around the same size as we have now.

**CHAIR** - Which is?

**Ms ALLEN** - Eight people.

**CHAIR** - Eight people; more remuneration. A significant cost so it is going to need more funding.

**Dr GOODWIN** - It depends on what the final make up looks like but if we are going to expect TMAG to operate sustainably into the future, position itself and to continue to be a premier tourism destination, it has to have a skills based board and obviously remunerated to some extent.

**Mr VALENTINE** - Would you still be having representations say, from the University of Tasmania in the science aspects associated with the work it does. Presumably when you say skills based you are not just talking about the capacity to run a company, you are talking about the nature of the work involved there.

**Dr GOODWIN** - That is right. The mix of skills appropriate for TMAG is to be determined. Bearing in mind the size and range of the collection and that it is both museum and an art gallery it performs a very important education function as well as a tourism destination. The board needs to reflect all those various roles.

**Mr VALENTINE** - In this review have there been many changes or are there many changes envisioned in terms of how back office functions are handled in terms of consolidation with others like Arts Tas and the like or not?

**Dr GOODWIN** - Not so much with TMAG. Part of the process is to break down what seems to be a silo approach at the moment and that is more across the portfolio in terms of the advice that I receive as minister and then the other review comes in here. So the review looking at the Screen Tasmania board and the Tasmanian Arts Advisory board.

**Mr VALENTINE** - So that is yet to,

**Dr GOODWIN** - That is in progress and it is being consulted on. The concern as minister is that I have not had that whole of portfolio advice from an advisory body and a clear way in which stakeholders can raise concerns to Government in its structured way.

**Mr VALENTINE** - It is not a clean process.

**Dr GOODWIN** - No. The review of Arts Tas, the Tasmanian Arts Advisory Board and Screen Tas, the board, those advisory functions and it was recommended a ministerial advisory council which would have a whole of portfolio focus.

**Mr VALENTINE** - Do you still have good collaboration with MONA, for instance?

**Dr GOODWIN** - Yes, I invite Janet Carding, the Director of TMAG, to the table and talk about that collaboration.

**Ms CARDING** - In terms of the collaboration with MONA we have a good relationship. I inherited a good relationship and we have been building on that in the last year and this Friday we open Tempest, which is our major winter project and is also a formal collaboration with Dark Mofo, that part of MONA. The hope is that we will be able to collaborate every year with Dark Mofo. I see that collaboration is crucial for TMAG. Core to our strategic plan is bringing the building to life and having a dynamic program of events going on. It is a very productive relationship.

**Mr VALENTINE** - Because the Museum and Art Gallery is a state entity, do you have much collaboration with other museums in general around the state in TMAG, so you are sharing a bit of the love?

**Ms CARDING** - It is something I have been looking at as part of developing the strategic plan. We have formal relationships with organisations like the West Coast Heritage Centre, the Australasian Golf Museum which have collections which are part of the state collection held by TMAG. We are working on that.

**Mr VALENTINE** - QVMAG at all?

**Ms CARDING** - Yes. I have a lot of regular conversations with Richard Mulvaney. I was speaking with him the day before yesterday. We are working together on a project which will appear first in Launceston next January and then Hobart next April, which will be looking at the trip of Baudin and his explorers that came. We have just secured funding for a project called kanalaritja, about the Tasmanian Aboriginal shell stringing, and that will premiere at Hobart, tour nationally and then come back to Launceston. We are looking at how we can build up that relationship where we can share exhibitions and resources.

**Mr VALENTINE** - How have the FTE levels changed from last year to this?

**Ms CARDING** - Broadly speaking, the FTE level has remained the same. There have been some changes because, over the last year, as we have continued the restructure of the front of house staff, a number of positions which were casual positions have now become permanent part-time positions. So we have seen a drop in the number of casuals and an increase in the FTE rate. Broadly speaking, the FTE have remained the same.

**CHAIR** - What is the number?

**Ms CARDING** - It is 74.5.

**Mrs ARMITAGE** - It was 68.52.

**Ms ALLEN** - Between the 2014 FTE level, and it is slightly confusing but there is a variety of ways we count FTEs. If we work on a paid FTE number, which is the number of full-time equivalent position paid out of TMAG, there has been a reduction of 3.5 FTE between the 2014 figures to the 2016 figures which, is largely attributed to some of the restructuring around front of house models and shifting people from casual positions to permanent, part-time positions.

**Mr VALENTINE** - The Monday closure and now re-opening on certain days, is that impacting on the FTE structure or not?

**Ms CARDING** - It is probably a bit too early to tell on that score. What we have looked at is what the resources would be in dollar figures to be able to move to summer opening hours. We do not have the calculation of paid FTEs but I am confident the figure I was referring to was employed FTEs and, as Jacqui mentioned, there are also paid FTEs and the casuals. We would look to do between casuals and the permanent, part-time staff is cover those summer openings. I do not see a significant change.

**Mr VALENTINE** - It was around 68 last time.

**Mrs ARMITAGE** - It was 68.52 for the staffing levels. Could we compare apples with apples? The answer given to us last year for staffing level was 68.52. Can we have comparable figure? Is that 74?

**Ms ALLEN** - That is not the comparable figure.

**Mrs ARMITAGE** - If we could have a comparable figure otherwise it gets very confusing because we are not talking about the same thing?

**Ms ALLEN** - Yes. Unfortunately we count in three different ways. Today we have the paid FTE figure with us but we can do that for you.

**Mrs ARMITAGE** - That would be good. Last year the Auditor-General reported that TMAG has the highest figure for staffing costs as a percentage of costs, compared to other major museums in South Australia, ACT and Queensland. Has that changed or TMAG still have the highest figure for staffing costs as a percentage of costs?

**Ms ALLEN** - I would have to say that we have not done more recent comparisons. Reflecting on that particular report, it is very difficult to do an apples with apples comparison between the different institutions because they have different roles. For example, I think TMAG - correct me if I am wrong, Janet - is the only institution in the country that combines a gallery, museum and a herbarium. Our discussions with the Auditor-General around that report, whilst the finding is noted, there are not any like-for-like institutions against which to compare.

But I think, in terms of the work that Janet and the trustees have been doing, and indeed, what is foreshadowed in the strategic plan is a strategy to increase earned income from sources outside government.

**Ms CARDING** - I would say that for TMAG, as is common with most museums and galleries, the majority of the cost will continue to be in the staff, because they are not only how we deliver all the different functions of the museum, but they are also the intellectual capital of the organisation. So they put together the different programs and activities. But Jacqui is absolutely right, part of what we are looking at in the strategic plan is how we can raise more funds so that we can create and deliver more programs.

**Mrs ARMITAGE** - Obviously I do have to ask you, minister, about the Queen Victoria Museum and Art Gallery in Launceston. Can you confirm the funding for the QVMAG in Launceston? I believe it is \$1 366 200 plus CPI. If you could confirm what the figure is.

**Dr GOODWIN** - Currently the funding for QVMAG is \$1 366 200, that is in 2015-16. Once indexation for the current year is known, which will be in early August, a figure will be calculated for 2016-17.

**Mrs ARMITAGE** - I do appreciate that one is a State Government museum. But bearing in mind that the Queen Victoria museum is the largest regional museum in Australia, it had over 140 000 visitors in the past year, allowing for that, why is there such a significant discrepancy between the funding for TMAG and QVMAG?

**Dr GOODWIN** - As you pointed out, QVMAG is significant but still a regional museum, and TMAG is the state museum. This is historical. The funding to QVMAG is tied to the 1999 deed between the state government and Launceston City Council. In terms of the future, there is also this issue of what is happening with the University of Tasmania. Since the matter of the level of funding was raised by the Launceston City Council, it has agreed to work with UTAS to consolidate the university's northern campus, which is currently on two sites.

The stated preference of the university is to move to Inveresk, which is one of two sites where QVMAG operates from. Council has advised that the university's desire to move to Inveresk does not automatically mean that QVMAG should move from the precinct. Instead council has indicated that it is seeking to undertake a strategic review of the QVMAG to inform future plans. In light of these developments, Government will continue to provide funding to QVMAG at its current levels, plus indexation while discussions continue with council about future levels of funding.

Again, I reiterate that although QVMAG is a significant regional museum, it is not the state's museum, therefore the level of funding needs to be appropriate in that context.

**Mrs ARMITAGE** - I understand that, but I guess the question remains whether the Launceston City Council can continue to contribute \$4.46 million every year to QVMAG, when it is for the people of the region, as opposed to just the people of Launceston, or the people of the state and visitors as such. If the museum was required to move after the university move down to that site, has there been any discussion about funding to assist with the move perhaps over to the TAFE building?

**Dr GOODWIN** - No, there have not been any discussions as far as I am aware, no.



**Mrs ARMITAGE** - Possibly my last question on the QVMAG's line, has the government considered listing the museums on a separate page in the budget so it is easier to see funding for the smaller museums, including the regional museums in the state?

**Dr GOODWIN** - In terms of the other regional museums, there is a new cultural heritage program, which is a competitive funding program now. The smaller regional museums will apply for funding through the Cultural Heritage program. That potentially changes from year to year.

**Ms ALLEN** - The funding is currently provided and included in the Arts output budget line.

**Mrs ARMITAGE** - Are they listed separately though?

**Ms ALLEN** - Not in the budget.

**Mrs ARMITAGE** - Sometimes it makes it easier if they were listed separately to actually -

**Dr GOODWIN** - It will change under the new Cultural Heritage Program. They won't necessarily get the same level of funding each year. One might get more funding one year and another less funding.

**Mrs ARMITAGE** - That is where it would be interesting if we could see what everyone gets each year, if they were listed as separate entities.

**Dr GOODWIN** - You can't miss it in the Budget papers. We can provide that information to you.

**Mr FINCH** - There was a press release that mentioned some of that.

**Ms CARDING** - It is on the Arts Tasmania website too.

**Mr FINCH** - Minister, in respect of volunteers who work for TMAG, how they are engaged, encouraged, supported, trained and in the loop and the numbers we have?

**Ms CARDING** - We currently have about 11 000 volunteer hours that we record at TMAG. That represents a large number of people who are making a very significant contribution to the organisation. We have a person who coordinates the effort of those volunteers. They do that alongside other work and in time I would like to make some more investment into that area because we have an opportunity to grow the volunteer involvement at TMAG. What we do at the moment, and it is one of my favourite things in the year, is we do an annual thank you tea for the volunteers where they come in and they have an opportunity to meet each other because many of them are working in a specific area of the organisation, say the herbarium or art collections and research facility at Rosny. They don't necessarily have an understanding of what goes on. One of the things they enjoy is understanding the cumulative nature of their output. They are a very important resource to us and one I would like to grow for the future.

**Mr FINCH** - How do people recognise that they are volunteers? Do they have a uniform, a badge; is there a way of recognising that people are volunteers to the organisation?

**Ms CARDING** - The volunteers that work in the public areas of the museum, art guides, volunteers who do guided tours of the museum, they introduce themselves as volunteers and they have badges which identify them in that sense. We don't have a volunteer uniform as such but the volunteers are all clearly identified.

**Mr FINCH** - Eleven thousand hours, but did you mention what numbers that would be?

**Ms CARDING** - We have around 100 volunteers who are contributing at a variety of different levels.

## **5.2 Art Industry Development**

**CHAIR** - We are going to move now to 5.2 which is Art Industry Development.

**Dr GOODWIN** - I introduce Steve Kyne, Acting Director, Arts Tasmania.

**Mr WILLIE** - I might start by getting an explanation of the small decrease in the Arts Industry Development Fund 2016-17. There is no footnote either.

**Dr GOODWIN** - There is a net increase of \$143 000 in 2016-17. That is made up of the QVMAG indexation of \$33 000 for 2015-16, the Premier's Literary Prize which is biennial, the 2014 election commitment Creative Industries Policy Implementation, \$150 000 and other adjustments totalling \$19 000, overhead redistribution - 27th pay comes out, indexation and then there was budget savings of \$5000.

**CHAIR** - A lean organisation.

**Mr WILLIE** - Can you go back to the Premier's Literary Prize? Has that been cut?

**Dr GOODWIN** - No, it is biennial so it is in one year and then not the next and then in the following year.

**Mr WILLIE** - I might turn our attention to the Ten Days on the Island funding. Part of that is administered through a grant line item and the other half is through Events Tasmania. Is it correct that - ?

**Dr GOODWIN** - No, it has its own allocation currently, although that is to come to an end as the deed expires. It does sometimes receive funding through the Competitive Arts Grants process.

**Mr KYNE** - What would normally happen is individual components of the program will apply to Arts Tasmania or other funding sources for, it might be the Creative Development, for example, of a show that is then put into Ten Days on the Island. We would fund component parts of it in addition to the allocation administered by payment expenses on my budget papers.

**Mr WILLIE** - There is a significant drop there on the line item from 2016-2017 to 2017-18.

**Dr GOODWIN** - That is consistent with our election commitment to reduce the funding by 50 per cent.

**Mr WILLIE** - So there have been question marks around the future of Ten Days on the Island?

**Dr GOODWIN** - I am meeting variously with the board and key staff of Ten Days to discuss the future of this event in the contemporary arts landscape. It is timely to re-imagine the festival first held in 2001, to build on its past successes and ensure relevance. It is also important to look at how the festival can maximise a return on the government's investment in the future. To this end Ten Day is putting together focus groups of arts leaders from around the state to explore new concepts for the future of the festival.

These new concepts will, it is hoped, complement the biennial festival and capitalise on its legacy and achievements. The 2015 program was the most ambitious performing and visual arts program Ten Days has undertaken and marked a special concentration in the north and north-west of the state with every visiting international company heading to those regions for the first time.

There is a new Chief Executive Officer, Jane Haley, who has been appointed following the departure of Marcus Barker and also a new Chair, Saul Eslake, of the Board of Directors. I know they are both working hard on positioning Ten Days for the future.

Regarding our decision to reduce the level of funding to Ten Days that was an election commitment. It is difficult to sustain the argument that Ten Days should be quarantined as one festival that receives guaranteed ongoing funding when we have a whole range of other festivals that have to compete for their funding through either Events Tasmania and/or through the competitive arts funding process. Things have moved on since 2001 when the festival was first held and when we did not really have much else going on in the festival space, and there is a lot more happening now. I think it is timely to think about where Ten Days fits in the scheme of things and how it should go forward.

**Mr WILLIE** - Essentially what you are saying is they have lost 50 per cent of their funding and they have to compete if they want extra funding?

**Dr GOODWIN** - Yes.

**Mr WILLIE** - My next question is the Tasmanian Symphony Orchestra: if you look across the forward Estimates there is no increase. Is that effectively a cut to funding? I am interested in what sort of support you are giving the Tasmanian Symphony Orchestra?

**Dr GOODWIN** - The TSO is somewhat historical as well in that the TSO funding does not include indexation, although it has received indexation this year by way of a Regional Arts Fund. Historically it has not and it is not included in the Budget for this year and the forward Estimates, however, every year they have been provided with indexation. It receives two lots of funding. There is the government contribution of \$1.5 million and then there is the \$500 000 icon funding as well. Plus as there is the \$100 000 for the tour to China.

**Mr WILLIE** - \$100 000 for the tour to China. Do you have any other plans to support the symphony orchestra?

**Mr KYNE** - What we have done with the tripartite funding agreement between ourselves and the Australian Council for the Arts and the TSO is to put a provision we will provide an indexation when we can, and we attempt to make that as RAF last year or through the other means we might find in my department. To date we have never missed an indexation payment, even though it's not shown in the Budget papers. We met our obligations; if we cannot afford it, then we do not pay it.

**Ms ALLEN** - Can I just add for the purposes of clarity. The Tasmanian Government is the only funder of the symphony orchestra. They receive approximately three quarters of their government funding through the Commonwealth body, the Australia Council through the Major Performing Arts Board, so we have a three way agreement between the Commonwealth, ourselves and TSO. So the appropriation in here does not represent the full extent of the government funding TSO receives.

**Dr GOODWIN** - The TSO sometimes gets money for particular gigs, for example, the Missy Higgins Concert, they would have been remunerated, for their involvement in that.

**Ms ALLEN** - So they will run some commercial activities, which is not unusual for state symphony orchestras, in terms of meeting their overall budget.

**Mr WILLIE** - It is such a significant icon, it is concerning to hear you say that we will fund the indexation only if we can afford it.

**Dr GOODWIN** - The reality is it does get funded every year. For whatever reason it has not been reflected or included in the Budget papers.

**Mrs ARMITAGE** - Through your chair, we should not forget the community work TSO does, whether it be in Launceston or Hobart. The unpaid work, it actually gives their music to people who could never afford to go to a concert, probably would never go to a concert, if it was not available free of charge. It is something though that we should not forget. That it does do a lot of community -

**CHAIR** - There will obviously be an opportunity to endorse that on the floor of the House, if there is a RAF required.

**Mrs ARMITAGE** - I am assuming this comes under this area, it is just regarding the two part process for Tasmanian's applying for arts funding. I believe that, first, the application goes through a board of peers and then to another panel for decision. Is that right? I have been advised that the board of peers is kept anonymous, is that the case?

**Dr GOODWIN** - Nods.

**Mr KYNE** - Through you, what we do is we release the names of peers after the assessment has taken place. It is fair point to say that the panel's second part of that process you mention, the names are on our website, so they are known in advance. With the peers, they are a much smaller group of people and they are in the art form. So theoretically if you

a theatre practitioner applying, you probably know all the people. If you saw the list of names of peers, could ring them up and give them a hard time. It is that idea of trying to stop any undue influence occurring before the assessment.

**Mrs ARMITAGE** - The concern I had raised with me, was that the advocate needed confidence their application was not being assessed from someone who could be from a rival arts organisation. So it can work in the reverse as well.

**Mr KYNE** - I assure you that we have proper conflict of interest procedures in place and we have staff who are working in the industry. If anyone has not put their hand up, we will talk them through and say, 'Just a minute, are you really conflict-free in this situation?'. The board has really good rules, and our previous chair was Damien Bugg, QC. He set down very good rules, in considering what really is a conflict of interest, what is a potential conflict of interest, and then what is a perceived conflict of interest. So under that level, anyone looking in will say, look should you really have been assessing that. We do not allow that to happen.

**Mrs ARMITAGE** - Is there an appeals process?

**Mr KYNE** - Not at the very first stage. The second stage process, yes there is. The appeals process is quite specific. It has three grounds for appeal in terms of people taking into account things not relevant for example to the assessment, like their gender or their race, things like that.

**Mr VALENTINE** - The cultural heritage funding program, now being competitive. What is the actual breadth of that program expected to be, and what sort of dollars are involved here. How many organisations do you expect to be dealing with and funding, through that program?

**Dr GOODWIN** - I will just give you a bit of an overview. So for 2016-17 onwards, funding for museums, galleries, and heritage organisations in Tasmania, has been distributed through the New Peer Assess Competitive Cultural Heritage Program. Public regional museums, art galleries and heritage organisations are able to apply to Arts Tasmania for an annual grant that takes into account each individual organisation's needs and contribution to the preservation of and public access to the state's moveable cultural heritage.

Recipients for the 2016-17 funding were announced on 2 March. Funding was awarded across the state and a number of the projects received the assistance of the roving curators.

That has now been combined; the actual grants funding and the roving curator aspect of it, so it comes as a package now.

**Mr VALENTINE** - Are we getting a list of that already?

**Dr GOODWIN** - Yes, we have a list.

**Mr VALENTINE** - If we can have that tabled.

Going to page 254 where it talks about arts industry development, this is on the budget paper and the aims to broaden the engagement of Tasmanians in the arts, highlight the state's diverse arts and cultural sector and build sustainability of arts businesses. It goes on to say -

It is achieved through various things but some of that is funding to individual arts, arts organisations and major Tasmanian cultural institutions to assist their planning and realisation of projects as well as to develop and present new work.

I am thinking of the performing arts in this particular theatre. You will probably agree that about 2008-2014 there has been decreased funding to the arts in general and, if I look at the budget line item here, I see you are going down \$143 000 to this year and then you go back up again to \$149 000. TMAG is in the same boat. I am not quite sure what is happening in that -

**Dr GOODWIN** - There is the 27th pay issue that comes into it.

**Mr VALENTINE** - That is still hanging around, is it?

**Dr GOODWIN** - Yes. That results in a net reduction because the 27th pay was applied last financial year.

**Mr VALENTINE** - I take for example, the Tasmanian Theatre Company received \$224 000 in funding through Arts Tas. In 2016 it received \$115 000, so six years later they are operating on 51 per cent of the grant they had in 2010. Clearly that injects a lot of stress into an organisation like that and they are supposed to be creative and assisting the community. That cannot continue, can it?

**Dr GOODWIN** - The situation is, and I am not sure, is the funding level different back in 2000 or -

**Mr KYNE** - It is very radically different from the time you mention to now, and it was de-funded at one stage so it lost money. It is a competitive process; put an application, if it is not competitive it is not going to get funded, or it will get part funded. A particular case, minister, the company was de-funded, we then discussed how it might get funding back and it had to draw a dramatic change in its structure and its activities and that applied for project funding so they do one project first, then two projects the next year, now it has been program funded. The entity itself is radically different now from what it was six years ago.

**Mr VALENTINE** - The difference between project funding and program funding, program funding is more consistent?

**Mr KYNE** -The consistency, it allows you to fund your operations on an annual basis rather than say we are going to start as of March do this project and finish up 30 June, for example. It allows you a lot more security hopefully.

**Mr VALENTINE** - It gives more surety, but it is still -

**Mr KYNE** - What we try to do is move company's surety steps if you like, some project funding down to program funding, then you go to multi-year funding which gives them that surety any arts organisation would want.

**Mr VALENTINE** - Are they assessed on how much effort they are putting in themselves to try to raise funds, and things like that? They were obviously doing a fair bit and they are putting in.

**Mr KYNE** - That comes under the assessment of their governance, for example, but the primary assessment focus is with them whereas with an arts organisation is the quality of their arts output and their reach. For example, what kind of graphics are they looking for? Are they getting around the state or outside the state?

**CHAIR** - A question in regard to the Academy of Performing Industries and Creative Arts funding of \$9.9 million over two years, from 2017-18. Where in the output data is that reflected?

**Ms ALLEN** - It is allocated within a broader capital group's budget for Department of State Growth. I can come back and give you the specific allocation for that but you will not find it in the Arts output area.

**Mr VALENTINE** - With respect to the performance basis that are going to be in that -

**CHAIR** - A very short question with a short answer.

**Mr VALENTINE** - It is The Backspace Theatre that currently exists, the way it functions, people provide their own ushers and they provide their own bar staff. In this new facility is that going to be run on the same basis because they cannot afford a lot of money? Are they going to get the opportunity to use those sorts of spaces without having to have in-house staff involved?

**Ms ALLEN** - We are still in the process of developing the operating model and the funding packages around how the space work but it is fair to say that the studio theatre in the new building will be of a larger capacity than The Backspace. The facilities will be very different so the dynamics of using that space will necessarily be different from The Backspace. In terms of whether the Theatre Royal Management board will provide for volunteer ushers and volunteer bar staff and things like that, I think that is yet to be resolved by the board.

**Mr VALENTINE** - It is a great concern to people that organisations cannot afford to use the spaces being built for them.

**Ms ALLEN** - Absolutely and that is very much on our minds.

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

**CHAIR** - It sounds like you got a good hearing there, minister. This is just a private issue that I have that I would like to maybe hand over to Steve while you have him sitting at the table. He might be good enough to give me some feedback at a later time regarding that particular matter. I do not always see the right people or know who they. I thought today was a good day.

**Mr HYNE** - The issue with Hush Foundation which is a phenomenal organisation and does great work.

**Dr GOODWIN** - We will take that one on notice.

**CHAIR** - Absolutely and I do not need it included in anything. It is just an opportunity when Steve was at the table, so thank you.

I am going to move now to 5.3 and not surprising this first question goes that screening history development, thank you Steve, to Mr Finch.

**Dr GOODWIN** - I welcome Alex Sangston, Executive Manager of Screen Tasmania and very new. How long have you been here now Alex?

**Mr SANGSTON** - Thank you everyone. Almost four months.

**Mr FINCH** - This is from somebody inside the industry who has contacted me by email this morning, I will read this and then get your comments and maybe Alex too:

From what I can observe from previous Estimates transcripts the emphasis is always on the inbound productions, how much employment spend, et cetera, is generated. It is always disappointing and surprising that there is not discussion around the work that Tasmanian production companies have achieved or the difficulties that they face.

I think what this does is perpetuate the understanding in parliament that the agency is all about showcasing Tassie locations and cast whereas the agency RENIT (?) is actually growing the local industry. The discussions around the big and shiny productions reduces the opportunity for questions about how the local sector is actually performing and Government's role in supporting it.

Can I get a comment on that observation?

**Dr GOODWIN** - Straight over to Alex.

**Mr SANGSTON** - Thanks for the question. There is a misunderstanding about the way we fund projects when the correspondent refers to inbound projects. Shouldn't they be talking about things like *Rosehaven* and the *Kettering Incident* and *Nightingale*? One of those is not actually an inbound project; the *Kettering Incident* is a coproduction between Vickie Madden's Sweet Potato Films in Launceston and Porch Light Films out of Melbourne. I would not necessarily agree that that would be an inbound production. That is inherently a Tasmanian production. It has provided a lot of employment for local filmmakers and local talent.

Having said that, I expect what the correspondent is referring to is a perceived dearth in the support of entirely domestic Tasmanian projects. Again I do not think that I necessarily agree. We do have Little Rocket Productions and Raw Productions that both receive a lot of production investment out of the agency and they are continually working in the background.

Despite the fact that we might jump up and down and be a bit bright and shiny about the big, new shiny things that we have got coming in, but I do not think we focus too much on



inbound productions notwithstanding the fact that that all focuses on one site, one of the programs we run, which is a production investment program.

Most of our development funding, in fact, almost all of our project development funding goes to local filmmakers in the hope that those projects are developed to the point that the marketplace can be attached and they can move into production investment.

**Mr FINCH** - Can we see, minister, a broadening of the role of Screen Tasmania to perhaps consider more the emerging artists, and maybe have more investment in those opportunities that might be created because of the interest by young people, particularly in filmmaking.? Everybody wants to be a director.

**CHAIR** - Including your good self?

**Mr FINCH** - No, that has passed me by, I would suggest. I would relate this to the decline in funding for Screen Tasmania, just dribbles, a little bit of a dribble out or a little bit of a dribble in. There is nothing really substantial in the Government's approach to Screen Tasmania. I am wondering if more could be done in the future if we look to perhaps new opportunities, particularly for our young Tasmanians who want to be in this very exciting film industry and the opportunities it might prevail for them in Tasmania.

**Dr GOODWIN** - The Screen Tasmania board is about to go into its strategic planning development process for the next iteration of the strategic plan, which will be 2017 to 2021, but there is also an industry workforce development plan being developed as well. Screen Tasmania in conjunction with the Tasmanian Creative Industries Pty Ltd, which is the creative industries' peak body, has secured funding from Skills Tasmania to produce the screen industry workforce development plan as a first -

**Mr FINCH** - At what value please, minister, do you know?

**Dr GOODWIN** - It is about \$50 000.

**Mr FINCH** - Thanks.

**Dr GOODWIN** - Screen Tasmania has commissioned local company, Denning and Associates to undertake a screen industry profile survey, which is to ensure that the plan accurately addresses the issues of both the existing screen industry and those who aspire to work in the industry and ensure that the entire screen industry, including: games; web and app developers; advertising and corporate content providers and services and facilities providers are included. That is underway. The strategic planning process is underway. Alex, did you want to talk about the work that you did with -

**CHAIR** - We probably will not have time to have a nice chat. We can always have a briefing, minister.

**Dr GOODWIN** - No. I was going to direct -

**CHAIR** - I know it is important, but we just do not -

**Dr GOODWIN** - Mr Finch might be interested in this though because it is what happened in relation to Wide Angle losing its funding and the work that Screen Tas is doing in that context. Wide Angle of course has its funding now, but I am sure Alex can be very brief.

**CHAIR** - Thank you.

**Mr SANGSTON** - From the moment that Wide Angle announced that it was closing, Screen Tas started working very hard to work out how we could best support that emerging and entry-level sector. That work was quite advanced at the point at which Wide Angle managed to secure additional funding from other sources, and it is fantastic that they did so. We are at a point where we are about to announce a new suite of programs or a new program for supporting emerging film-makers, particularly in developing short-film content. On top of that, we are working very closely with Wide Angle now that they are back up and running on how we can best work together to make sure that those emerging filmmakers have an opportunity to be in production and to help make content.

**Mr FINCH** - You will get more from the budget in future. Just if I might too, the Tasmanian Filmmakers Alliance, minister -

**Dr GOODWIN** - Yes, that is our newly formed -

**Mr FINCH** - Just your assessment and your feeling about that.

**Dr GOODWIN** - It is newly formed. It is a great thing. It is only a positive when the industry organises itself into a representative body to advocate on behalf of the industry. That is good.

**Mr FINCH** - I am just not sure if my colleagues have heard about that. It is an exciting development to have a voice piece coming from the industry back. I am assuming that would be part of the role. I will come back to you.

**CHAIR** - We can talk about it more at morning tea.

**Mrs ARMITAGE** - Minister, in the last year the critically acclaimed *The Kettering Incident* has been filmed in Tasmania as has *Lion*, the story of Hobart's Saroo Brierley, which stars Nicole Kidman, Dev Patel and David Wenham and there is a lot of excitement about *Lion* already. Of course we are very fortunate to have the wonderful Vicki Madden returning to Launceston. What is your Government doing though to ensure that the Tasmanian screen industry can capitalise on the success of these two significant projects and I appreciated the screening last night at MONA.

**Dr GOODWIN** - We also have another exciting project *Nightingale* which has just recently been announced as well - and we shouldn't forget *Rosehaven*.

**Mrs ARMITAGE** - What is the Government doing to capitalise on this success?

**Mr SANGSTON** - It is really good timing for that because yesterday was the media launch of *The Kettering Incident* and we worked in conjunction quite closely with Foxtel and Tourism Tasmania brought down opinion makers, reviewers from interstate who work for

national publications and they were showcased. We took them to Bruny Island and gave them a lot of local produce and impressed them with the locations and with our exports and then went out to MONA to screen the first two episodes. The first reviews have started going up now so we are working very hard to make sure that the word about what we can do as a state is in the national consciousness and capitalising on that.

**Mrs ARMITAGE** - And *Lion*?

**Mr SANGSTON** - As far as *Lion* goes I have been in touch with the local distributors. It is a little bit early still. They haven't finalised their screening of those projects but *Oak Wine* and the *Light Between Oceans* we are going to be again working hopefully with Tourism Tasmania and the distributors to make sure that we are able to capitalise on it.

**Dr GOODWIN** - Can I just mention *Nightingale* because this is a really exciting project because it is going to be the largest feature film ever wholly shot in Tasmania employing up to 25 local Tasmanian crew members plus local actors and providing for a number of attachments for emerging Tasmanian film makers. *Nightingale* is the highly anticipated second feature film from the *Babadook* director, Jennifer Kent. Ms Kent has been feted by producers around the world following the *Babadook* success but decided her second film would be a Tasmanian set convict tale. That is a tremendous successful -

**Mrs ARMITAGE** - Where is it being shot?

**Dr GOODWIN** - Wholly in Tasmania.

**Mr VALENTINE** - Whereabouts?

**Dr GOODWIN** - They are scouting, I suppose.

**Mr SANGSTON** - They are about to commence scouting soon.

**Mr VALENTINE** - Can I ask a question about infrastructure and facilities in Tasmania? Do we have any particular area that is a real gap in what we can provide to these companies?

**Mr SANGSTON** - That is exactly one of the things that the workforce development plan and the industry profile is hopefully going to figure out. The first thing we needed to do is to grab who we have got so we know where the gaps are. In terms of facilities we do not have a -

**Mr VALENTINE** - It is not the people so much.

**Mr SANGSTON** - We don't have a sound stage. I believe there are some plans for one to be built by the private sector.

**CHAIR** - Whoever managed to whip that over, it is appreciated. Minister, we thank you in your capacity as Minister for the Arts and invite you to continue as the Attorney-General.

**Output group 1**

**Administration of justice -**

**CHAIR** - Welcome back everyone. The Attorney-General's portfolio is a very important one. Is there a brief overview you would like to provide?

**Dr GOODWIN** - Sure.

Chair, it is an honour to be here again for the third time today as the Attorney-General, Minister for Justice and the Minister for Corrections.

I am pleased we have made significant progress over the past 12 months in justice reform and I am looking forward to the further opportunities that lie ahead. A little over two years since coming into office, the Budget and the state are now back on track. After some difficult decisions in the past two budgets we are now able to reinvest in essential services.

The Justice portfolio is incredibly diverse and I continue to be impressed by the staff who work within Justice and Corrections. I very much appreciate their dedication, outstanding professionalism and commitment to their respective roles. It is challenging work that addresses a range of complex issues, many of which are subject to a heightened level of attention from the community and the media on a daily basis.

As the Attorney-General and Minister for Justice, I am pleased the state Budget supports a number of key initiatives. The Australian Government reduced its funding for the provision of legal assistance services under the national partnership agreement meaning there was almost \$500 000 less for the Legal Aid Commission and the state's community legal centres. Therefore this Budget picks up the slack for the 2016-17 financial year to ensure no services are lost due to the change in federal funding arrangements. During this period we will continue negotiations with the Australian Government about future funding and that is a continued dialogue.

Another important measure is the additional support for the very important work of the Public Guardian who promotes, speaks for and protects the rights and interests of people with disabilities and acts as a guardian of people with disabilities when appointed by the Guardianship and Administration Board. The Budget allocates \$600 000 to the Office of the Public Guardian to support them in the important work they do for represented Tasmanians. That consists of \$100 000 per annum in recurrent funding to support the office to meet increasing costs and demand pressures and \$200 000 in one-off funding for 2016-17 to develop a case management system to improve efficiency and reporting capabilities.

There is money in the Budget to continue the work on the single Civil and Administrative Tribunal.

There is also money in the Budget to address security at the Supreme Courts. There have been incidents there of concern. There was also a review conducted of security statewide and the Government has committed \$930 000 in the state Budget to improve the level of security at the Supreme Court facilities across the state, including recurrent funding for the employment of additional security staff.

There is a very heavy legislative agenda and a lot of important work underway, including law reform to strengthen the state's protections against bullying, model legislation to underpin a national domestic violence order scheme, amendments to give effect to the Sentencing

Advisory Council report on sex offence sentencing, and law reform to strengthen legislative frameworks to hold perpetrators of family violence to account. Also, the phasing in of new sentencing alternatives and the progressive phasing out of suspended sentences will commence later this year under the five-year transition period recommended by SAP.

I look forward to answering questions about those issues.

**Mr DEAN** - The matter you just mentioned about security in the Supreme Court, will that apply to the Launceston and the Burnie courts as well? It is internal security and is for the separation of the public from the court officials in the court - is that the position?

**Dr GOODWIN** - I mentioned the Government had committed \$930 000 in the Budget over the period of the forward Estimates.

**Mr DEAN** - Will that cover the security at all three locations?

**Dr GOODWIN** - There has already been quite a bit of work done but as to where that is specifically aimed, it will enable implementation of improved security arrangements directed at the following facilities: installation of walk-through metal detectors and baggage screening facilities statewide, including in the Hobart civil building foyer together with a security officer permanently stationed at those locations, with modifications to the criminal building reception area to enable more efficient use -

**Mr DEAN** - On the security, you said security officers will be stationed permanently. I thought we had security officers in the precincts the whole time anyway. That's already in place.

**Mr CONNOLLY** - We have security officers who are in the court rooms or patrolling the building. The proposal here is to have a permanent perimeter security station, the same as you have in the Parliament building here, so we have security staff permanently stationed there doing security work and other administrative work.

**Mr DEAN** - Is that only during court sitting times or will that cover all other occasions?

**CHAIR** - Is it 24/7?

**Mr CONNOLLY** - It is not 24/7, it is during business hours when the building is open to the public.

**Mr DEAN** - Whether courts are sitting are not?

**Mr CONNOLLY** - Correct.

**Dr GOODWIN** - There will also be criminal court room modifications, installation of a gate between the public gallery and the well of the court, installation of glass barriers on the dock and between the public gallery and the well of the court to impede unauthorised access, installation of a security

Installation of a security gate across the driveway leading to the basement garage under the Criminal Court building. If funding permits, provision of a separate access for jurors to

the jury rooms in the Hobart Criminal Court building to avoid the intersection of jurors and accused persons and their families and friends in the public foyer; as part of ongoing improvements to security during the 2015-16 year the court has set up a security committee to regularly review and pre-empt security issues. There are formalised and developed procedures for liaising with the Tasmanian Prison Service and Tasmania Police, including obtaining two-way radios that use the same system as the Tasmanian Prison Service for good communication with the cells in Hobart; has obtained new radios for use in Launceston, again, to improve communication between court staff and external parties; continues to strengthen its lines of communication with the Magistrates Court to assist with risk assessments.

We've installed new security cameras at the Launceston Court which has increased the level of security of the Launceston Court on remand days; is installing CCTV cameras in the court rooms commencing in Hobart to provide a view of the whole of the courtroom, which is viewed by security, recorded and can be used as evidence if required. This will provide Tasmania Police with remote access to its live CCTV images in the event of an emergency so that a view of the courtroom and precincts can be seen for the purposes of the response; has implemented a training program for staff and the judiciary to ensure a comprehensive understanding of emergency protocols and to promote general security awareness; has improved perimeter security through the use of physical barriers and surveillance; is actively considering improvements to the management of remand day lists to limit the number of people gathering at the court on remand day; and to assist with the provision of improved security in the court the government is working on a new court security bill that will cover issues such as screening of persons entering courts, prohibited items and powers of authorised officers to maintain security in court buildings.

**CHAIR** - That is all for \$570 000?

**Dr GOODWIN** - As I indicated, some of that work has already been undertaken.

**Mr DEAN** - The roving security, does that include Launceston and Burnie as well during office open hours? If it is not I would like to know why there is some discrimination in this case?

**Mr CONNOLLY** - In Burnie there is a permanently manned security station at the perimeter. We have prison officers who do dock duty in Burnie. We have contract security guards who are on a shared contract between the Magistrates Court and the Supreme Court, because it is all in the one building, as you would be aware.

In Launceston we have a roving security guard at the moment. We supplement that on remand days when there is a crush of people in the building. Under this proposal we are designing a new perimeter security station that will be permanently manned.

**Mr DEAN** - At Launceston?

**Mr CONNOLLY** - At Launceston, yes.

**Mr DEAN** - Included in this there will be obviously recurrent costs to cover all of this. What are the recurrent costs? What is the estimation of that?

**Dr GOODWIN** - So \$120 000 extra has been allocated.

**Mr DEAN** - I am trying to figure out how that would cover that. You have the roving security, which is additional in some cases, there are increases there. Then you have the other processes in place as well. I am wondering how that is going to go anywhere near covering it?

**Dr GOODWIN** - This is additional recurrent funding. Some of that is presumably already covered under existing funding.

**Mr CONNOLLY** - There will be some reconfiguration of duties as well, because the roving guards at the moment, for example, in the Hobart Criminal Court building will be permanently stationed. What was a part time employee becomes a full time employee.

**Mr DEAN** - I am not saying it is not warranted at all. I have given evidence in all three places and on many occasions and always felt vulnerable myself back in those times. I am not saying it is not warranted. I am just making sure there is funding there that will not impeded this in any way and that is the concern?

**Mr CONNOLLY** -As the Attorney-General said, we are looking at the security issues from various aspects. For example, a proposal that we had to have a separate juror access as a way of providing some separation between jurors and defendants and their families and friends, that may have to go onto a lower priority in order to put the perimeter security in place for the general public entrance, which is usually where these issues can come to a head.

**Mr DEAN** - How many instances have we had security breaches or security issues in the supreme courts, that is Burnie, Launceston and Hobart in the last financial year?

**Mr CONNOLLY** - I can think of one in particular that brought this matter to a head in Hobart court where a Crown prosecutor was assaulted by the mother of a defendant. Apart from that, nothing of any significance as far as security issues going. No escapes from the dock or assaults occurring in the court room. There was one in Launceston in the foyer, where two shooting parties - if I could call them that - came to blows, but that was quickly resolved by the security staff who were on hand.

**Dr GOODWIN** - As you know, Mr Dean, they can be volatile environments. People are unhappy with the sentence received. There can be warring parties. The court buildings, by and large, are ageing facilities. If you were starting from scratch we certainly would not design the Burnie court the way it is if you were starting from scratch. There are some legacy issues there.

**Mr DEAN** - I am not underestimating the violence that could occur within the courts. I have a good understanding of that. I wanted to ensure that we are getting it right and the funding is adequate. No further questions on that point, on the security.

**Mrs ARMITAGE** - Minister, the backlog of cases, what is the backlog on the cases and how many cases are waiting at the Supreme Court?

**Dr GOODWIN** - I will give you an overview of backlog issues in the Supreme Court. In terms of civil cases awaiting trial, there is no backlog. Civil matters can usually be

listed for hearing before a judge within three to four months of being certified ready for trial. It is worth noting that Tasmania's civil case statistics are the envy of all other jurisdictions in Australia, where delays of 18 months or more in having a matter listed for trial are common. Factors that contribute to a the low backlog of civil cases are the effectiveness of mediation in facilitating negotiated settlements, settling approximately 75 per cent of civil cases, and the pre-trial management of cases by the associate judge to ensure that matters are prepared for trial efficiently.

In terms of the civil backlog, as at 31 May 2016, the criminal case backlog was 385. The backlog does remain high.

**Mrs ARMITAGE** - Last year I think it had gone up from 316 to 348, so now it is up to 385.

**Dr GOODWIN** - Yes. There has been a focus in the 2015-16 year on reducing the backlog. I can talk a bit about what is taking place.

**Mrs ARMITAGE** - How are you going to do that?

**Dr GOODWIN** - What has been occurring in the 2015-16 financial year, additional criminal sittings have been allocated to the judges to ensure the backlog is managed. Courts are also sitting for longer hours, often dealing with shorter matters such as directions hearings and bail applications before and after normal sitting times. There has been a focus on some older criminal Commonwealth trials, which are frequently longer than state criminal cases due to the nature of the charges, for example welfare fraud, drug importation, or fishing industry offences that require voluminous documentary evidence and the development of improved documentation for some types of applications to streamline procedures. For example the bail application form has been modified to make it easier for unrepresented applicants to make sure their application is listed in the correct court and includes all relevant information.

Measures being considered to try to reduce the backload now, consideration has been given to introducing more active case management of appropriate criminal cases. This will attempt to reduce the number of pre-trial appearances required and ensure parties are ready for trial as soon as possible. This may involve the court taking more control of the listing process rather than the DPP determine which matter should be listed for trial.

We recently passed the Supreme Court Amendment (Judges) Act 2016 which will permit additional judges to be appointed from time to time to assist with reducing the backlog. A more rigorous management of the appeal process is being introduced. This is to ensure the Court of Criminal Appeal is able to hear and determine appeals within a shorter time frame, settling appeal books in timely manner and the use of electronic appeal books where appropriate will enable earlier finalisation of appeals.

Some reasons for backlog are not easily overcome, for example complexity and length of trials, is increasing with greater use of expert witnesses and complex scientific evidence such as DNA. There can be more applications made during the course of trials, for example applications have a witness declared unfavourable under section 38 of the Evidence Act.



The introduction of special hearings, to pre-record evidence or witnesses declared special witnesses under the Evidence (Children and Special Witnesses) Act and applications for children to give evidence in court in some cases rather than remotely from the protected witness room.

Increased amount of surveillance provides evidence and financial records.

To ensure all available court time is fully utilised at courts is also consuming, more actively managing lists, ensuring backup trials are listed and ready to proceed if other trials are adjourned, cannot go ahead as planned or turn into guilty pleas.

The Legal Aid Commission is considering lifting its daily cap on grant funds and removing the obligation on trial council to report progress daily to the Commission, which should assist in more streamline approach. Lawyers can apply for legal aid and due to the daily limit, have it knocked back on that occasion and then have to wait another 30 days to reapply and that obviously holds matters up. The removal of the daily limit could address some of those issues.

The shrinking of the criminal bar is a matter being raised as contributing, basically not enough criminal lawyers to go around all the matters and we recently trialled -

**Mr DEAN** - What about the DPP's office? Is there a problem with the DPP's office keeping up with the work?

**Dr GOODWIN** - Certainly the DPP's office is very busy. The problem is more an issue of the shrinking of the criminal bar, for example Greg Richardson on the north-west coast is very busy and there is only one Greg Richardson, so that does create some pressures.

**Mr DEAN** - The backload of the work in the DPP's office is not contributing -

**Dr GOODWIN** - There would be a number of cases on the DPP's books and some of those lengthy trials we have had have extended over some months the DPP would be involved in, so it is a combination of factors.

In terms of the shrinking of the criminal bar, the duty lawyer scheme we have been trialling in the Magistrate's Court, means graduates of the legal practice course who do not have a job have been rostered on to provide a duty lawyer service in the Magistrate's Court. That is giving them experience in the Criminal Courts and hopefully lead to them getting a job and being able to practice in the criminal area because they will have the requisite skills and experience.

**Mrs ARMITAGE** - Can you advise how old some of these cases are that have been waiting or how long the longer cases be still there waiting to be heard?

**Dr GOODWIN** - The total pending caseload 2014-2015, 388, pending for less than 12 months, 281. Pending greater than 12 months but less 24 months is 73; and pending greater than 24 months is 34. The pending less than 12 months is 72 per cent. Pending between 12 and 24 months is 19 per cent and older than 24 months is 9 per cent.

**Mrs ARMITAGE** - When you say older than 24 months, how long is the longest case still waiting? How long are people still waiting to go to court? Can we take on notice because it would be interesting to see if these people, are they on bail, the defendants in a Supreme Court case that has been waiting longer than 24 months?

**Dr GOODWIN** - It could be a Commonwealth matter as well.

**Mrs ARMITAGE** - It would be interesting to know how many we have and what they are. How many of those cases backlogged and waiting, whether the defendants are incarcerated or on bail?

**Dr GOODWIN** - Certainly some of them would be on remand. We have a high remand population at the moment.

**Mrs ARMITAGE** - If they are found not guilty at the end of the case it is obviously a problem. Do we have a figure of defendants on bail, how many commit further offences while they are bail waiting for these cases?

**Dr GOODWIN** - No, we do not have access to that information.

**Mrs ARMITAGE** - It is an issue raised on the mainland, cases waiting to go to court and the people on bail are committing further offences.

**Dr GOODWIN** - The Police Association in the past has been concerned about offending on bail but I am not sure we have that information. We may be able to find out for you.

**CHAIR** - Could you make some enquiries and advise the Committee of the outcome of the request?

**Mrs ARMITAGE** - If we have defendants waiting and they are on bail and they are committing further offences because of the backlog of the courts, then maybe if they are found guilty and they would be incarcerated. It is an issue. One last thing about the jury -

**CHAIR** - Yes, and then we are going back down the other end.

**Mrs ARMITAGE** - Are any of the delays caused by difficulty getting juries for some of these cases?

**Mr CONNOLLY** - No.

**Mr DEAN** - I raised with the Attorney-General some time ago, one complex case on the list for a number of years. You have on notice to give us the longest waiting cases and the case I think they are on bail. You had a target for pending cases older than 12 months, 27.6 was actual for 2014-15, the figure here is 15 per cent this current year, and for the next financial is 15 again. How close were we to getting the 15 per cent for the current year?

**Mr CONNOLLY** - We are still sitting up 27 per cent mark. It is a target to aim for.

**Mr DEAN** - Why we would set a target for the coming financial year of 15 per cent when clearly it is a target that is probably not reachable? You wonder when you put in some

reasonable targets what impact it has. I question the reason for putting in targets not ever going to be reached at this time?

**Mr CONNOLLY** - That target has been reached up until about three years ago. We have had some exceptional case load in the last few years with some very long trials.

**Mr DEAN** - That was my next question. How many cases on the books at this stage some expected to take a long time within the courts? Have we any more?

**Mr CONNOLLY** - Not of the magnitude we have had in three particular murder trials over the last couple of years. One of them, as you are probably aware, tied up the court for six months.

**Dr GOODWIN** - It does depend on the outcome of an appeal.

**Mr DEAN** - That is in appeal now. It will be interesting to see where that goes. We will be going back to the whole thing again which is going to create some issues of its own. Where does it sit up there? That is being held right now isn't it?

**Mr CONNOLLY** - It is being held and it is reserved at the moment.

**Mr DEAN** - If I can go to the real net recurrent expenditure finalisation. Once again, you have for the target this year was \$14 000. Is that per case average across the whole of the cases in the Supreme Court? Is that what that line relates to? The coming 2016-17 year you have gone back out to \$17 000 again. What does that cover? Real net recurrent expenditure per finalisation. Does it cover the average cost of a trial?

**CHAIR** - Broad measure of per cost per case, page 106. It is a percentage target.

**Mr DEAN** - Mr Connolly might answer that or the Attorney-General.

**Dr GOODWIN** - The note said it is directly affected by the number of cases finalised in each reporting year, whereas the total overhead expenditure is largely fixed. It can be affected by its fee revenue fluctuations and differential case management in particular categories of cases. For example, criminal and civil trials, et cetera. The number of case finalisations in 2014-15 was lower than expected and was affected by the temporary effect of the number of lengthy cases which consumed a larger proportion of judicial sitting time. It really does depend upon how many matters are dealt with.

**Mr CONNOLLY** - It depends on finalisations.

**Mr DEAN** - My question was obviously the 2016-17 year is expected the finalisation costs are going to blow out per case. It was \$14 000 this year, you have met that target.

**Mr CONNOLLY** - We will not be able to tell until 30 June but we are on track.

**Mr DEAN** - You are on track; that is all I wanted. You have gone to \$17 000 for the 2016-17 year so I am wondering why you have done those. You would have expected there will be greater costs incurred obviously. Or is it just a guesstimate?

**Mr CONNOLLY** - The figure is arrived at by estimating the total expenditure for the court in all its aspects then allocating a portion of that to the criminal jurisdiction as separated from civil or probate, and then dividing that figure by the anticipated number of finalisation we are aiming for in the year to come. It is not a precise science. It is an estimate of what we expect the expenditure to be and what our criminal finalisations will be.

**Mr DEAN** - Are there any other emerging issues within the Supreme Court? Any problems considered or looked at? The loss of a criminal lawyer in Launceston would have impacted on the capacity of criminal lawyers to deal with criminal matters and the courts are impacted as well I suppose. What can be done in that area?

**Dr GOODWIN** - Do you mean about the shrinking of the criminal bar?

**Mr DEAN** - Yes.

**Dr GOODWIN** - I mentioned this duty lawyer scheme we have trialled. It is encouraging law firms to take on graduates and to do more criminal work. There is probably not as much money in criminal work for a law firm as there is potentially in other areas. As the legal profession ages and some of the people who have been doing the bulk of the criminal work perhaps age and move on from the profession there has to be that succession planning going on. Ultimately we need people to be practising criminal law and it is not everyone's cup of tea as you can imagine.

**Mr DEAN** - Are we seeing any criminal lawyers coming from the mainland into Tasmania?

**Dr GOODWIN** - There would be a few coming to the bar.

**Mr OVERLAND** - There are some who practice in Hobart and also Melbourne for example particularly in the bar.

**The committee suspended from 10.35 to 10.49 a.m.**

**CHAIR** - Welcome back everyone. Everyone appreciates the time to have a brief break but we need to get back to it.

**Dr GOODWIN** - I invite Wayne Johnson, the Registrar in the Magistrates Court.

**Mr VALENTINE** - There has been a movement of funds between reserved-by-law and consolidated revenue. It looks like you are getting an extra \$47 000 a year if you look at the numbers on page 125. That goes down by 1.5 and this one goes up by 1.547. Can you explain what has happened here? I know the notes give a bit of an explanation.

**CHAIR** - But why?

**Mr VALENTINE** - It would be nice to understand it a bit further, and why it's happening.

**Mr OVERLAND** - You will see this wherever there is reserved-by-law funding. Essentially reserved-by-law funding is allocated against various constitutional or statutory officers, that is, judges, magistrates, the DPP, the solicitor-general. We sought clarification from the Solicitor-General on the way we were treating reserved-by-law funding. On the basis of that advice, we have made that adjustment. We were perhaps being a little bit too generous in terms of what we were counting as reserved by law, so we have gone back to a stricter interpretation of what can properly be categorised as reserved by law. You will see that adjustment in a number of line items, not just in the Magistrates Court.

**Mr VALENTINE** - I think I am right in saying that you end up with an extra \$47 000 over and above last year's funding, is that right?

**Mr OVERLAND** - There is indexation as well, that would explain some of that. There's indexation for the government wages policy and there is general indexation that flows through as well.

**Mr VALENTINE** - Is there a twenty-seventh pay issue in there somewhere?

**Mr OVERLAND** - Not this year, no, there was last year. That was a reduction that has come out of every line item and hence the additional funding for the twenty-seventh pay.

**Mr VALENTINE** - I am just trying to catch up with which departments are doing that and which aren't.

**Mr VALENTINE** - I noticed you have \$215 000 increase in the first year, then \$188 000 in the second and \$149 000 in the third. They are significant numbers, what is that mainly for? Is that indexation?

**Mr OVERLAND** - It is mainly indexation.

**Mr VALENTINE** - Again, indexation.

The number of magistrates we have at the moment - I would be interested in having a look at the number that we have had, say, for the past five years and the number of cases that have actually been heard for that same period. Do you have those sorts of figures? I know in the Budget papers you have some percentages for the cases you are dealing with that have various delays and all the rest of it.

**Dr GOODWIN** - We can take that one on notice for the five years.

Currently we have a complement of 14.8 FTE of magistrates, who sit in Burnie, Devonport, Launceston and Hobart and regularly travel to Queenstown, Smithton, Currie, Whitemark, Scottsdale, St Helens and Huonville. The 0.8 FTE is Coroner Chandler who purely does coronial work, and medicolegal cases is his area of special expertise.

**Mr VALENTINE** - I wanted to get an understanding of what the workloads have been like over that five-year period with the number of judges and magistrates you have. Are we currently running lean on magistrates or can you give me an indication whether there are any outstanding positions to be filled?

**Dr GOODWIN** - No, they are all filled at the moment. Regarding lodgements, in the Magistrates Court, the number of adult criminal lodgements has increased for the current year from July 2015 to 26 April 2016, compared to the same period in the previous year, so there has been a 2 per cent increase in the year to date. Adult criminal matters represent the greatest share of the court's work. Current data also indicates there has been a 4 per cent increase in the number of adult matters which have been finalised for the same period.

In the Youth Justice area lodgements have decreased; they are 6 per cent lower than the previous year and this continues a downward trend in previous years.

In Civil Division lodgements decreased by 9 per cent in 2014-15 and there has been a further decrease of 7 per cent in 2015-16. There has been an increase of 2 per cent in the case load arising from family violence and restraint orders in 2015-16.

The pending case loads in the Magistrates Court Criminal Division and in the Youth Justice Division have decreased compared to last year's report of government service figures. Pending adult matters have decreased 4 per cent, and pending Youth Justice matters have decreased by 18 per cent.

**Mr VALENTINE** - Do you keep the actual numbers on those?

**Dr GOODWIN** - Yes.

**Mr VALENTINE** - If I could get that in a table form, that would be really good. We don't have to take up time here. I am interested to look at the number of cases. I would be interested also in the average delay in hearings. I presume it would be from the point of charging to initial sentencing. I am not talking about the appeals.

**Dr GOODWIN** - One of the issues in the Magistrates Court is that we have the court-mandated diversion, the mental health and cognitive disability list, the Youth Justice list and the family violence list. Some of those lists involve multiple appearances for good reason because it is all part of the therapeutic approach. That can increase the number of appearances and skew them somewhat.

**Mr VALENTINE** - So you are telling me getting those figures would not be a good indicator.

**Dr GOODWIN** - I am just providing that qualification on that. Youth Justice also has deferred sentencing as well.

**Mr DEAN** - On that family violence one, is it possible to get the figures on just the number of cases - not the number of court appearances for a particular individual - but the number of persons appearing in the court on family violence issues? You said there is an increase in family violence issues coming into the courts so it would be good to have the figures for the last, say, three years, just to have a look at where it has gone and the increase in that area, if it is possible.

**Mr VALENTINE** - If you are going to do it for three years you may as well do it for five years.

**Dr GOODWIN** - I am pretty sure the numbers have gone up this year. We will get that detail for you.

**Mr JOHNSON** - I am happy to answer that now. It is in the annual report, which is tabled in both Houses of parliament. For the 2014-15 financial year - numbers go up a little and they come down a little each year.

**Mr VALENTINE** - That is numbers not percentages that are in the annual report.

**Mr JOHNSON** - Yes, numbers - case lodgements and I will break it down if it is helpful. There are about 30 000 lodgements each year in the Magistrates Court. Criminal adult matters, which is by far our largest category, in 2014-15 were 20 729. Most of those are in Hobart. The next biggest would be Launceston, then Devonport and then Burnie. Youth Justice matters, for the same period, 1464. Civil matters, which include minor civil matters under \$5000, civil matters between \$5000 and \$50 000 and residential tenancy matters, 4509. Miscellaneous applications -

**Mr DEAN** - Could you break the criminal one down to family violence?

**Mr JOHNSON** - Yes, I can. That doesn't include family violence. Miscellaneous applications, 1927; restraint order applications, 1223; family violence order applications, 909; coronial cases, 542; child protection applications, 659; administrative appeals, 34; Anti-Discrimination Tribunal matters, and that jurisdiction has now gone across to Workers Compensation, 40 matters; Motor Accidents Compensation Tribunal matters, 24. That gives a total for the 2014-15 period of 32 060 matters.

As the Attorney-General said, there has been a slight increase this year. Looking back in each of the annual reports where these same figures are published, it is pretty much around the mark. They have dropped down but of recent years they have trended up again.

**Mr VALENTINE** - Do we have any comparison as to how we are travelling as a state with interstate jurisdictions?

**Dr GOODWIN** - The report on government services provides that.

I do have some family violence facts and figures if you would like me to talk about that. I have a comparison for 2014-15 up to the end of March 2015 with 2015-16 up to the end of March 2016. There has been an increased number of family violence incidents and arguments reported. The figure for 2014-15 was 3357 and for 2015-16 the comparable period figure is 3899. There has been an increased number of family violence incidents reported, that is the separation between incidents and arguments, the number of incidents report 1974 in 2014-15 up to 2368. I can give you a regional breakdown: south 972 compared to this year 1147; north 538 in 2014-15 compared to 606; north-west 464 compared to 615 this year.

There has been an increase in the number of young people being present at an incident from 1058 in 2014-15 to 1301 in 2015-16.

An increase in the number of incidents where a weapon was present from 120 up to 145.

An increased number of police issues Family Violence Orders from 1074 up to 1266 and an increased number of court issued Family Violence Orders from 171 up to 251.

**Mr DEAN** - There is a significant increase this year.

**Dr GOODWIN** - Given that the strong focus on family violence it is perhaps not unexpected that there would be an increase in reporting. In a sense that is a good outcome to see more people reporting family violence so that we can respond appropriately.

**Mr DEAN** - I don't know if it is a good outcome.

**Dr GOODWIN** - It is a good outcome in the sense that people are reporting.

**Mr DEAN** - You could also include, Attorney-General, the fact that we are having more domestic assaults as well. You can look at both ways.

**Dr GOODWIN** - Yes.

**Mr VALENTINE** - It is coming to the attention.

**Dr GOODWIN** - Yes, it is coming to the attention and being dealt with, which is good.

**Mr DEAN** - The police have used that line for the last 15 years or 10 years. It is the education side of it that has caused more reporting, but how long can you say that is the answer for this?

**Dr GOODWIN** - I think what happens, we've had a very strong focus on it this year, both nationally and at state level. When you have that level of attention directed at family violence it is perhaps not surprising to see an increase in reporting. I get your point about you can't argue that every year, because there is not the same level of attention every year on it. This has been a particularly strong focus this year on family violence.

**Mr VALENTINE** - Just a final question, the current backlog of numbers in the different regions. Can you give us some understanding as to what that is right at the moment?

**Dr GOODWIN** - I am not sure we have it on a regional basis. Could we take that on notice?

**Mr VALENTINE** - You can take it on notice.

**Dr GOODWIN** - We will see what we can do with that one.

**Mr WILLIE** - I have some questions on the Family Violence Act. Would you prefer me to leave those until line item 2.2?

**Dr GOODWIN** - Yes, that probably would be good if you don't mind.

**CHAIR** - Mr Dean, any questions in the Magistrates area?



**Mr DEAN** - I want to go into the Youth Justice Division and the youth justice court. My question, and I raised this during my talk in relation to the Budget last week, is that having been briefed by a youth justice magistrate, and I won't identify the person, who indicated that the jury is still out as to whether this is a successful program and/or not, are we doing a review of the youth justice system to see whether it is successful? I guess success would be gauged on the number of youths going through that process, re-offending and coming back again? Is there a review or going to be a review of the youth justice system?

**Dr GOODWIN** - There was a review of the youth justice court pilot back in September 2013, which was very positive and led to it being extended to Launceston. There are a number of findings from that. The general one was that it was something worth continuing with. This is available online if you would like it. That is for the pilot.

**Mr DEAN** - When was that done?

**Dr GOODWIN** - September 2013.

**Mr DEAN** - It is now 2016, so three years old.

**Dr GOODWIN** - I have not heard any concerns about the Youth Justice Court.

**Mr DEAN** - I would just be a bit concerned when it is sort of indicated - I think Madam Chair and Mr President as well, indicated that the jury was still out really on the success or otherwise of this program or this -

**Dr GOODWIN** - Yes. It is probably fair to say that there would be different views about the value of the therapeutic jurisprudence approach, the whole problem solving court's approach. Some people might prefer the traditional approach of the magistrate sitting there and it all being extremely formal, and you are dealt with and you are given a sentence and that is the end of the matter. The therapeutic approach involves ongoing contact between the offender and the magistrate and it is a totally different approach. I guess there may be varying levels of enthusiasm about that approach.

**Mr DEAN** - The other question is, on the 27.9 per cent of the cases with youth are older than six months. That was action in 2014-15, the end of that year. How many cases did that actually calculate to?

**Dr GOODWIN** - Yes. Just on this youth justice issue, you might be interested in a study that measures the value of the Save our Children youth justice program, which is connected to the Magistrate's Court. In 2014-15 Ernst and Young conducted the study and found that every dollar invested is estimated to generate \$3.50 in social and economic value. About a third of the benefits are in the form of reduced sentencing costs. Two thirds of the benefits are social value and are derived from helping young people return to education, develop positive social connections, improve their physical health and become more employable.

What that illustrates is that the court alone cannot solve all the youth justice problems, but in conjunction with service providers like Save our Children and others throughout the youth justice system, there are certainly benefits to be had from the approach of -

**Mr DEAN** - I am not questioning that. I am just wondering what -

**CHAIR** - May I suggest that there needs to be a broader conversation at another time around that.

**Mr DEAN** - Yes. So the number of cases, what is the 27.9 per cent of cases older than six months? What does that calculate up to be -

**Dr GOODWIN** - In the youth justice system, the backlog age of cases over six months old increased from 22.1 per cent to 27.9 per cent, and the cases over 12 months, from 12.4 per cent to 12.1 per cent -

**Mr DEAN** - The number of cases that calculates to? Percentage means nothing really.

**Dr GOODWIN** - We will have to take that on notice.

**CHAIR** - You will take that on notice?

**Dr GOODWIN** - We do not have the actual number.

**Mr DEAN** - Percentage really means nothing. It would be helpful I think -

**CHAIR** - But do you have it?

**Dr GOODWIN** - No. The Magistrate's Court annual report shows a steady decline in the number of youth justice matters lodged with the Magistrate's Court since 2011-12 when it was 2779, to 2014-15, which was 1464. In 2015 -

**Mr DEAN** - Just on that figure though, that does not mean and does not necessarily identify that we are getting less youth offending, because you have the diversionary programs that are in place that obviously do not go through the courts in any way at all. I guess you would need to add the two of those together to see whether there is a decrease in offences being committed by youth. Is that a fair comment?

**Dr GOODWIN** - Yes, it probably is.

**Mr DEAN** - You do not have the figures for the diversionary conferencing side of things. Is that -

**Dr GOODWIN** - No, we do not.

**CHAIR** - I think they might be available.

**Mr JOHNSON** - The courts count the number of people coming before it.

**Mr DEAN** - Actually in the court, yes.

**Mr JOHNSON** - As the Attorney-General said, those figures have trended down for a number of years now.

**Mr DEAN** - Yes. That is because in one respect, I think, the diversionary programs are more intense now and involving more youth going through that program. That would be my guess -

**Dr GOODWIN** - That is possible, but as you say, we would have to look at the full picture to say whether it is an increase in the numbers, or are more of them being diverted away from the court process? Just to continue on that projection, in 2015-16 it is projected that this will reduce to 1094 matters. There are significantly fewer youth justice matters coming before the Magistrates Court than there were.

### **1.3 Births, Deaths and Marriages -**

**CHAIR** - Minister, can we have the FTEs and can you also give us an update on the transfer to new premises? I believe happened on 1 June last year.

**Dr GOODWIN** - There are seven FTEs as at 1 June 2016.

**Ms OWEN** - The transfer went extremely well. We did a lot of preparation for about three months making sure we had records sorted and catalogued so we could move them efficiently over a weekend period. We closed the office at four o'clock on Friday morning and we were open for business on Monday morning. It has been very well received by customers who visit us by appointment, even though the majority of our customers go through Service Tasmania. As far as the premises, we have a dedicated storage area for old records needed access on a regular basis, which is a radical improvement on our premises at 15 Murray Street.

**CHAIR** - Last year there was also a reference to a project due to be completed in November. Can we have an update, please?

**Ms OWEN** - We did the digitisation of 1920 to 1970 births, and we have that 95 per cent complete. We are just finishing off the last section of records and anticipate it will be completed in the next month.

**Mr DEAN** - How can we be assured all births and deaths are captured in this system? You said last year there is a heavy reliance on the media for this information. Where else do you get the information from?

**Ms OWEN** - It is slightly different for births, deaths and marriages. For births, we get electronic notification from most hospitals when a child is born and separate paperwork from the parents and match the two. If one party fails to notify us, we can follow it up with the other party. We generally get it from hospitals within two days of the birth.

**Mr DEAN** - So it is not compulsory that the hospital or the parent will notify you of a birth?

**Ms OWEN** - It is compulsory in the Births, Deaths and Marriages Act.

For deaths, we get notification from the hospital, the coroner or the funeral director and the two pieces of information are collated to complete a death record. If one party is tardy or neglects to notify us, we can follow it up with the other. The two-pronged approach means

we can capture all births and deaths. Marriages are slightly different because it all comes from the celebrant, as required under the Commonwealth Marriage Act.

**Mr DEAN** - How is that progressing with the different arrangements we have for marriages at the present time?

**Ms OWEN** - We do a lot of work with marriage celebrants. Civil celebrants have training from the Commonwealth government about the expectations in relation to paperwork. Generally we get couples needing a marriage certificate straightaway after a marriage, so if there is any lateness with lodging paperwork we are notified and can then follow it up with the celebrant as quickly as we can.

**Mr DEAN** - Do divorces come back through for amendment?

**Ms OWEN** - No, divorces go through the courts.

**Mrs ARMITAGE** - Do we know the percentage not born in a hospital? There must be so many home births now, particularly people living out a bit. Do you consider there would be quite a few do not get registered until all of a sudden it is necessary for school or for child health. Do you find many babies that you find out about at age 4 or 5?

**Ms OWEN** - Not these days. Generally people need to notify Centrelink or deal with government agencies straightaway. As a result they need to have the birth registered.

**Mrs ARMITAGE** - That is more the benefit of registering.

**Ms OWEN** - We do have not very many, probably a handful of births that occur in remote areas where there has only been the parents present, but they are minimal. It would probably be six months at the latest before we capture the first time they needed to contact to prove they registered the birth.

#### **1.4 Supporting Compensation for victims of crime -**

**CHAIR** - Thank you very much. We will move onto 1.4, which is supporting compensation for victims of crime.

**Dr GOODWIN** - I invite Catherine Edwards, the manager of Victim Support Services.

**Mr WILLIE** - Minister, additional funding will be exhibited against this output under the Safe Homes, Safe Families. What will be the focus of the funding?

**Ms EDWARDS** - Victim Support Services has a number of outputs. One of the units is the Court Support and Liaison Service, which is part of the criminal justice response to family violence. The court support and liaison officers guide family violence clients through the justice system or during and after court appearances. They give advice to family violence victims about how to take out applications for family violence orders, also accompany victims to court and provide personal support during court proceedings.

The Court Support and Liaison Services is focussing on the criminal justice response. They are complementary to the Safe Families initiative as part of the Government's family violence action plan.

**Mr WILLIE** - I know you were talking with the shadow attorney-general about this matter on Tuesday. Currently the only right of appeal is through the Supreme Court. Would you support an extra step in the recess, perhaps the Ombudsman's office? If so, what steps are you taking to make that happen?

**Dr GOODWIN** - We undertook to have a think about and a talk to the Ombudsman. The Ombudsman is going to have a think about it himself, as to the appropriateness of it. There was reference made to the single tribunal project and whether it might be something that fits in there. Really we need to get some advice and have a think about the issue.

**Mr WILLIE** - You have had a conversation with the Ombudsman?

**Dr GOODWIN** - We have not had time to catch up on the issue yet. It was raised with the Ombudsman and he is going to have a think about it. I expect we will all come together at some point and debrief on the issue and see where we go.

**CHAIR** - There are no changes in the reserved-by-law funds in the compensation fund and the moneys available and now allocated. It is still the \$1.5 million reserved-by-law, then the top up still equals \$3.5 million, is that correct?

**Dr GOODWIN** - In terms of the money available for grants? Yes, that is right.

**CHAIR** - How many applications have there been?

**Dr GOODWIN** - For compensation? The number of applications received from 1 July 2015 to 30 April 2016 is 312; 195 awards have been finalised; and the average award value is \$14 827.

**CHAIR** - How many have been declined?

**Ms EDWARDS** - I do not have that data immediately available, but it is something I will follow up.

## **1.5 Legal aid**

**CHAIR** - Thank you, we would appreciate that at a later time. Members, if there are no other questions, then we will move on to 1.5, which is Legal Aid.

**Dr GOODWIN** - I invite the director of Legal Aid, Dr Graham Hill, to join the table.

**CHAIR** - It is a revolving chair at the moment. Welcome, Graham.

**Mrs ARMITAGE** - Minister, I know it is the one-off additional funding of \$496 000 in the Budget, however it is a one-off injection and obviously we are wheeling to a federal election campaign but have you had any undertaking from the current government or the

opposition in terms of federal funding be provided to Tasmania's Legal Aid Commission and Community Legal Centres?

**Dr GOODWIN** - The short answer is no. I, along with my state and territory colleagues, raised this issue of funding for Legal Aid and the CLC. The situation was as part of the new national partnership agreement the funding formula was changed and some state and territories did better out of that than others; some lost funding, some gained funding. We were one of the jurisdictions that lost some funding so all the jurisdictions that lost funding have continued to raise it with the federal Attorney-General, or Michael Keenan the Justice Minister, because Senator Brandis was not present at the last Law Crime Committee Safety Council meeting which was in New Zealand recently where we, again, raised it.

**Mrs ARMITAGE** - Senator Brandis was in the state, wasn't he? Two weeks ago?

**Dr GOODWIN** - I am not sure.

**Mrs ARMITAGE** - He was. I saw him in Launceston.

**Dr GOODWIN** - I have certainly written to him. He was under the misunderstanding that the state did not contribute anything at all to the Community Legal Centres and of course we do contribute funding both in terms of the state Government contribution but also via the Solicitor's Guarantee Fund. I have written to him to clarify that and I have also written on previous occasions to express our concern.

We did receive some additional transitional funding from the Commonwealth government when the new funding formula was announced and so we have applied that both in the current year and next year to assist to make sure we maintain Legal Aid and CLCs at the same funding level. It is not sustainable for the state to have to pick up gaps in funding provided by the commonwealth.

As I said in the other committee, the CLCs were established by the Commonwealth government and we do believe that they contribute funding to the CLCs and I am concerned about the impending cut to the cut provided to the Women's Legal Service and the North-West Community Legal Centre as well.

**Mrs ARMITAGE** - I noticed that Tasmania's former Chief Magistrate, Michael Hill, recently addressed a rally in Hobart where he aimed to draw attention to Legal Aid and he said it is not just in the criminal jurisdiction but in the child welfare, child protection system where Legal Aid solicitors do tremendous work. You mentioned that that was a short fall. Do you know how much the short fall is anticipated to be?

**Dr GOODWIN** - We have covered the short fall for this year.

**Mrs ARMITAGE** - Are you looking to top up for 2017-18 if the money is not forthcoming?

**Dr GOODWIN** - At this stage we need to continue to work with the federal government of whatever flavour it will be post-election and try to reverse those foreshadowed cuts because, as I said, the state does not have the capacity to keep picking up the cuts that the federal government is making to funding. The complexity in all of this is that while on the

one hand the funding formula through the National Partnership Agreement has resulted in less funding there is other funding coming from the Commonwealth government through the family violence context.

**Mrs ARMITAGE** - I was going to ask you that next about the family violence and last year you mentioned you had not yet developed a plan. Have you now developed that action plan?

**Dr GOODWIN** - We have our Safe Home, Safe Families Family Violence Action Plans.

**Mrs ARMITAGE** - As to what impact the Government's safe at home and the family violence would have on Legal Aid on the demands on Legal Aid?

**Dr GOODWIN** - As part of our Safe Homes, Safe Families Action Plans, \$300 000 per annum for -

**Mrs ARMITAGE** - Legal Aid receives dedicated funding?

**Dr GOODWIN** - Yes. Legal aid receives dedicated home funding and then we have announced an additional \$300 000 for legal assistance over the next three years so this current year that money has been allocated to Legal Aid and the CLCs and we are currently considering how we will allocate the \$300 000 to the next financial year and the following two.

Safe at Home - there is already an existing allocation to Legal Aid.

Graham, do you know what that allocation amounts to?

**Dr HILL** - Two hundred and forty three.

**Dr GOODWIN** - Then at the federal level there was \$1 million allocated to the Women's Legal Service to establish a presence on the north-west coast and I believe there may be further funding for the legal assistance sector in this year's budget amount at the Commonwealth level but I do not know what that will amount to at this stage.

**Mrs ARMITAGE** - Can you tell me how many FTEs there are now, and how many of those FTEs are actually lawyers?

**Dr HILL** - Sixty four full-time employees at Legal Aid and -

**Mrs ARMITAGE** - Sixty four, and it has not risen?

**Dr HILL** - No, and 34 are lawyers.

**Mrs ARMITAGE** - We have lost in two years, because the year before last it was 64 and 40 were lawyers. That is still the same number so we have more -

**Dr HILL** - We deliver legal aid two ways: through in-house lawyers and through the private profession. The percentage of work being done by the private profession has increased.

**Mrs ARMITAGE** - Can you tell me how much money is spent on the private profession for legal aid?

**Dr HILL** - It is about \$4 million a year.

**Mrs ARMITAGE** - It is pretty well the same each year. It has not increased.

**Dr HILL** - The 2016-17 year will be slightly more than this year.

**Mr DEAN** - How much has the work increased for private lawyers in this area?

**Dr HILL** - About 60 per cent is going through the private profession.

**Mr DEAN** - This question came from a female lawyer on the north-west coast and I have been asked to ask this question. Has women's legal services received extra funding - that has been answered - instead of legal aid and if so how do you rationalise that discrimination against men?

The second part of that was - women's legal services advertising for work on the coast; why would that be the case?

**Dr GOODWIN** - The Women's Legal Service received federal funding. That was in the family violence context and it was \$1 million over four years to establish a presence on the north-west coast.

**Mr DEAN** - Did the male service receive any through that funding?

**Dr GOODWIN** - It is federal funding, so no.

**Mr DEAN** - I think that is the question they asked.

**CHAIR** - It is nice the females looking out for the males.

**Mr DEAN** - The second part of that question - is advertising of work partly in the area of legal services for women -

**Dr GOODWIN** - The Women's Legal Service?

**Mr DEAN** - Yes, the Women's Legal Service is advertising for work on the coast.

**Dr GOODWIN** - Yes, no doubt to staff the office that they have established with the federal funding, I presume.

**Mr DEAN** - As I understand it, the advertising has been working in the office, so the question was based on that.

**Dr GOODWIN** - Advertising their presence, yes. Is there a problem with that?



**Mr DEAN** - I just wondered. Letting them know about it is not a problem, but it would seem that there is not sufficient work coming into that area in the circumstances and they have to go out and advertise.

**Dr GOODWIN** - They are new; they have only just established themselves there so they have not had a presence on the north-west coast other than through Outreach previously. So I imagine that is why they are alerting people to their establishment.

That brings me to the no-wrong-door approach that is being explored because the Productivity Commission made that very issue of it being difficult for clients requiring legal assistance to work out where to go because there are a multitude of services to choose from. That is why we are exploring the No Wrong Door approach to focus people better and triage.

**Mr FINCH** - Talking about this area causes me a little concern about the delivery of legal aid. It seemed from a lot of the feedback I got that it was in trouble because of the cuts, but you have explained the process.

**Dr GOODWIN** - The state Government is now the major funder of Legal Aid. We are providing the highest dollar value contribution to Legal Aid. I continue to advocate with the Commonwealth for an increase in the funding they provide and to reverse the foreshadowed cuts. That is where we are.

**Mr FINCH** - It is so important to have that service for the community, to have Legal Aid to turn to.

**Dr GOODWIN** - It is. I congratulate Dr Hill on the work he has been doing in Legal Aid. We had the benefit of the Legal Aid review by the Hon Peter Evans and the new chair as well, Patrick Lunn. Graham and Patrick have been doing a terrific job on steering Legal Aid in the direction it needs to go to be sustainable and to make sure that the money we have goes as far as possible in meeting the greatest need possible.

**Mr DEAN** - How is the funding provided to the private lawyers? Is it funded per case? Is a certain amount funded through Legal Aid per case to the private lawyers, or are they simply given the case to do and then apply for the appropriate finance at the end of the day?

**Dr HILL** - Clients choose their own lawyer. They go to a lawyer. The lawyer then electronically lodges an application for Legal Aid with us and they are given a grant. The grant depends on what the legal problem is. If it is a Magistrates Court matter they might get a grant to do a plea of guilty in the Magistrates Court. If it was a more complex matter they might get a grant of three hours to investigate and advise on what needs to happen further, and then a further grant later on.

**Mr DEAN** - Some of those cases are very protracted and go on over a long time.

**Dr HILL** - There are 30 extensions.

**Mr DEAN** - I see, and that is a matter then for you, the legal service, to identify if that will be funded?

## 1.6 Protective Jurisdictions

**Mr DEAN** - There is an increase here for the Office of the Public Guardian. The Attorney-General identified that in her opening address. What is happening there? It increases annually as well. Can you give me an update?

**Dr GOODWIN** - There is additional recurrent funding of \$100 000 per annum and also one-off funding of \$200 000 to the office to develop a case management system. The additional recurrent funding is about meeting the increased demand. The case management system is required because there has been, in the past, almost total reliance on a paper-based system and there needs to be an electronic case management system in place.

**Mr DEAN** - How many cases has the Mental Health Tribunal dealt with in this current year? Are we seeing any increase or decrease, or is it static?

**Dr GOODWIN** - The Mental Health Tribunal has had a further increase in its workload in 2015-16 and it is now estimated there has been a four-fold increase in the workload of the tribunal under the new act. Under the old act, the tribunal conducted approximately 450 reviews per annum. Under the new act, the tribunal makes treatment orders and must conduct reviews of those orders within 30 and 90 days of them being made and then every 90 days thereafter. It is estimated the tribunal will make and review 1300 treatment orders in 2015-16 and that work is undertaken by a tribunal constituted of three members.

In addition, the tribunal will make approximately 500 interim treatment orders and 550 variations to treatment orders. This work is generally undertaken by a single member of the tribunal, although some variations are determined by a three-member panel. In addition, the tribunal is also responsible for patients subject to restriction and supervision.

Interim orders made in 2015-16, year to date, were 366, compared to 552 in 2014-15, for the whole year. Matters heard were 807 for this year, compared to 894 the previous year. Treatment orders were 410 in 2014-15 and 273 this year. Treatment orders varied, 361 for 2014-15 and 426 for this year. Treatment orders renewed, 123 in 2014-15 and 108 in 2015-16. That is a total of 777 treatment orders reviewed in 2014-15 and 592 in 2015-16. Numbers were much lower in 2013-14. There were 154 in treatment orders reviewed in 2013-14; 222 interim orders in 2013-14; and 196 matters heard in 2013-14. That is a huge difference.

**Mr DEAN** - Referring to page 107, there is a statutory time frame for matters to be determined by the Guardianship and Administration Board in this area. I notice in 2014-15 the figure was 72 per cent only. What happened? You have a statutory time frame to complete cases and that is not complied with. What is the repercussion or penalty? What happens as a result of not complying with the statutory time frame?

**Dr GOODWIN** - There may be a range of reasons why they have not been able to comply with the statutory time frame. We do not have anyone here from the Guardianship and Administration Board. Unfortunately, the Registrar is not available. We can take that on notice if you like, if that is all right.

**Mr DEAN** - If you would, because I would like to know, if we have a statutory time frame and it is not complied with, what the repercussions of that are.

## **1.7 Equal Opportunity Tasmania**

**Mr FINCH** - Do you believe the functions of Equal Opportunity Tasmania are working properly? What feedback are you getting?

**Dr GOODWIN** - Robin has a lot of work to do. I am sure she does not want anything else added to her workload at the moment because she is working on a number of rather large projects, including the Disability Justice Strategy, which is very important work. She is completing a review of the Births, Deaths and Marriages Act in the context of legal recognition of sex and gender diversity. There was a discussion paper released in February 2016 and Robin is currently working on the final report. All on top of the work she does from day to day in terms of dealing with complaints and responding to other policy developments, law reform issues like Tasmanian Law Reform Commission report on bullying. I hand over to Robin, to talk about what she has been up to.

**Ms BANKS** - The scope of my work is both responsive to things like the Tasmanian Law Reform Commission's inquiry on bullying and its current work on communication assistance in the court.

As well, we can be proactive to drive change that will remove the risk of discrimination arising, both through the way services and systems operate, but also through behaviour. We do a lot of education and training work across the state. Some is fee for service work with government and business sectors and some free, particularly to non-profit community organisations and schools. We have seen an increase in our work in schools in the last few years and has been a very important part. Starting with kids and getting them understanding the need for respectful relationships and appropriate behaviour compliant with discrimination laws. There is the education, training and promotion of awareness of the act. There is the work we do in the policy space of responding to law reform and policy reform initiatives as well as promoting new ways of thinking about things.

A big area of our work is collaborating with other parts of government. I am on a number of government working groups looking at specific issues. I am a member of the inclusion advisory panel for the Department of Education, which is around disability inclusion and met for the first time yesterday. There is quite a diverse spread of the kind of work advising and working with other parts of government to promote more inclusive practices across the spread of 22 attributes the act provides protection in relation to.

The work most people understand my office does is the work of dealing with complaints. We receive formal complaints made under the act, of both discrimination and other forms of prohibitive conduct. We deal with those through investigation and where possible conciliation to try and assist the parties to resolve the complaint early and is certainly a big focus of the work of complaint handling.

**Mr FINCH** - The work you have just talked about is all contained within this Budget output? You mentioned fee for service at some stage. That brings in extra dollars -

**Ms BANKS** - It brings in the order of between \$80 000 to \$100 000 a year. It depends upon what is going on and the economy more generally. I anticipate we will see this year close with \$80 000 of income on top of the Consolidated Fund allocation.

**Mr FINCH** - Do you have a methodology of utilising that money? Does that go into your pool of funds and you are able to achieve more and do more?

**Ms BANKS** - We certainly are able to achieve more with that income. It sits in a separate trust account and is used it to fund a lot of the education information materials we produce. As well as to cover the costs of delivery training across the state and exploring new initiatives like on line and e-learning approaches to delivering some of the material we provide.

**Mr FINCH** - You keep all that tracked and the minister is aware of the extra you earn and have in the department?

**Dr GOODWIN** - From time to time the office receives Solicitors' Guarantee funding as well. That is a competitive process where applications are made for Solicitors' Guarantee funding.

**Ms BANKS** - Several years ago we received a significant grant from the Solicitors' Guarantee Fund for four projects. One to review all of our information materials to make them more plain English, more readily accessible to people. One to improve the availability of mediation and conciliation training for my staff, because there is really nothing in the state, so it meant bringing people from interstate to deliver training to my staff.

A project that we are working on with a Fairer World, which is a diversity education program in schools has now been piloted and is continuing to be delivered through schools. The initial money was for the development and delivery of the pilot. Finally, a development and delivery of a pilot training program for community organisations on how the national standards on access to buildings for people with disability should be understood and can be used to promote more accessible communities. We have piloted in February this year. We are now making that available to interstate colleagues who will be paying the trainer to go interstate to deliver the work. We would not have been able to do that work without the Solicitors Guarantee Fund money.

**Mr FINCH** - How many staff do you have? What are the numbers in this area?

**Ms BANKS** - There are 11 people and it is 10.35 FTE, full time equivalent. I have four staff for people who work in complaints handling, two who are dedicated educator trainers, one policy officer and then administrative staff and myself. That is the mix.

**Mr FINCH** - About the number of complaints? Do you have a record of and can we track those? Particularly those that go through to conciliation and those might go through to the tribunal?

**Ms BANKS** - In the financial year to the end of April we had received 121 formal complaints compared to 123 the previous year. We have a quite sophisticated data management system or case management system, which was implemented about four years ago. We are able to track comparative data much more readily than we were.

**Mr DEAN** - What was the number of those complaints again?

**Ms BANKS** - 121 to the end of April.

**Mr DEAN** - This year?

**Ms BANKS** - This year, for the financial year to the end of April. The 2015-16 financial year but only to the end of April, 121 complaints compared to 123 for the same period in 2014-15.

**Mr DEAN** - Here you have 142, on page 107 of the budget papers.

**Ms BANKS** - That would be the full year by comparison. Of those complaints 50 per cent of them in the current year are tracking to be around disability discrimination and issues relating to disability. That is fairly typical for us, quite high level of complaints from people with a disability. It is not unusual across Australia, but we certainly probably see the highest levels here in Tasmania of those complaints.

I do not have with me the numbers on how many end up not getting resolved and going through to the tribunal, but we certainly try to keep that under 20 per cent, because we think if we can get people -

**Mr FINCH** - Conciliation is better.

**Ms BANKS** - Conciliation is the primary focus of my office. Wherever possible we will give people as much opportunity as possible to resolve complaints, particularly very early. After the changes to the act came into effect on 1 January 2014, I can now direct parties to participate in conciliation at any stage in the process. In the past I could only direct that much later. That has been a very effective mechanism in our office for increasing the rate of resolution. People come early and they have not fixed their positions as firmly and are much more ready to listen to other people's perspectives.

**Mr FINCH** - If you go to tribunal do you have a tribunal there ready to go, or do you pull those together as needed?

**Ms BANKS** - The tribunal is separate to my office and me. The act sets off two statutory authorities: My role as Commissioner and separately the tribunal with its membership. The Chair of the tribunal, Stephen Carey, he and his registrar manages the availability of tribunals. There are permanent members, because they are also permanent members of Workers Comp and Rehabilitation Tribunal. That enables tribunals to be convened relatively quickly.

**Mr WILLIE** - I am sure everyone in the room is aware that your government is considering changes to the Anti-Discrimination Act. It is really important the committee hears the Commissioner's views on any potential watering down of the act and whether they receive many complaints from the LGBTI community and what sort of complaints? How does the act in its current form protect that community?

**Dr GOODWIN** - As to the Government considering the issues in relation to section 17 and the concerns that have been raised by various stakeholders about that, particularly in the context of the possible plebiscite, depending on the outcome of the election, the Government is considering where it might go with that. If there are to be any mooted changes to the act, you can rest assured it will go out for consultation and there will be plenty of opportunity for members of the community and various stakeholders to have input into that process.

**CHAIR** - There was a question around the numbers of complaints by LGBTI community. Is that something you can break down?

**Ms BANKS** - For that period, 1 July 2015 to 30 April 2016, we had six complaints alleging discrimination on the basis of sexual orientation and seven alleging conduct that is offensive, humiliating, intimidating, insulting or ridiculing on that basis. We have had three recent decisions of the tribunal on matters involving discrimination and/or offensive conduct on that basis, all of which have been upheld and orders made.

**Mr VALENTINE** - With any public office such as this, it is always difficult to know exactly how many cases you are going to have to deal with over a certain period or what are the biggest points of pressure or frustration in delivering services? Is it being able to get the personnel needed to cope with workload or is it some other aspect of this particular work that causes issues overtime? There must be some pressure points where it is very frustrating because you can't get certain personnel to assist with some of the different functions you undertake.

**Ms BANKS** - The most significant pressure point is where we are attempting to implement significant reform within our systems. The day to day takes up all of, and sometimes more than, our capacity. At the moment we are doing some work on trying to improve our case management system to make it more accurate and helpful rather than just being a data collection system. To do that freeing-up staff time to spend on that is causing some difficulty and that means it takes a lot longer than we would want. The same is true if you are wanting to implement significant new education programs. Anything we are trying to reshape the work we are doing is where the pressure comes on most obviously.

**Mr DEAN** - What are the complaints that are being made to the commissioner?

**Dr GOODWIN** - We did touch on that.

**Mr DEAN** - What are the racial issues?

**Dr GOODWIN** - Race discrimination is alleged in 12 per cent of complaints. This is as the end of April 2016.

**Mr DEAN** - The number of cases though not the percentages is okay but really doesn't mean much.

**Ms BANKS** - The number of complaints, 15 complaints of race related discrimination in that period July to April, and -

**CHAIR** - Would the member like the table? Would you like the list, member?

**Mr DEAN** - If we can. It is good to see where they are coming from. The other question I had was in relation to the incident at Ouse, Hamilton, with the issue raised there of the shop not wanting to serve certain people and so on. Where is that at?

**Dr GOODWIN** - That is possibly a live complaint is it?

**Ms BANKS** - I am not able to comment on complaints that are before my office.

**Mr DEAN** - Sorry, if you have received a complaint.

**Ms BANKS** - My brief is not to confirm or deny.

**Dr GOODWIN** - With a live complaint it would not be able to be dealt with.

**Mr DEAN** - There has been a lot in the press about.

**Dr GOODWIN** - Sort of spoken about, yes.

**CHAIR** - Can we have that tabled?

**Ms BANKS** - Yes, certainly I am happy to table that. Just by way of a quick note we had 15 race discrimination complaints, 15 complaints alleging conduct that is offensive, humiliating, intimidating, insulting or ridiculing on the basis of race, and 10 complaints of incitement to hatred, serious contempt or severe ridicule which is I guess for more extreme. Race and gender are the second most dominant complaints we receive at the moment and that tends to be the case and has been for a few years I think we have seen.

**Mr DEAN** - Just on that point, Attorney-General, is that indicating that maybe we need to have more education in this area? You asked a question whether it is through ignorance, lack of understanding, or are they absolutely deliberate that some of these complaints are being made.

**Dr GOODWIN** - Could be a combination I guess.

**Mr DEAN** - But if it is not deliberate then you would look at whether the educational side of it is strong enough.

**Ms BANKS** - Several years ago we developed a specific training program around race and preventing race discrimination and racial abuse. A focus of all of our education work is trying to educate people about diversity and respectful behaviour around diversity. Particularly we are doing that in schools helping kids to understand that the diversity that is around them including racial diversity is something not to be responded negatively to but to be welcomed and respected. It is very much something we look at. We are part of the national anti-racism strategy as is the Department of Justice and signed on to that campaign earlier this year as has the police force, emergency services and other parts of government.

I guess there is a bit more of that message out in the community. Metro and the taxi companies have all signed on to the national campaign so you will see buses around the place that say racism stops with me. That is part of the national campaign so I guess we are seeing

a little bit more presence of the message as well in the community. That is a really positive thing. We are doing both in the private education and training work we do but also in public campaigning work around promoting that message very strongly in the community.

**Mr DEAN** - Does this office prepare for the educational side for schools a learning package or is that done individually?

**Ms BANKS** - We are part of a project with a community organisation, A Fairer World, and we have together developed a training program called Let's Get Together which is delivered over 20 hours in schools that choose to take it up and that has been a really successful project. We also on top of that develop and deliver training and information sessions to schools on request. Much smaller sessions I guess. We don't only do the 20 hour one which is quite a big commitment from a school, we also do regular training sessions with lots of other schools around the state.

**Mr DEAN** - I could ask why wouldn't it be compulsory in all schools rather than a choice thing by schools because that could create some issues as well.

**CHAIR** - Minister, why isn't it compulsory?

**Dr GOODWIN** - Sorry, I was distracted by the information.

**Mr DEAN** - Why isn't the program in relation to discrimination brought into all schools. Why is it left to the schools to decide whether they will have the program or not.

**Dr GOODWIN** - That is probably a matter for the Education minister. I do know in the context of bullying that the Education department is working on a program to address that.

**Mr DEAN** - My question is to your office: will you be talking to the Education minister or not? Or have you talked to the Education minister in relation to this?

**Dr GOODWIN** - About discrimination specifically?

**Mr DEAN** - About bringing this program into all of the schools not by choice.

**Dr GOODWIN** - No I haven't spoken to him. It is not something that has been raised with me. Robin and I do catch up regularly. If she thinks there is a need to have a conversation with me about this, I am sure we can and have a chat to the Education Department or the Education Minister. The Education Department is developing a specific bullying program, and respectful behaviour as part of Safe Home, Safe Families. We need to consider it in that context.

**CHAIR** - Thanks you very much, Robin, we appreciate your time as always.

## **1.8 Elections and Referendums.**

**Dr GOODWIN** - If we could invite the Electoral Commission Andrew Hawkey, to join us.

**CHAIR** - Welcome Andrew, congratulations on your appointment.



**Mr HAWKEY** - Thank you.

**CHAIR** - Last year, the committee focused on that fact there was quite a bit of staff stress, on the commission. I am interested in the number of FTEs, and how is the staffing morale generally at the Tasmanian Electoral Commission.

**Mr HAWKEY** - Our permanent FTE is 8.5, but we are currently only have 6.5FTEs filled, because we are in the process of finding a new Deputy Electoral Commissioner and one of the other staff left at the end of last year, which we have not filled for a few reasons. Which I am happy to go into. We also have a fixed term appointment of 1 FTE, which we have for trying to develop online systems for preparing for the 2018 year of elections.

**Dr GOODWIN** - Andrew was the Deputy Electoral Commissioner, so it is your previous role that is being -

**Mr HAWKEY** - Yes, the key one is in the process at the moment. On a morale issue, I am happy to say we have a very positive work environment. At the last Legislative Council elections, all bar one person was in a new role. So there was a lot of challenges. It is a bit like Alan Richardson as the St Kilda coach developing skills across the team. They went remarkably well. We were about building corporate knowledge, building expertise and experience across staff.

**CHAIR** - I am not sure whether the Attorney-General will have much information about the most recent election, for the Legislative Council, other than you have a new member here and the other member is back. The pre-polling aspect of the Legislative Council elections was something new. How did that impact on the overall numbers of those participating in the voting process?

**Dr GOODWIN** - I will definitely have to defer to the commissioner on that one.

**Mr HAWKEY** - One of the changes we made aware to the Estimates last year, we no longer use the Australian Electoral Commission to be hands and feet around Tasmania. This year, for the first time, we ran the Apsley Division Returning Officer out of the Hobart Office.

Part of that was about the fact it was a cost saving, but also it was trying to develop skill and experience in our own staff and organisation. As a way of trying to make sure we kept connection with Apsley, and Apsley obviously does not go into Launceston, as you are aware.

We set up additional pre-poll centres, for a two day period, within regional areas as a trial to see whether there was a value in doing that. Set up in Scottsdale, St Helens and Triabunna, across those three polling places for the two day period, just before polling day, we received just over 1500 votes in those polling places, compared to Launceston open for two weeks with just a few hundred in there. Is this people voting early, or is this increasing our participation rate, which is one of the key aims, to make it easier for people to get to vote and provide an increase of profile in those towns for the election. Looking at the figures we estimated, we were considerably higher. For example, in St Helens, where, for a House of

Assembly election, which has a 95 per cent participation rate across the board, we were expecting 1800 in the St Helens polling place.

Knowing Legislative Councils tend to be 10 to 15 per cent less, we ended up getting about 1900 the St Helens area across pre-poll voting and postal. That is a good indication the pre-poll process is actually capturing more people by having it in those local areas. Next year is Murchison, which again is a spread division, so we will look to set up pre-polls probably again for the two days prior in those regional areas.

**CHAIR** - Where is it expected that the returning officer will be for the Murchison, the Launceston, and Rumney?

**Mr HAWKEY** - The aim will be to set up offices in those areas. We did have one last year for Windermere. We had a returning officer based in Launceston. That was our first go at setting up a cellar office. But part of putting on our information systems manager is to upgrade our systems so we can have cellar officers in the north-west coast and the north.

In 2018, we will have five House of Assembly divisions which will need regional centres. We have local government elections that will need regional. It is part of our office trying to grow and appropriately skill and resource ourselves to meet those challenges.

**Mr DEAN** - I think it was Anne Scott, she was absolutely brilliant.

**Mr HAWKEY** - It was Anne. People like Anne, who had 20 or so years as an electoral expert from the AEC, is a retired person. With Julian leaving, the expertise across Tasmania, and nationally, of people who knew the trade of the operations around elections is quite sparse. So trying to develop the next generation and appropriately equip them in the regional areas is something we are aiming to do.

**CHAIR** - Can I have the number of complaints made to the Electoral Commission prior to polling day of the recent election?

**Mr HAWKEY** - We received two in Elwick and none in Apsley.

**Mr WILLIE** - I do not think it is any secret I am interested in Legislative Council reforms and that includes elections. Within the Electoral Commission are there policy officers who could model reforms, or is that something the Government would have to commission?

**Dr GOODWIN** - We would have to commission that.

**Mr WILLIE** - Would you be supportive as the minister, or the Leader of Government Business in the House?

**Dr GOODWIN** - I would have to raise that with my Cabinet colleagues. It depends what sorts of reforms you are talking about.

**Mr WILLIE** - At least a proper process where Tasmanian people can be involved.

**CHAIR** - Is the honourable member suggesting that the recent election was not a proper process for some of us?

**Mr WILLIE** - No, I am saying if we are going to look at reforms, we need to look at a process consultative with people. There is a range of issues that could be looked at. I am interested whether the Leader of Government Business in the House would be supportive.

**CHAIR** - It would be a good one for a notice of motion, I would suggest.

**Dr GOODWIN** - You can always write to me with your proposals to be formally considered. It is hypothetical at the moment because I do not know specifically what reforms you are talking about. If you wanted to write with something more specific, I guess we can consider them.

**Mr WILLIE** - But I would not have access to policy officers to model those things.

**Dr GOODWIN** - No.

**Mr DEAN** - I wanted to look at the report by the committee I was involved with and chaired by the member for Launceston. Attorney-General, where are we at with that from the Government's point of view? A lot of recommendations were made in that report.

**Dr GOODWIN** - The Government and the TEC are currently reviewing the committee's report and carefully considering the recommendations so we will respond in due course.

**Mr DEAN** - There will be a written report in relation to this?

**Dr GOODWIN** - I would expect that is what we normally do; we normally table a response in writing.

**Mr DEAN** - And you have a certain time limit?

**Dr GOODWIN** - Yes.

**Mr DEAN** - My other question is: does the commission do any proactive work at all during the election campaign? Do they get out and observe what is going on in the way of advertising and signage, or are they totally reliant on complaints coming forward? If that is the case, and I believe it is, maybe you could answer that.

**Dr GOODWIN** - I guess they live in electorates so some of them would be driving past and seeing this, but I will hand over to Andrew to answer that.

**Mr HAWKEY** - This is one of the issues that was in the report. The commission, the commissioner and the staff are charged with the administration of the election, which has elements that contain breaches of processes. Our primary role is to administer the process and the monitoring, as you were talking about, is a very broad thing. Apologies, there was one issue raised, not a formal complaint, about something to do with advertising on the north-west coast. It related to a very small newspaper and an undertaking where it did not quite follow the process because it had a change of staff. We do not pull in every little newspaper across all divisions, we do not undertake those monitoring processes. As I am sure you can

appreciate, Mr Dean, the logistics of running elections, and ones like Apsley, are fairly significant - 19 000 square kilometres -

**CHAIR** - It is 19 204 square kilometres, to be precise.

**Mr HAWKEY** - Yes, including Flinders Island and the logistics are on and off. Generally, the commission is focused on the administration of the operations of the election. We do not have the structure, and with the complications of an election, they are the priorities of getting the election run correctly. Certainly the commission has always been open to receiving complaints and reviewing those as best it can and getting appropriate support either from police or the Solicitor-General.

**Mr DEAN** - That brings me to the very obvious question, and I accept the commission's position of purely being for administration and going through the election process: who is ultimately responsible for the policing of this act? I cannot make the question any clearer than that.

**Mr HAWKEY** - There is not a policing in the sense other than there is the administration, which is primarily the commission and the commissioner. Again, if there is evidence collected in relation to a breach, then that is referred to the police or the Solicitor-General for advice, or it is referred to the DPP, as has occurred and we did have a case where the Greens published an advertisement on polling day, which they were prosecuted over.

**Mr DEAN** - If a complaint is made to your office, and I take it that is where complaints have to be made -

**Mr HAWKEY** - Or to the Returning Officer.

**Mr DEAN** - Right, in relation to the Electoral Act. Are you saying it is not your responsibility to investigate that matter?

**Mr HAWKEY** - It is, but I do not see it broader than our scope to seek out things without claims coming to us. It is a response to a claim. The commission has always taken very seriously any complaint brought to its attention and we -

**Mr DEAN** - They were certainly serious about my matter but I don't know about any others. I am querying who is responsible for following them up and ensuring the claims are investigated.

**Mr HAWKEY** - The commissioner does, with the support of, if need be, the police, the Solicitor-General or the DPP.

**Mr VALENTINE** - We live in an increasingly electronic world with lots of social media and online newspapers and the like. I am interested to know how the commission is dealing with that in gearing itself up to - not modernise because it would be unfair; it would make you look like a Luddite. You have to look at systems and decide how they might change into the future, your electronic voting, et cetera. I would be interested in getting a potted view of that.

**Mr HAWKEY** - That was one of the elements and recommendations in the report. My personal view is that yes, we are moving in exciting times where many things can be improved. One of the digital things we do is send out SMS reminders to people that wish to be reminded of an election. We sent out over 700 to Legislative Council electors for this year's elections. A large proportion of those we capture are people who have been non-voters at the previous election.

**Mr VALENTINE** - They approach you, or you approach them?

**Mr HAWKEY** - When they get a letter to say it appears you have failed to vote, it has on the bottom section saying if you would like a reminder - which we do for a parliamentary election - at the beginning of an election, once it is announced that we have a ballot to be contested, we have it on the Thursday before for pre-polling. We also do it at 3 p.m. on the Saturday to give people a chance. This year we did it at 2 p.m. because Apsley is so spread. We wanted to make sure if they needed a bit of extra time to get to a polling place. We try to use technology where we can.

The broader issue about electronic voting is where the world is heading. When we get there and how we get there is still unknown. There are some systems that exist. New South Wales has a system but my understanding is, to issue its first vote cost \$2.4 million. Our last full state election was a bit over \$3 million. You are looking a magnitude issue there for that. When you start putting in these things it is costly.

I noted today in the ABC online there is a Perth start-up tech group trying to develop a system for the AEC. I suspect that when Tasmania is seriously looking at that it is probably on the national scale. Like we have an electoral roll where we have a joint roll with the Australian Electoral Commission, we pay per elector, it is an economically efficient way for us to manage our roll. When that occurs is hard to know. It could be five years, it could be 15 or 50.

Tasmania has an additional issues such as Robson rotation and elements that would be a further cost. We are wary of looking forward. There are other pressures as well, such as the Australia Post service deliveries, which are a concern heading towards the 2018 local government elections. Hobart City Council sent us a letter about a resignation of a member. They sent it by standard mail. They posted it on the Friday and we received it on the Wednesday.

**Mr VALENTINE** - They could have walked it up the road.

**Mr HAWKEY** - They could have. Now is the hardest period. People are not yet used to the fact that we have a two-speed system. The costs for sending it priority mail are very expensive and a real concern for local government. There are other pressures moving us in that direction. From an electoral position we are not ready for it yet.

**Mr VALENTINE** - The only other aspect of that is authorisation of electronic advertising and things like that. Do you apply the act to that sort of advertising, like with *Tasmanian Times*, which might have ads in there? Do they have to be authorised?

**Mr HAWKEY** - Election advertising depends on when it falls, if it is within an election period. If someone issues advertising then there needs to be authorisation. At the moment I

am not fully across the full issues of different forms of electronic authorisation. Generally, it fits under that arrangement.

**CHAIR** - Thank you very much, minister. I am mindful we have a little way to go and lunch is moving upon us. Thank you to Andrew for your contribution to today's Estimates process. I will be catching up with you shortly.

## **2.1 Crown Law -**

**CHAIR** - Can I invite you, Attorney-General, to 2.1 Crown Law and Mr Valentine.

**Dr GOODWIN** - I introduce Michael Varney, the Director of Crown Law.

**CHAIR** - Welcome, Michael.

**Mr VALENTINE** - I am interested in the number of FTEs in Crown Law at the moment. What we have there?

**Mr VARNEY** - We have 35 people in Crown Law with 30.25 FTEs.

**Mr VALENTINE** - How many of those would be professional as in not administrative staff but lawyers?

**Mr VARNEY** - Yes there are 22 lawyers.

**Mr VALENTINE** - Thank you. Minister, can you talk about the transfer of civil litigation to Crown Law from the DPP, why that was necessary or someone might enlighten us on that. That was a major component of the funding up of \$1.59 million extra in funding according to that line item but that is to do with the -

**Dr GOODWIN** - Essentially there was a review that was completed which recommended this change because as the DPP will say he has expertise in the criminal law. Generally the Solicitor-General has expertise in the civil area and so it made sense and it was really only an historical accident perhaps or there were good reasons at the time why it happened that it was structured the way it was.

Now it is much more sensible to transfer DPP civil to the Solicitor General's office and it provides a range of benefits such as greater resilience and capacity in relation to the Crown's Civil Litigation Practice, operational synergies and enhance professional development and career opportunities for legal practitioners. The transfer was completed in November 2015 with minimal disruption to services. There will need to be some legislative change to formalise what has occurred but it is pretty minor in the scheme of things and it is working well.

**Mr VALENTINE** - A more comfortable fit?

**Dr GOODWIN** - Yes it is.

**Mr VALENTINE** - Is there any indication of backlog of work in that office? I do not how you will gauge backlog but you must have some understanding of the length of time that work takes and what is reasonable and not reasonable.

**Dr GOODWIN** - There has been an increase in the number of legal opinions provided by the Office of the Solicitor-General as well as an increase in the number of section 78(b) notices served on the state and that is where we may need to intervene the constitutional matter.

**Mr VALENTINE** - Section 78?

**Dr GOODWIN** - Section 78(b) notices.

**Mr VALENTINE** - What are they?

**Dr GOODWIN** - They are High Court constitutional matters that we might have an interest in, or want to be a party to, and they come in fairly regularly for all sorts of matters occurring elsewhere.

Demand in a civil division is given primarily by the number of claims made against the state for matters such as workers compensation, medical negligence and also by the number of reviews of decisions sought by individuals or entities in areas such as planning, guardianship and compulsory acquisitions. The Office of the Crown Solicitor has also had an increase in demand for its services by 8 per cent as it has continued to provide high quality legal advice and services for major projects including the Theatre Royal project.

The increase in demand on Crown Law services is an indication that the Government's legal list is being managed appropriately and it is commendable that this demand is being managed within its current funding allocation.

**Mr VALENTINE** - Can we have an indication as to what percentage of their effort is taken up with dealing with third party contracts? Obviously the areas where the Government is put at risk in contracting for services with third parties outside of Government. Do we have an understanding as to how much time on the whole is taken up with checking out contracts for other Government departments?

**Mr VARNEY** - In the Crown Solicitor's office most of the matters that they deal with are mainly property related transactions so this year to date there has been 868 of those which is pretty consistent with last year. They are also dealing with the government's IT contract - GITC.

**Mr VALENTINE** - GITC contract, I know about those. I have lots of connection with your office in that regard. What percentage of your time would be spent dealing with those contracts?

**Mr VARNEY** - Not a great deal. We have handled 18 of those this year. Request for tenders as well and also general advice out of the Crown Solicitor's office.

**Mr OVERLAND** - There are templates available. There are template contracts and detailed instructions that are made available to government departments. A lot of the work is

done in the government department but based on the template and the advice that has been put out by the Crown Solicitor's Office.

**Mr VALENTINE** - You quality assure those?

**Mr OVERLAND** - If need be.

**Mr VALENTINE** - If it is a GICT contract and it is that thick and it takes a lot of understanding. Government departments would fill those out and send them through to you for checking?

**Mr OVERLAND** - Crown Law can play that role but also there are a lot of much simpler contracts that departments can do themselves by following the template and the advice that has been put out by the Crown Solicitor's Office.

**Mr VALENTINE** - Are you aware of how many open ended contracts still exist out in the agencies? I was aware of one when I was working within the State Service. Open ended contracts - sometimes you can be paying handsomely for services and there is default. They are doing the service well and I am interested to know whether or not we have some of those open ended contracts we still have to clean up?

**Mr VARNEY** - I am not aware of those contracts and I do not think we maintain statistics on those contracts either.

**Mr VALENTINE** - That is okay. As you could appreciate, it is not a good situation to be in.

## **Output group 2 Legal Services**

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

**Dr GOODWIN** - Ms Vickers has been waiting very patiently.

**CHAIR** - Welcome, Catherine, another seasoned campaigner of Estimates.

**Dr GOODWIN** - Catherine is the Director of Strategic Legislation and Policy.

**CHAIR** - Attorney-General, there has been quite a bit of activity for legislation in your area. How is the office coping and what staffing numbers we have and whether the time frames that have been set are being met?

**Dr GOODWIN** - 12.9.

**CHAIR** - It is such a specialised area, so is it difficult to source the expertise we need?

**Dr GOODWIN** - It is a different area and Catherine's works very closely with OPC in drafting legislation, and it is challenging sometimes to translate policy into legislation. It may start out in a particular form and look completely different by the end, after it has been through both Houses of parliament. That sometimes happens. Things go off to committee



and they come out and they look a little bit different and I mean committees, whether it be the committee process for the bills or an actual committee. It is important work and it is important law reform. We have a number of policies that we are delivering on. It crosses a diverse range of areas. Something that I have been particularly interested in is problem trees and hedges. That is obviously quite different to laws to expunge historic gay sex convictions, the custodial inspector bill, the national domestic violence order scheme, the corrections bill. It is a very diverse area. They are very skilled people and very hardworking people.

**CHAIR** - I do not mean to be flippant, but how are you going with the tree legislation?

**Dr GOODWIN** - Yes, it is coming along.

**CHAIR** - It is a serious issue out in the community.

**Dr GOODWIN** - It is a serious issue and we are absolutely committed to delivering on that and we are working on it. It is just that there are a number of other legislative reform projects that are also in the mix.

**CHAIR** - Time frames are being met and progress is -

**Dr GOODWIN** - Yes. We have indicative time frames in our agenda document, and so we obviously keep a close watch on things internally to see that we are meeting commitments in that.

**CHAIR** - There are no impediments to - the staffing numbers are adequate to meet those expectations of the legislative agenda?

**Dr GOODWIN** - The more legislative reform projects you have, the more the impact on the staff in terms of how many projects, but we have tried to map it out so that it is achievable. What you cannot always control is what might come out of the consultation process. That can push timeframes back because there may well be issues that you have not anticipated that need to be addressed and more work to be done around drafting.

One of the longest-running legislative reform projects is the Magistrate's Court package. That spent about 10 years in the Magistrate's Court. We have it now, but it is a complicated piece of reform with a lot of different stakeholders. These things can take time no matter how worthy they are.

**CHAIR** - What about the reforms to the Heritage Act?

**Dr GOODWIN** - Unfortunately, that is not my area.

**CHAIR** - I just thought that it might have been in the system though.

**Dr GOODWIN** - I am sure it is, but under another -

**CHAIR** - Another jurisdiction. Yes. Any other questions?

**Mr WILLIE** - Minister, you were just saying the consultation process can push reform back. Has that happened with the Family Violence Act, and can we expect to see that in parliament any time soon? If so, what can we expect to see?

**Dr GOODWIN** - We have a couple of bills that are relevant in that space. The national domestic violence order scheme model laws - that has been out for consultation and is due to be tabled shortly. That is the automatic recognition of domestic violence orders across jurisdictions, so that is the legislative framework. Of course that also needs to be accompanied by a technical solution that CrimTrac are working on to make sure that automatic recognition can occur. There is sort of a short-term technical solution being worked on and a longer-term technical solution.

In terms of other reforms to the Family Violence Act, we are currently considering a number of options as to where we might go with the next tranche of reforms. There have been reports, including the Sentencing Advisory Council report that have suggested some reforms. We have got a number of areas under consideration. We will go out for consultation when we settle development amendments to be made.

**Mr WILLIE** - One more question on suspended sentences. Minister, are there any costings for your change of this in the Budget, and if so, where are they? The sentencing council put forward three scenarios of the proposed reforms. I think the minimum cost was \$30.6 million under one of the scenarios. Has that been costed in the budget, and if so, where is it?

**Dr GOODWIN** - That is not quite accurate in the sense of the Sentencing Advisory Council's costings. What we were looking at is the difference between what it currently costs and what the cost would be if the policy was fully implemented at the end of the five-year transition period. The actual cost difference between what is done now and what it would cost is \$10 million. That is not the implementation cost, though, that is the estimate that the SAC modelling has provided.

What we have released is an implementation plan over five years. It is a phased-in approach of sentencing options and a phased out approach of suspended sentences, starting with serious offences. This year we have a number of reforms proposed, which is extending drug treatment orders to the Supreme Court and implementing the fine with conviction option, both of which were recommended by the Sentencing Advisory Council and we committed to previously. The other one is the introduction of deferred sentencing.

We don't anticipate that there will be any resourcing required over and above what is already within the Budget. However, next year when we are looking at introducing home detention - and I know Mr Dean will be interested in this -

**Mr DEAN** - That was going to be my question, so you can answer it now.

**Dr GOODWIN** - and also the new community correction order. There will be implementation costs associated with those. We are working on what those costs will be. The timing of the SAC report was such that we weren't in a position to identify what reforms we were going to implement, cost them and then have them ready for this year's Budget, which is why it is important to phase in those changes.

**Mr WILLIE** - The implementation costs aren't in the Budget either?

**Dr GOODWIN** - Not for this year because there aren't any associated with the reforms that we are proposing for this year. We will consider the implementation costs as part of the budget process for next year for those second two reforms that I mentioned, the home detention and the community correction order.

In the outer years of the plan there is the intention to expand the drug treatment order to alcohol. There may well be costs associated with that. There are likely to be costs associated with that, or resourcing implications, so we need to consider what they are and also consider the outcome of the Tasmanian Law Reform Institute report on recidivist drink driving as well and what that might recommend.

**Mr WILLIE** - What you are saying at each phase the costs increase?

**Dr GOODWIN** - As you add new options there may well be cost implications associated with that, or resource implications or changes needed to the way something is delivered. When you expand the drug and alcohol treatment order, for example, it is different to just a straight drug treatment order.

**Mr WILLIE** - Will the government be transparent about those costs in future budgets?

**Dr GOODWIN** - Of course we will. This is all part of the budget development process for next year. We have to work out what the implementation costs are and do that properly. That process is in place.

**Mr DEAN** - On the home detention and community service orders when can we expect something to come before us in relation to changes?

**Dr GOODWIN** - There obviously needs to be legislation. The first lot of changes, which will require legislation are around expanding the drug treatment order to the Supreme Court, the fine without conviction and the deferral of sentencing. There will be legislation dealing with those. It may be three separate bills or a combination thereof. We are working on that at the moment. That will be in the coming financial year 2016-17. Then the next tranche, which is around home detention and community correction orders will be in the 2017-18 financial year and there will be need to be legislation supporting that as well. Also there will obviously be some infrastructure requirements around home detention in terms of electronic monitoring that is likely to be part of the package.

**Mr DEAN** - The other one I think falls within your anti-bullying legislation, so where are we with that and when can we get some feedback? I went to a function on Saturday night and all they talked about is when is this legislation coming in. Where are we at with it?

**Dr GOODWIN** - We have announced where we are intending to go with the bullying legislation. That will go out for consultation when it is drafted. We have committed to extend the current stalking provision to include bullying which was recommended by the Tasmanian Law Reform Institute. As to the civil response, it is making sure the restraint order provisions apply to bullying and there is also the alternative dispute resolution emphasis as part of that process.

**Mr DEAN** - Is there likely to be separate legislation or will you incorporate into the existing legislation?

**Dr GOODWIN** - Within the existing provision, so amendment of the existing provisions. I mentioned the work the Education department is doing in developing the program for schools.

**Mr DEAN** - Any other legislation in your area that is priority within the next 12 months to two years?

**Dr GOODWIN** - We have the suspended sentencing area, sex offender sentencing reform. We have some draft legislation out for consultation at the moment in response to the Sentencing Advisory Council report around aggravating factors for sexual offences. The minimum mandatory sentencing for serious child sexual offences, so the Sentencing Advisory Council is doing some work on that at the moment. We have foreshadowed the intent to extend the mandatory sentencing for assaults to emergency service workers and is currently under consideration. There is the Magistrates Court package, reforms to the Legal Aid Commission Act in line with what was recommended by the Peter Evans review around the size of the commission. There is the historic gay convictions expungement legislation, the custodial inspectorate bill due to be tabled shortly. I mentioned the National Domestic Violence Order scheme. These are all in the mix for this year.

### **Output group 3**

#### **Corrections, Enforcement and Consumer Protection**

##### **3.3 Enforcement of Monetary Penalties -**

**Mrs ARMITAGE** - I know Mr Buchanan will be able to give us the outstanding amount of monetary penalties?

**Mr BUCHANAN** - I did run the report this morning. It was quite an illuminating exercise because when I looked at what the balance was - and it was at midnight last night - we have improved by \$700 000 since I last looked at it a little over a month ago. That shows is you have to be wary of looking at these figures at any one point in time because they will bounce around. If I could achieve a \$700 000 improvement every month for five years, the secretary and Treasury would be very happy with me. I do not think that is a good example. The balance is \$67 810 429.

**Mrs ARMITAGE** - Unfortunately it is not a \$700 000 improvement on last year. The figure we had last year was \$67 236 264, so it is fairly similar. I notice in *The Examiner* in August 2015 it mentioned that one in 10 Tasmanians has an outstanding infringement notice. Would that be a similar figure now?

**Mr BUCHANAN** - I am not sure about infringement notices but with current accounts I think the number is 47 007. We have brought down by almost 8000 in the last 12 months or so. It is still a large number, but that is not all Tasmanians.

**Mrs ARMITAGE** - I realise that. So the percentage that are not Tasmanians what would the percentage be, because it is very hard to get that money back isn't it from mainland infringements?

**Mr BUCHANAN** - It is difficult. I do not have the numbers, but the actual is about \$10 million from interstate and overseas based people.

**Mrs ARMITAGE** - Is there any way we can work together with the other states to have some reciprocal that we can help them and they can help us. It appears there is quite a lot of money. People come over, they get infringements, but they do not worry about it because they leave the state.

**Mr BUCHANAN** - There are two initiatives I have started. I went to the other states and said how do you guys do it? They were no more effective at chasing up interstate debtors than we were. I thought they might have been because of obvious issues of people crossing state boundaries.

**Mrs ARMITAGE** - Do the other states come to us asking for help?

**Mr BUCHANAN** - Not in that sense but we do have a group of my colleagues and I have raised it there. We need to start to look at this whole issue of reciprocal enforcement and how it could be applied. I would have thought it would be a much bigger issue for them because of people crossing state boundaries.

The other thing and I have been in discussions with the Solicitor-General's office, is high value interstate penalties. It does disturb me people can move interstate and it is very difficult for us. So we have identified six high value accounts where we will send court orders interstate to chase up money. But, as I have been warned by the Solicitor-General's, of course it is two things. One is to be sure they are where we think they are. The second is, we will have bear the costs and interstate counsel will have to be briefed to do it.

**Mrs ARMITAGE** - When you say high value, what type of figure would we be looking at?

**Mr BUCHANAN** - Over \$100 000.

**Mrs ARMITAGE** - That is in total, not an individual?

**Mr BUCHANAN** - That is individuals. It will probably come down to over 50 but it is looking at those. Not all we know where they are but some we do and we have good information as to where they are. The final thing of course is we have to be reasonably certain they have some assets because it is going to cost money to do it. That is just in the formative stages now.

**Mrs ARMITAGE** - I notice we have issued quite a lot of licence suspensions. I am assuming it is correct in the *Mercury* in April 2016 that up to the end of March there were 14 166 licence suspensions. How do you advise people that their licence has been suspended?

**Mr BUCHANAN** -Two ways. One from our office we have applied enforcement sanction to suspend the driver's licence.

**Mrs ARMITAGE** - Is that by post?

**Mr BUCHANAN** - It is by post. They will get a notice that has been done from our office. It is really a direction by me to the Registrar of Motor Vehicles and they will also get notified by the Registrar of Motor Vehicles their licence has been suspended. They get one notice that we have applied the sanction and a second notice from the Registrar they have lost their licence and it has been suspended.

**Mrs ARMITAGE** - Do you require anything back from them to confirm they have received it? People leave an address, have not got around to notifying and they could be driving genuinely thinking they have a licence. They have not received the mail or the mail has not been passed on. Is there something you require they actually do confirm with you they received it or you do not send it be registered mail. I am assuming the cost would be too great.

**Mr BUCHANAN** - The cost would be too great. Mail costs about \$20 000 a month as it is. That would grow by a large degree. The answer is no, we do not get confirmation they have received it.

**Mrs ARMITAGE** - I suppose you are not really going to know if there are people caught up in the net who believe they have and actually not had a licence. It would be more the police would come across those.

**Mr BUCHANAN** - These cases do come up and police prosecutions do deal with us on those. I just know from my discussions.

**Mrs ARMITAGE** - Do you have many of those come back to you to say these people were not aware they had lost their licence and continued driving. They had not received notification because they probably had left the address.

**Mr BUCHANAN** - I am not sure I would say many, but certainly it is not uncommon for them to come back.

**Mrs ARMITAGE** - It probably might be hard for you to answer but if that has happened does the prosecution normally continue or is there a case?

**Mr BUCHANAN** - The first thing is, under the Acts Interpretation Act the documents are served by sending them to the last known address so in that sense the law is complied with. I know they do take a common sense approach to that, from discussions I have had, if it is genuine. The final test of course is what the magistrate makes of the case as it goes there.

**Mrs ARMITAGE** - Would you be able to provide a breakdown of north, north-west and south of where the unpaid fines are situated? Do you have something like that showing the fines in the three regions or not?

**Mr BUCHANAN** - We have a lot of data. I can certainly provide that.

**Mrs ARMITAGE** - What are your current FTEs?

**Mr BUCHANAN** - FTEs are 22.08.

**Mrs ARMITAGE** - It has gone down slightly?

**Mr BUCHANAN** - It has. We have had some vacancies as well. We had one person start last week, two this week and the final person will start next week filling those vacancies.

**Mrs ARMITAGE** - On page 114 of the Budget it shows a 99 per cent fine collection rate for 2014-15. Can you explain how you come to a 99 per cent collection rate with the amount you have outstanding?

**Mr BUCHANAN** - That is in relation to the penalties referred to us for collection as a percentage and what we actually collected. In that year, we collected a little bit less than what was referred to us. That is what that means.

That does not necessarily mean that it was 99 per cent of those specific penalties because we have people on payment plans and we are chasing up old accounts, so we are collecting money on old accounts. In that particular year -

**Mrs ARMITAGE** - It looks an interesting figure when you see it sitting there next to enforcements and due penalties.

The annual report 2014-15 refers to the MPS developing a plan to recover old debts incurred prior to the MPS being established in 2008. Can you update us on how that effort is going?

**Mr BUCHANAN** - It is going well but it is a long process. Debts that are more than a year old are down by about \$3 million this year. Again, those numbers can jump around a bit for want of that earlier comment. We have run a couple of projects and we will continue that this financial year based particularly on that old debt.

To give you an example, we are chasing up old debt where we have had, back to your earlier question, returned mail. We do not have a current address for the person. We have had about 8000 current accounts where we have returned mail. A lot of those are very old and the older they are the more likely the person will have moved. We have a project we started a couple of months ago. We have chased up 1700 of those and getting some surprising results. There are probably 800 of those we have not been able to locate. We have located -

**Mrs ARMITAGE** - You work together with the other departments?

**Mr BUCHANAN** - We have access to their databases. We obviously have access to the Motor Registry database, the electoral roll and to the LIST for properties. A lot of our clients own property.

**Mr VALENTINE** - Local government?

**Mr BUCHANAN** - Local government. We are generally doing this as a desktop exercise in the first instance, through those databases. Once we have finished that, we will then go out and see if we can find them at the address.

**Mrs ARMITAGE** - It was 800 you said you have not been able to -

**Mr BUCHANAN** - Approximately 800, from memory. We have dealt with 1700 so far, so we still have 6300 to go. I have one person on that project who has been wanting to run it for some years, he told me. It has actually been quite effective. The returns we have are well and truly above the investment in salary for that project.

**Mrs ARMITAGE** - If someone is deceased, do you go to their estate? It says here 'fines are waived if the offender dies'. If it were a considerable fine or a considerable cost, wouldn't it go against the estate of the person?

**Mr BUCHANAN** - That's a very good question. Certainly it is grounds to write off the debt or deem it uncollectible if they have died.

**Mrs ARMITAGE** - If they have a considerable estate and the fine is considerable -

**Mr BUCHANAN** - We do have three significant estates on our books at the moment. We are still trying to be party to that.

**Mrs ARMITAGE** - Legally are you able to go to the estate?

**Mr BUCHANAN** - That is my understanding. It is one of those ones I will probably look at in greater depth this year. It has exercised my mind a little bit in that time as to our ability. As far as I understand it, that is what we do.

**Mr VALENTINE** - Snail mail, as they affectionately call it, is very slow these days. Is there any idea of moving to electronic communication? If you have a person's email address it moves with them. Physical addresses change but email addresses generally move with people. Have you thought down that track how you might be able to do that? You can capture a read receipt when the email is sent, you know they have read it.

**Mr BUCHANAN** - Only in a preliminary sense. I have certainly had the thought but I have not investigated it.

**Mr VALENTINE** - What percentage of the outstanding amount is from local government sources?

**Mr BUCHANAN** - I have the precise number, at 30 April it was \$9 765 165.

**Mr DEAN** - It might have been covered while I was out of the room for a couple of minutes, what is the amount of the written-off non-collectables? Do we have an amount on that?

**Mr BUCHANAN** - I do not have the amount, I would have to try to extract that from the financial system.

**Mr DEAN** - If it was easy, I would be interested to know what was written off in the way of penalties imposed.

**CHAIR** - It does not look like it is going to be that easy. Over how long?



**Mr DEAN** - Over the last 12-month period, that is what I was interested in, to see where we are going with it and what has been written off. I guess in the area of local government as well, because they are dependent on a lot of their returns such as rates and so on. The other one was confiscated properties, was that covered? Have you confiscated any properties this year?

**Mr BUCHANAN** - We have certainly seized. Typically we would seize motor vehicles, clamp the motor vehicle. It is preferably a tactic to get them to pay. We do not want to sell; we have not actually sold any property in this 12 months, but we have certainly seized motor vehicles by clamping them. What we are trying to do is get the person to pay, as a last resort. We are pulling our business plan together at the moment for next financial year. One of the things I have said that I want to see is greater levels of seizure than what we have done.

One of the difficulties with seizure is that if we tow it, I do not have the ability under the act to recover those costs. Towage, detailing for a vehicle, auction fees, they all add up. The preference is to use it to get the person to pay, if we can.

**Mr DEAN** - Attorney-General, is this issue being addressed by way of legislation, the costs that could be incurred by this department in towing?

**Dr GOODWIN** - No, it has not been raised with me.

**CHAIR** - All right members, seeing that we have already touched on what the capital investments relate to in this output, I am going to suspend and invite the people who are coming back at 2 p.m., where we will kick off with the Integrity Commission.

**The committee suspended from 12.59 p.m. to 2 p.m.**

**CHAIR** - Welcome back to our afternoon session and as I indicated to you before, I intend to finish no later than 5 p.m.

**Dr GOODWIN** - I might mention that the independent five year review has been undertaken by the Honourable William Cox as the RSVED and he has only very recently provided me with a copy of his report. I have 14 sitting days to table that report so it will be tabled in due course.

I introduce the acting CEO, Michael Easton. We have a comparatively new chief commissioner as well, Greg Melick. That is all I need to say by way of introduction.

**Mr VALENTINE** - Basically, with the Integrity Commission, in last year's *Hansard*, on this particular item I asked a question about the Integrity Commission and funding and it talks about \$846 000 delivered annually in 2015-16 in savings and I do not necessarily see that in the line items so I am interested in why that is the case. It drops by a hundred thousand to this year, it went 56 and then 49 and then it goes up.

**Dr GOODWIN** - That reduction is already built in, so the 2015-16 amount, the reduction was on the base of about \$3 million so that reduction is already there. There is a

change between last year and this year. Last year there was funding provided for the independent review which went to the Integrity Commission but when it was transferred to Justice because it had to be commissioned and paid for by Justice, and there was also a temporary extension of funding of \$43 000 so that had not been included in this year's budget.

**Mr VALENTINE** - The colocation of the three Integrity entities?

**Dr GOODWIN** - Yes. That again was a saving that all three entities were required to fund. The colocation did not happen in the end but I understand some rental savings were achieved by the Integrity Commission. Is that right?

**Mr EASTON** - Since then.

**Mr VALENTINE** - The number of cases that have been dealt with over the 12 month period, is that possible? Obviously you cannot get the details, but -

**Mr EASTON** - This is to 31 May 2016. The number of complaints we have received is 105 in that period compared to the full financial year of 2014-15, that was 132 so there is more coming in now obviously.

Out of those 105 complaints there were 246 allegations so some complaints contain more than one allegation. We may dismiss a given allegation within a complaint, but pursue other allegations. In terms of the outcomes out of those 105 complaints, 68 were dismissed, 23 were referred to other agencies for action and we continued on with four assessments and three investigations.

**Mr VALENTINE** - Without giving anything away can I ask the nature of the type of complaints that they are? Is that possible?

**Mr EASTON** - The act defines misconduct and broadly speaking, I will go to the provision of the act. The great majority of the complaints relate to breaches of the Code of Conduct and the great majority of those relate to conflicts of interest. That is by far and away the greatest proportion of the complaints or the allegations that we received.

Misconduct, as I say, can be a breach of the Code of Conduct, it can be the performance of a public officer's functions or exercise of his or her powers in a way that is dishonest or improper, it can be a misuse of information or material acquired during the performance of the public officer's duties, or a misuse of public resources in connection with the performance of duties. The act then goes on and defines serious misconduct as well, which is:

A crime or offence of a serious nature or misconduct providing reasonable grounds for terminating the public officer's employment.

I don't have the full breakdown of the allegations within those complaints. I can provide that. We have it.

**Mr VALENTINE** - It would be interesting to see, but obviously it will be non-identifying.

**Mr EASTON** - That is right. It is all contained in our annual reports each year. It is publicly available.

**Mr VALENTINE** - If you could provide the table that would be good. The number of FTEs that you have in the administrative part, as opposed to the board or the commission?

**Mr EASTON** - You mean the operational part as opposed to the board?

**Mr VALENTINE** - Yes.

**Mr EASTON** - Our actual FTEs for this financial year is 13.8. Our establishment is 15.4. The establishment is the theoretical side. The actual is 13.8.

**Mr DEAN** - I wanted to say that because I chair the Integrity Committee I do not think it would be appropriate for me to ask questions here. I have an opportunity in other circles so I won't be asking questions. Michael is doing a great job.

**CHAIR** - I believe there are no other questions. We appreciate your time coming down to the committee. There is a little bit of homework there, so we look forward to receiving that. Thank you very much.

## **Output group 1**

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

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

**Dr GOODWIN** - If I can invite Mr Coates to join us and also Mr Varney, the Director of Crown Law is back.

**CHAIR** - Thank you for joining us today.

**Mr DEAN** - The first one I have relates to a transfer of the crown civil litigation functions out of the DPP's office area and into the Solicitor-General's domain. Why has this occurred and what does that now entail, Attorney-General? Is there a staff relocation as well as a result of that?

**Dr GOODWIN** - I will let the DPP go into the specifics of it. Just by way of background I think as I indicated earlier there was a review undertaken by Reece Edwards and it recommended that DPP Civil move across to the SG. While the DPP has significant expertise in the criminal area, the Solicitor-General is the one who usually has the expertise in the civil area. There were benefits to moving DPP civil into the Solicitor-General's area, not the least is professional development opportunities. That was recommended.

There is some legislation required to underpin what has already occurred but it is fairly minor changes required. It was considered to be beneficial, a product of history and some circumstances at the time as to why it was in the DPP in the first place. It made sense.

**Mr COATES** - Another advantage is, under the Coroners Act, the DPP at request of the Coroner, may provide counsel to assist the Coroner. That was very difficult, if not, impossible if the civil section was representing the hospital or a state department, it has that

benefit. From a supervision point of view, the Solicitor-General is a very eminent civil lawyer and it makes sense for the civil section to be in the Solicitor-General's office. It also makes the office a bigger office of which the Attorney-General has just said helps create career advancement. The type of work the civil section of the DPP was doing was more in line with what the Solicitor-General was doing. He gives advice on civil matters for Government and civil litigation conducts the civil litigation for the Government.

**Mr DEAN** - What staff went across with that transfer of functions?

**Dr GOODWIN** - 4.6.

**Mr DEAN** - Those officers transferred across, I suspect they would have carried out other functions within your office or were they wholly and solely working in this area?

**Mr COATES** - Wholly and solely working for civil. They were a completely separate unit. They are on a separate floor in the building. It has no impact on the criminal side.

**Mr DEAN** - How many cases have been dealt with in this area during the year in the civil?

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

**Mr DEAN** - What amount of work will go across?

**Mr COATES** - All the civil work will go across.

**Mr DEAN** - What is the amount of civil work that is coming in and moving across?

**Mr COATES** - Last year's annual report civil section for the year ending 30 June 2015 opened 388 files and they closed 386.

**Mr DEAN** - Right.

**Dr GOODWIN** - I can give you some information. The primary work of the civil division's main work is compensation matters with 129 new matters received year to date in 2015-16. This is less than at the same time last year when 151 new matters were received.

**Mr COATES** - As at the year ending 30 June last year there were 202 workers compensation files out of the 386. The next most was an ungrouped 46. Then medical negligence was 23.

**Dr GOODWIN** - To clarify, 277 new matters opened, compared to 315 matters year to date in the previous year. Of those 129 were workers compensation matters.

**Mr DEAN** - My question, following on from the other one, staffing levels in the office of the DPP have been criticised. Mention was made last year there were insufficient staff in the office. It has probably gone on for many years. Attorney-General, are we looking at doing something to improve and increase the staffing levels within the office of the DPP?

**Dr GOODWIN** - It is not provided for in the Budget. You can see there is not any additional funding for the DPP this year. Funding was received last year and across the forward Estimates to establish the Unexplained Wealth Unit which is now up and running. I am aware of the demands on the Office of the DPP, but there was not any additional funding in this year's Budget. This office has just come out of a long period of instability with the former DPP being out of action in the office for a long period of time and Mr Coates was acting and there were all sorts of flow on effects there. It is more stable now with Mr Coates having been appointed and also Linda Mason is the Deputy.

**Mr DEAN** - Mr Coates was relieving and acting there for a long time, sadly.

I will ask a question about the actual cost to this state. The monies paid to the previous DPP whilst he was not working and the extra costs incurred by the relieving positions. Do we have a quantum on that? What is the impact on this office of not having the appropriate staff numbers in that office?

**Dr GOODWIN** - I do not know what the cost was of Mr Ellis's suspension but we can get that.

**Mr COATES** - From January 2015 and for the next 12 months after the state saved money, because there was nobody filling the Deputy. Some people in the office were given higher duties allowance but not to the extent of the Deputy salary. Between January 2015 and January 2016 there was a savings of money. Can I say one thing about staffing? It is difficult to replace staff when it is at the more senior levels of the DPP section because it is of such a specialised nature - prosecuting criminal law. The likely persons, not always but generally, to fill those jobs are people a level down in the office. What happens then it keeps on going until generally you replace at the lower levels. It has taken some time to get staffing up and we have currently positions four level 1s which will be advertised shortly. This will be a big help.

**Mr DEAN** - Are we able to get the quantum of the costs incurred by the previous DPP whilst he was absent from the office?

**Dr GOODWIN** - We will try to get that for you.

**Mr DEAN** - This morning - and I don't want to put words into your mouth - when we asked about the backload in the Criminal Court, I think you were saying some of that might be attributable to the office of the DPP in not being able to keep up with all the work. Are you able to expand further on that now?

**Dr GOODWIN** - I mentioned the shrinking of the criminal bar was also an issue, in terms of defence lawyers being available for the cases. There is also the issue with the daily limit with Legal Aid. Some of it may well be not enough prosecutors for all the cases - and that is a question Mr Coates can probably better respond to.

**Mr COATES** - It is hard to quantify. There might be occasions where we are not able to have sufficient backstops. The list has increased but it is due to a number of reasons. Firstly, the change in not having committal proceedings before a person is committed. Now they are committed within six weeks and there is no choice. If you are charged with a criminal indictment a magistrate has to commit you to the Supreme Court. Then you apply to a judge

if you are an accused person for preliminary proceedings back in the Magistrates Court. You have to ask what witnesses you want and why you want them. Then they go back to the Magistrates Court for the preliminary proceedings, which is a bit like an old committal proceedings. That still gets left in the time they are in the Supreme Court.

No other state in the country has that system so that is one of the reasons where they are in Supreme Court longer but they are not in the system longer from charge to finalisation. It is just a different way we do it. The reason was to hopefully shorten preliminary proceedings and just have witnesses that were relevant cross examining.

**Mr DEAN** - Has it shortened the time frame?

**Mr COATES** - I don't have any actual figures but I know there are a lot of cases now where before there would be a lot of witnesses cross examining but now there are only a few witnesses because the defence counsel has to focus to put in their application as to what they are going to ask about. In the past few years we have had an unusual number of long trials. In a small jurisdiction that is going to make a bigger dent on the percentage statistics. If we have, say, 400 committals a year, a long trial is going to make a bigger dent on the statistics than if we have 4000 committals, such as Victoria may have. Also, with a small office, if you have a large matter that takes a large percentage of people from the ordinary everyday cases to deal with that, so that will have an effect. We have had a massive increase in bail applications and that has had an effect. There is a variety of factors, not just to do with staff, that has an effect on the list.

**Mr DEAN** - Is the office sufficiently funded and are they able to buy in services to assist with prosecutions and the work in the office?

**Dr GOODWIN** - I don't think they buy in services but they have taken on more work, haven't you, Darryl, doing a pilot of summary prosecutions and work for Workplace Standards.

**Mr COATES** - We have always done work for Workplace Standards but they have funded a Level 1 counsel, workplace standards, so that means -

**Mr DEAN** - That's the prosecutions you are talking about.

**Mr COATES** - Yes, so now we do all the appearance work, all the pleas, where before we only did the complicated ones or the hearings. So we are doing all that now.

We've entered in an agreement with State Growth, to take over their prosecutions, and they are funding that. The Magistrates Court has provided funded for a counsel for us to conduct coronial inquests, rather than them brief private practitioners.

Finally we have a pilot project and we have just agreed to extend it for another 12 months with the police. They have provided some resources and we have provided some as well for us to do the more serious summary offences like the causing death by negligent driving; the indecent assaults where there's an election made in summary court, and a couple of others things like animal welfare prosecution, which are quite complex.

**Mr DEAN** - I am not sure how you are able to take on all of this additional work in that office with the staffing levels that are there, Attorney-General.

**Dr GOODWIN** - It comes with funding.

**Mr DEAN** - Yes.

**Mr COATES** - So for example, with the police they're providing a lawyer. That lawyer will be in our office.

**Mr DEAN** - Sorry, that's one of the lawyers that the police have employed from their prosecutions department.

**Mr COATES** - Yes, They won't necessarily do the summary prosecutions because that would defeat the purpose. We are having a rotation system. They will come and they will be in the office, they might do some criminal work, and some of our officers will do some summary matters, for example. It is good experience for our counsel to do indecent assaults where you have the trauma of complainants, in the Magistrates Court where they don't have to worry about a judge and jury to learn.

Motor vehicle accident trials are complex with complex expert evidence. It's as complex really to do a death by negligent driving case in the Magistrates Court as a motor manslaughter in the Criminal Courts, so it gives our counsel a chance to lead all that expert evidence without having to worry about a jury and a judge and so on.

Hopefully the police lawyer, when they goes back to the police, has a broader experience and our counsel is getting a broader experience, plus for complainants and victims, hopefully its beneficial for them because we have our witness assistance group that deals with them throughout the summary hearings.

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

**CHAIR** - Thank you very much and obviously you will note that the committee and particular Mr Dean has a strong interest in this. On behalf of the committee we congratulate you on your substantial position now.

**Dr GOODWIN** - Through you, Madam Chair, Darryl has well and truly taken the initiative on these things, particularly with the summary prosecutions with the Magistrates Court and the other work that the office is doing. It really is about getting better outcomes in terms of prosecution, so that is to be commended.

**CHAIR** - It is a very important office and we particularly thank you for your time here today.

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

**Mr DEAN** - I just had the one - the ice epidemic, Attorney-General, I just was going to ask some questions on that. Serious drug matters coming into the Criminal Court, that jurisdiction, and the other one was the, I am trying to think of the name of it. I have forgotten the name of it.

**Dr GOODWIN** - Not the unexplained wealth?

**Mr DEAN** - Unexplained wealth, I just wanted to know where we were with those, and the work that might be coming into this office as a result of those.

Sorry Chair, I thought someone else would ask questions.

**Dr GOODWIN** - Darryl do you want to talk about the ice side of things.

**Mr COATES** - We have a considerable amount of work in relation to the drug cases on amphetamine or methylamphetamine, which is ice, a derivative of it. I suppose that has been one of the changes in our work which makes it more complex because the police have changed their targeting from cannabis growers to amphetamine traffickers.

Those cases are quite complicated because they surround listening device evidence and money transactions so they are very complicated to get on. We have had some significant sentences handed out for people who seriously traffic in amphetamines and methylamphetamines. The Court of Criminal Appeal did not overturn the sentence of 12.5 years for large-scale amphetamine trafficking. Most of the drug work is in that area.

**Mr DEAN** - Can you explain the Unexplained Wealth Unit?

**Dr GOODWIN** - Tasmania Police, through the Serious and Organised Crime Unit in conjunction with the Unexplained Wealth Unit within the Office of the DPP, have orders for the forfeiture of over \$820 000 in cash assets and firearms issued in 2015-16. Further investigations are underway relating to assets valued at almost \$2 million.

**CHAIR** - Is that just for one matter? How many matters is that?

**Dr GOODWIN** - I do not know.

**Mr COATES** - This year it is three matters, plus in addition to that we have had \$300 000 worth of cash as pecuniary penalty orders under the act as well.

## **Output 1**

### **The Office of the Ombudsman**

#### **1.1 Decisions on complaints referred to the Ombudsman and Health Complaints Commissioner and Right to Information**

**Mr WILLIE** - Minister, the decrease in the Office of the Ombudsman, there is a note here that states, 'through the implementation of strategies to reduce the administrative costs', I am wondering whether that has had an effect on Right to Information requests and the time frames around those?

**Mr CONNOCK** - It has. We only have one officer doing RTI decisions and they are fairly complex quasi-judicial decisions; they are not things that you can roll over quickly. At this time last year I only had 0.6 FTE making all of those decisions. That officer has retired and not been replaced but we have recruited a 0.9 FTE now making those decisions. We



really need two people in that jurisdiction. We have the significant backlog that is almost impossible to get over at the moment with only one person doing it.

**Mr WILLIE** - Minister, do you have any plans to address that need?

**Dr GOODWIN** - I am certainly conscious of the issues in relation to the RTIs. There isn't any additional money in the Budget to specifically address that but I will continue to meet with the Ombudsman as I do on a regular basis and keep abreast of how things are tracking.

**Mr DEAN** - You were not happy with that either when you were in opposition.

**Dr GOODWIN** - About the Ombudsman's office? We have provided funding for the Custodial Inspector, which I am very happy about.

**Mr WILLIE** - I am sure you are voicing your concern in the Cabinet room, too, minister.

**CHAIR** - Which we are probably not going to find out.

Can I ask what the break-up of the complaints are? Is there a break-up of definite Health complaints or - we usually like to get that detail.

**Mr CONNOCK** - I put it all together. In the general Ombudsman jurisdiction, inquiries are slightly down. I have had 572 this year to date, 567 out of jurisdiction, so that is a total of 1139. When I say 'inquiries' it might not just be a single phone call. It could be follow-up and various other things, too. They are not formal complaints. We only have the two categories of approach, which is inquiry or complaints.

In complaints, year to date we have opened 534, which is tracking to be about the same as last year. We have actually managed to close more than we have opened for a change, which has been good, so we have got rid of some of the older ones in the Ombudsman jurisdiction. In terms of Health inquiries, they are largely the same as they were last year at 314, with an additional 147 out of jurisdiction, so a total of 366 inquiries. There were 262 complaints year to date, which is again tracking to be much the same as last year, if anything slightly increased. In terms of right to information, we have received 36 formal requests for review, and we have been able to finalise 26 in the year. We still carry a lot of open files. The average days open is creeping up. There are some -

**CHAIR** - What is the average then?

**Mr CONNOCK** - The average days at the moment is 301. That is of the 21 matters for which the files were actually closed in the reporting year to date. That ranges from one day to the oldest one being 620. That 620 is an applicant who has made a number of applications for various things, and he keeps making them, and we keep asking him which ones he wants us to prioritise, so he has pushed some of the ones that he is less keen on advancing to the side, so we can focus on the ones that he wants to focus on.

**Mr VALENTINE** - I am interested in the other aspects of your office. I believe you have to implement the Right to Information Act. You have been involved with the Personal

Information Protection Act and the Public Interest Disclosures Act. You are an Integrity Commission member. You must go to work of a morning thinking, 'Which one am I today?'.

**Mr CONNOCK** - Exactly. I have a cupboard full of jurisdictional hats. I have just got another one, a reporting function under the Misuse of Drugs Act. We are also the audit entity for the surveillance devices and control operations and telecommunications.

**Mr VALENTINE** - Minister, what was the FTE count for this section?

**Mr CONNOCK** - It is 15 at the moment, I believe. We have a vacant position that we are attempting to fill at the moment - no, it is 16 at the moment. It has gone up from 15.6 to 16.

**Mr VALENTINE** - Does that include the official visitors? Are they considered employees or -

**Dr GOODWIN** - No.

**Mr VALENTINE** - They are just volunteers, are they?

**Mr CONNOCK** - They get paid a nominal amount per visit. On our establishment is the manager of the two official visitor schemes, the prison official visitors and the mental health official visitors and his administrative support. Both of them are part-time, I might add.

**Mr VALENTINE** - I just wanted to drill down a little bit into their activity. With the prison official visitors scheme, how many official visitors do you have?

**Mr CONNOCK** - There are seven at the present time. We had one that was going to retire, but then withdrew his application so I think we are running at the full complement of seven at present.

**Mr VALENTINE** - How often do they visit? Presumably they are there to check on, it says 'efficiencies' in the budget papers, but is it welfare as well?

**Mr CONNOCK** - It is welfare as well, and they can take small complaints from prisoners and resolve them there and then as they exit. They will go in and talk to prisoners and detainees, assess their welfare to a degree, take any minor complaints. They are a good source of referral for us, because of correctional primary health, for both health complaints and Ombudsman. Prisoners are still probably our most significant cohort of complainants even though numbers have gone down significantly.

**Mr VALENTINE** - How often does an individual go to the prison, an individual visitor?

**Mr CONNOCK** - The visitors go at least once a month to each facility. When I say that, the facility is broken down. It might be the particular visitor goes to [inaudible 2.40.20] prisoner. There are three or four go to the main prison complex, and there are others who just do the reception prisons.

**Mr VALENTINE** - What about Ashley?

**Mr CONNOCK** - No, that is not within Corrections, so we cannot go there.

**Mr VALENTINE** - Can I ask whether Ashley has an official visitor?

**Dr GOODWIN** - They do have the Commissioner for Children, they have some jurisdiction but, as far as I know, they do not have any.

**Mr VALENTINE** - The mental health official visitor numbers?

**Mr CONNOCK** - There are more of them, I think there is about 15 of them.

**Mr VALENTINE** - Which facilities would they be visiting?

**Mr CONNOCK** - They visit all the mental health facilities around the state.

**Dr GOODWIN** - They work with Lopes, do they go to the Roy Fagan?

**Mr CONNOCK** - Roy Fagan, Millbrook Rise and the northern facility.

**Mr VALENTINE** - Do we have any numbers on the number of complaints that they handle during the year, both of those sets of official visitors?

**Mr CONNOCK** - I do not have them with me, but, yes, the manager reports each month at our managers' meeting as to the number of complaints received. I could certainly provide that information.

**Mr VALENTINE** - Can I get a table of some sort, minister, on that?

**Dr GOODWIN** - I meet regularly with the official visitors too, quarterly I catch up with them, which is really valuable. They do wonderful work.

**Mr VALENTINE** - If I could have a table with the number of complaints, not too much detail, and maybe type of complaint, if there is such a thing.

**Mr CONNOCK** - Is that just for mental health?

**Mr VALENTINE** - No, for both, by site. I do not want to give you a heap of work, but I want to get a handle on it.

**Mr CONNOCK** - No, that is fine. I know there are reports in relation to the mental health official visitors. The prison official visitors are a slightly different affair because they are able to resolve complaints on the spot. The mental health OVs no longer have investigative function, but they can fact find, they gather information from patients, then they report it back through to the manager. So those complaints are logged. The ones the prison OVs, we might not know about a lot of those because they have resolved them on the spot.

**CHAIR** - Thank you very much.

**DIVISION 4**

(Department of Justice)

### **Output group 3**

#### **Corrections, Enforcement and Consumer Protection**

**Dr GOODWIN** - I welcome Mr Brian Edwards, the director of prisons, and Nick will rejoin us as the director of corrective services.

**CHAIR** - Welcome, Brian. Prison services, this committee has had a huge interest for a long time now, so we are keen to have an update.

**Dr GOODWIN** - Of course the corrections output includes the provision of community and custodial corrections through the Tasmanian Prison Service and Community Corrections as well as providing administrative and secretariat support to the Parole Board. I understand the high level of interest in the Tasmanian Prison Service, particularly in light of recent events and I accept that the TPS had had to face some complex challenges over the past year, including the tragedy of deaths in custody.

We are addressing a number of systemic issues, including poorly designed and maintained infrastructure and with the support of prison management are refocussing the direction of the prison. Supporting ongoing cultural change, identifying gaps in service delivery and providing initiatives that will enhance the through care of an improved outcomes for offenders to ensure they are provided with more effective options for rehabilitation and reintegration.

It is an enormous task but not one the government is shying away from and I am looking forward to soon being able to make public the next iteration of the Breaking the Cycle corrections plan that the department is currently progressing.

As Minister for Corrections, I remain committed to ensuring prisoners are encouraged to participate in appropriate education, training and rehabilitation programs to make sure their time in prison is constructive and aims at providing them with a pathway out of crime.

I acknowledge the achievements of both the Tasmanian Prison Service and put on the record my appreciation for the work of the director, Brian Edwards, and all staff. Their continued professionalism and efforts to work to achieve positive outcomes in such challenging areas of work. Of course, Nick Evans is the Director of Corrective Services. He has input in that regard too.

The TPS has achieved a great deal across a broad range of areas over the past year including significant reductions in the overtime costs of the prison and finalising the building works of the prison infrastructure redevelopment program stage D.

This year's state Budget will ensure the continuation of this work through the allocation of substantial funding for two sections of the prison, specifically the Ron Barwick Minimum Security Prison, and the Mary Hutchinson Women's Prison.

We have provided \$300 000 per annum for funding for treatment of sex offenders and also provided funding in the state Budget to establish the custodial inspector in the Office of the Ombudsman. In relation to Community Corrections, they continue to show continuous

improvement in the important work in supervising and supporting offenders within the community. For the second year in a row, it has achieved the highest number of completions of supervision orders, community service orders and overall order completions in Australia. Director, Pam Honan, and her staff should be congratulated on this.

Achievements - finally the Back on Track Program commenced early this year and is progressing very well following the engagement of life without barriers as the successful tenderer to deliver this young offenders program for moderate to high risk offenders aged between 18 and 20.

**CHAIR** - Thank you, minister.

**Mr DEAN** - I want to start with the deaths in custody. Is the coroner findings handed down yet?

**Dr GOODWIN** - No, the coronial inquest has not been completed yet, it is still ongoing.

**Mr DEAN** - I do not want to get into that side of it but I wanted to ask what has been the impact on the staff of the prison? We have not heard a lot. I should imagine there would have been impacts and we need to ensure this can never happen again?

**Dr GOODWIN** - I will perhaps speak in broad terms and then hand over to Brian. Of course any death in custody is very tragic and regrettable and has a huge impact on everybody, including the staff - custodial and non-custodial - other prisoners, prisoners' families. It has a huge impact and is very distressing for everyone concerned. Of course, being part of the coronial inquest process means reliving it all and is very distressing. It is important to have supports in place. It is also important to respond as quickly as possible in terms of immediate changes being implemented and the prison service has done that.

**Mr DEAN** - That is the reason I asked that because we should not wait for the coronial inquiry.

**Dr GOODWIN** - Also the prison service is to seek out some independent expertise and oversight in relation to the way the TPS manages self harm and suicide and we received a report from an expert in Canberra. I will hand over to Brian and let him tell you more about what happened in the meantime.

**Mr EDWARDS** - Thank you very much for your thoughts, Mr Dean.

We have supported our staff through a new scheme of peer support amongst staff through Workplace Health and Safety and now our HR department. We have what we call a mate scheme which has been very successful. We have volunteers we have trained in mental health, first aid and other aspects around those so they help each other out. We have had good success in that of which I have said.

We have enabled counselling and lengthened counselling to staff who were affected with the unfortunate deaths in custody. Even before I heard from ACT who came down to do the review we were working on everything we can pulling everything out reviewing it and making sure we were right.

I worry when people say within the prison environment this will never happen again. It is one of the things if you asked me the worst part of the job of Director of Prisons or a prison manager or a senior manager it is every night we go home and even though you may have reviewed everything we have because every night you go home that night's prayer is that everything is all right for the morning. Unfortunately, when someone wants to take their life it is very, very difficult.

We are working now and are well on our way through the ACT report even before the Coroner's results have come out. I have just had a consultant here, today in fact, talking to the traffic department on what we can do with legislation for seatbelts and other things which we were constricted with beforehand. So that is moving on quite well. We are trying to redevelop the legislation and some work around new design of seatbelts and other things of that nature.

**Mr DEAN** - The increase in the Budget is for additional operating costs for the Mary Hutchinson Women's Prison and mandatory treatment for sex offenders. Are there any other changes in this area? I think there is about \$182 000 extra so where it is taken up, what else is happening in this area?

**Dr GOODWIN** - The extra funding is for the sex offender treatment and there is also some capital funding for both Ron Barwick and the Mary Hutchinson Women's Prison. The capital funding for Mary Hutchinson Women's Prison is to establish new minimum security accommodation units and there is also recurrent funding for the operational costs of those units. I think five units will be established in the first year and two in the second year.

**Mr DEAN** - The question was about the new units for the Mary Hutchinson Women's Prison area. I asked you this question in the Chamber going back a few weeks ago in relation to the number of women prisoners in the system. I was of the view it was sort of an aberration, it was an unusual number of women in the prison at the present time.

**Dr GOODWIN** - It has been at the same increase.

**Mr DEAN** - It is sustained? That is my point. It is a sustained number of women prisoners unfortunately in the system.

**Dr GOODWIN** - The observation has been they are becoming more like the male prisoners in terms of their offending profile.

**Mr DEAN** - In regards to the types of offences committed?

**Dr GOODWIN** - Yes.

**Mr DEAN** - It is sad isn't it we have a position like that.

The other question I wanted to raise, minister, at this stage was how much money have we actually spent on the prison in the last decade in bringing it into a contemporary system? I take note of the -

**Dr GOODWIN** - Not off the top of my head. We will take that one on notice.

**Mr DEAN** - I ask the question because of the comment you made in the paper and you did not come out and dispute it so I am taking it as right. Thursday 2 June it was where you made this comment and I will come in part way through it rather than read it all 'a complex that is ageing and there are infrastructure deficiencies we inherited from the previous government. I thought you had modified our prison to a reasonable extent.

**Dr GOODWIN** - The Ron Barwick facility is very old. The Launceston Reception Prison is very old. They are two of the oldest and most deficient. To be fair, ageing facilities are an issue. It is not necessarily because they have been poorly designed. Although, if you were going to start from scratch and build a new prison I don't think it would look quite like Risdon Prison does now. If you were going to design a new reception prison you wouldn't design one that looks like Launceston Reception Prison. It is the same with the courts. We can all learn in hindsight what is good or not so good about a facility but we certainly have some challenges.

**CHAIR** - At the time they were deemed to be doing the right thing.

**Dr GOODWIN** - It was based on the Queensland design. That is not necessarily the best design for our climate.

**Mr DEAN** - Having said that though, I was of the view we had spent quite -

**Dr GOODWIN** - We have. We spent quite a bit on the prison. PERP Stage D was around \$20 million but there are various stages of PERP. There are many stages of it. The new prison wasn't completely finished. There are still some issues with it. PERP stage D was recommended to be progressed very quickly by the Palmer report. There are still deficiencies with the prison. It is a fact of life.

**Mr VALENTINE** - It is interesting, the bit about the ageing, because security-wise I think there was an issue, some of the locks or something. My question is with regard to the official visitors. I would like to hear from the prison administration side how they find that service, call it a service if you like, I suppose it is a service to the prisoners in a way. I am wondering about the response from you, how well it runs. Do you think it has issues, problems?

**Mr EDWARDS** - I have been brought up in my career with the equivalent of official visitors so I think it is right that the prison should have independent people coming in. It is right that we should have a good relationship with them. We have now built up where I go to the Ombudsman monthly and I talk to official visitors and I talk to the Ombudsman and we talk through issues we have. We have a very good communication channel between us. We are compiling the new command and management manual. Within there we have used the official visitors in a very strong manner. When the surrounding prisoner from a disturbance for instance is there then an official visitor I would ask to be around in the area for that independent view. I think it is crucial for any prison service we have that quality assurance and we have the good relationship and it is good for prisoners to be able to talk to the official visitors and ventilate one of the things that Ombudsman and myself and official visitors have found is my strong belief that if prisoners have the opportunity to ventilate then that ventilation stops that frustration of build up that nothing is getting done. It is good that we allow people to ventilate in a free manner. It is good that we have an independent view on has this been answered on time? Has it been answered correctly? It is the right thing.

**Mrs ARMITAGE** - Minister, can you advise regarding the Launceston Reception Centre, do they still have permanent prisoners there. It is the understanding that there were some, would you call them trustees, that were permanently living in Launceston. The prisoners never came down to Risdon.

**Mr EDWARDS** - We usually try to use the wards men or trustees that are there with families in Launceston. They request to go up and volunteer and we have a look at their security and those are the only people that we keep up there permanently.

**Mrs ARMITAGE** - They stay there, they don't interchange. It is not a period of a year or two years. They are there for the whole term of their imprisonment. In the past I was of the understanding that someone was there for a number of years. My understanding is now that they may interchange.

**Mr EDWARDS** - They may interchange and because of the programs that we put in of assessing every prisoner when they arrive, we are looking at the sentence plan. There might be some people out there who are wardsmen or trustees and if they have a particular program that they need to deliver we might very well interchange them so they can come down and attend to the program. They volunteer to select for that job as wardsmen in Launceston.

**Mrs ARMITAGE** - How many prisoners would you be able to have in Launceston that could be permanent?

**Mr EDWARDS** - Currently there is five, I believe.

**Mr WILLIE** - The Bridgewater Community Corrections Centre and Highfield House Hobart closures are going to make it harder for offenders to attend appointments with probation officers. Do you expect there to be more breaches of court orders, therefore requiring more resources to prosecute these breaches? How much will we save by closing the two offices? What modelling have you done on the cost to the system when more breaches occur and more people end up in prison?

**Dr GOODWIN** - That is actually in Community Corrections.

**CHAIR** - Now the question is there, otherwise we are going to have to ask it again.

**Dr GOODWIN** - I will first explain the rationale behind the change. The lease at the Bridgewater Community Corrections Office expires in June 2016. Community Corrections has secured alternative larger and more suitable premises at 3 Terry Street, Glenorchy. Once refurbished Community Corrections will relocate from Bridgewater to Glenorchy. Occupancy is expected by the end of December 2016.

Far from being a move that will create more difficulty for clients in the community this move will enable far more clients to more easily access Community Corrections officers and associated support services. This move will also enable services to be strengthened and more appropriately staffed into the future. Whilst the Bridgewater location has served Community Corrections and clients in the Bridgewater and surrounds well for the past 10 years the premises is at maximum occupancy with no capacity for further expansion.



Client numbers in the Bridgewater vicinity are not on the increase. In order to remain equitable staff caseload numbers across the southern region, offenders from surrounding northern suburbs have been directed to attend the Bridgewater office. While this ensures viability of the office it is at additional cost and inconvenience to offenders as for many of them the Bridgewater office is not on a central bus route.

The largest representation of offenders in the southern region, however, is based in the Glenorchy surrounds. Glenorchy is central, well serviced by public transport and a hub for numerous government and non-government support services.

In addition probation officers, administration officers, team leaders and program facilitators will also move from Highfield House in Hobart to Glenorchy. This will create space for future growth and also improve offender access and options for program participation across two central locations.

Letters to stakeholders in the Bridgewater vicinity have been delivered inviting any services that have concerns to discuss the matter personally with the Director of Community Corrections. Once again I reiterate that this change of office location is a positive and clearly thought-through move that will enable a greater ease of access and provision of more comprehensive services for a greater number of Community Corrections clients.

On that note I will just introduce Pam Honan, who is the Director of Community Corrections and Pam may wish to add something further to what I have just said.

**Ms HONAN** - If I may just to clarify it is the relocation of the Bridgewater office to Glenorchy, not Highfield House. Highfield House will remain open and there will be two primary hubs in the south: one in Glenorchy and one in the city.

The Glenorchy location is actually more accessible to offenders than what Bridgewater is. It would be anticipated that there would be a decrease in breach action because there is better accessibility to the Glenorchy office than there is to Bridgewater.

For example, clients who might reside in the Midlands or in New Norfolk have to get a bus to Glenorchy, get off at the interchange and then double back out to Bridgewater on a Bridgewater bus. It is quite time consuming and quite expensive for somebody on a very low income. This allows better access, better distribution of our resources across the south and our ability to also deliver programs across two key locations, which also gives offenders choice if they can't get to one they may be able to get another more accessibly.

**Mr WILLIE** - With respect, minister, that is exactly the same response you gave in the Chamber the other day.

**Dr GOODWIN** - And why would it be any different here?

**Mr WILLIE** - When are talking about access, obviously closing one centre, so it has gone from three to two, but when you are talking about access it is not just transport options, it is also costs. You mentioned the double-back issue and I am sure travelling from Bridgewater or even further out into Glenorchy would be more costly for those people.

**Ms HONAN** - A lot of these people go to Glenorchy quite regularly anyway. And we are not moving from three to two, it is two to two. There will be two offices, one will just be in Glenorchy rather than Bridgewater where there is a larger offender population and ease of access and more services available.

**Dr GOODWIN** - In the wonderful electorate of Elwick, I thought you would be happy.

**Mr WILLIE** - I think my constituents would be conflicted about that.

### **3.1 Prison services -**

**Mr DEAN** - In the release I previously referred to you also made this comment 'and that improvements to performance are necessary' - what does that relate to?

**Dr GOODWIN** - I think that was in general terms. We have had a number of issues at the prison over the past year. There was an escape, issues with assaults against correctional officers, and the deaths in custody. I don't think anyone would deny we have all been disappointed that those things have happened. I take on board Brian's comment that in a prison facility there are always going to be issues and challenges. By and large you have people who don't want to be there, they are not known for their compliance with the law and are not always going to be compliant with what is expected of them in a prison environment. There is a whole range of associated issues to deal with but everybody is absolutely committed to doing better and improving performance. The Government appreciates the challenges the prison faces. We are investing in the prison and are hoping there will be improved outcomes.

**Mr DEAN** - Have staffing levels increase or remained the same? I think you have moved forward on that. How are we tracking with the overtime? I also want to refer to a comment you made in response to some answers to questions provided to our members yesterday where you said:

The Tasmanian Prison Service is commencing a project to improve the management of injured employees in their return to work. This covers both workplace and personal injuries. KPMG will be supporting and auditing this project.

Can I get an update on that and the costs incurred in that program and where it's going?

**Dr GOODWIN** - As at 27 May 2016, 312 correctional officers were employed by the TPS, and that is including all correctional officer ranks, in comparison at 31 March 2014 there were 290 correctional officers on the TPS establishment. The most recent selection process, which concluded at the beginning of May 2016, has seen 30 candidates selected to fill two recruit training schools, which at this stage are due to commence on 20 June and 4 July 2016. It is anticipated those new staff will be rostered to posts from approximately 19 September and 3 October 2016 respectively. The total staffing across the prison service, I don't know if someone else has that information but we will dig that out. The overall staff number is 429.

There was an overtime question as well. Overtime, which is the key variable factor in prison costs are still trending down overall, despite experiencing record staff separations, an

increase in demand for constant observations of prisoners and remandees for medical reasons, and additional shifts required for the Coroners Court and the number of incidents.

There have been a number of significant improvements made within the TPS over the last few years. A number of actions have been and continue to be taken to achieve a reduction in operating and overtime costs. Key areas of focus that have been progressed to reduce overtime costs are: the continuous review of the correctional staffing structure to maximise efficiencies and minimise costs; the payment of salary at single-time rates compared with the payment of overtime at double-time rates; recruitment of additional correctional officers to reduce vacancies; implementation and continuous review of absence management strategies; implementation and ongoing improvement of the central rostering system, TimeFiler. In particular, this year many changes have been scheduled to amend TimeFiler to support detailed and robust reporting requirements.

**Mr DEAN** - Do you have the actual figure on overtime for this year so far in dollar terms?

**Dr GOODWIN** - Year to date to the end of May it is \$3.9 million. Is that the total overtime?

**Mr EVANS** - That is the total expenditure.

**Mr DEAN** - That is a big change from the \$5 million that we used to have. It is still pretty high.

**Dr GOODWIN** - Then we have this trending diagram.

**Mr DEAN** - Is it still trending down? That is the main thing, the trending of it.

**Dr GOODWIN** - Yes.

**CHAIR** - Minister, you read out an increased number of separations. Can we have some detail behind that? Is it that they were just not suitable for the role?

**Dr GOODWIN** - It is an unusual number. Brian can probably talk a bit more about that.

**CHAIR** - I know we have talked about that in the past. You have to have the right people for the job.

**Dr GOODWIN** - We had 22 separations this year, which is higher, double the previous year.

**Mr EDWARDS** - We have worked on legacy cases that were talked about before at this committee which go way back to 2003 or earlier. There were a lot of cases that we have been able to separate from this year. Some people have reached honourable retirement age and they have retired but we have had a hard year, a challenging year of challenging staff that we thought were maybe suited to another career. It was down as a risk factor to us. We recognise that when you go through extreme change programs there will be quite a few separations. But I will have to put my hand up and say there have been some honourable separations where they have retired after good, long service.

**CHAIR** - What about the recruitment process then to replace certainly those honourable retirements but those other separations as well?

**Mr EDWARDS** - They are accounted for in this.

**CHAIR** - They have all been refilled?

**Dr GOODWIN** - Still busy recruiting. Another two recruit courses are due to start.

**Mr DEAN** - In that, you obviously have a similar system to the police. You have the psychological testing and all of that as a part of bringing them in.

**Mr EDWARDS** - As I said last year, we have the physical testing as well now. We have the physical tests, the psychological tests. The two recruit courses the minister has just given you actually take us now up to covering all the separations and getting back to full staff.

**Mr DEAN** - It only brings you back to full staff. The two recruitment courses we have coming in, minister, will they still only bring the present to its establishment strength, set strength?

**Dr GOODWIN** - Yes. Just after we came into government, the Treasury had finished a zero base funding review of the Prison Service and worked out what the minimum staffing level was required to be. I think we are very close to hitting that minimum staffing level but we do need another recruit course. We should hopefully end up in front.

**Mr EDWARDS** - Yes. We will end up covering all the operating staffing level.

**Dr GOODWIN** - Yes.

**Mr VALENTINE** - My question is about leave.

**Mr DEAN** - The answer to the rest of that question, if you could, minister. That was the special thing that KMPG are doing in relation to return to work and - yes.

**Dr GOODWIN** - Better injury management and a focus on a safer workplace will continue and the TPS will strive to significantly reduce workplace injury even further in the coming year. This includes trialling a new model that sees workers' compensation claims management being actively managed from within the TPS rather than from the central Department of Justice Human Resources Branch. To assist in trialling the new model, the department has relocated the claims consultant to the TPS, adopted a project management methodology in implementing it, and commissioned KPMG to audit the project.

**Mr DEAN** - And the cost of that?

**Mr EVANS** - KPMG are the department's internal auditors, so they will be doing that as part of the contract they have with us. It is another issue.

**CHAIR** - There will not be any extra cost.

**Mr DEAN** - That is good.

**Mr EDWARDS** - We already have a HR department at TPS and we are working very closely with the experts and HR in turn.

**CHAIR** - We were going to do the leave while we are on employees. Then I will come back to smoking.

**Mr VALENTINE** - I am wondering whether we are able to get figures on a staff leave comparison over the last three years possibly, or five if you have it.

**Dr GOODWIN** - We might need to take that one on notice.

**Mr VALENTINE** - That is okay. I do not have a problem with that. I guess the question would be whether you can identify those staff that might be taking leave because of stress. I do not know whether that is possible to identify through the human resources system that you have at the prison. Obviously, it is a pretty stressful environment. I would be interested to know what level of leave is actually as a result of stress as opposed to other -

**Dr GOODWIN** - We have an absence management strategy to address the ongoing level of unplanned absences within the TPS. Further work is being undertaken by the human resources team to enhance early intervention and peer support programs within the TPS to maintain a supportive workplace and ensure reduced length of absence.

**Mr VALENTINE** - That is good, it is positive. If I could get some figures on that.

**Mr DEAN** - How is the smoking program progressing within the service at this time?

**CHAIR** - How is the non-smoking program going?

**Mr DEAN** - Yes.

**Mr EDWARDS** - We like to call it the fitter wellness program. We feel the TPS, through Justice, has done its job in actually reducing future healthcare costs to Tasmania. We have literally just done a full search of one of the establishments and not found one ounce of tobacco. Prisoners are telling us they are over it. We have still the nicotine replacement therapy program going because obviously people come to court on remand and so forth. We have that going.

Our program is going extremely well. We have had no problems with it. Our staff now have been asked to visit other states. Some are actually lecturing around Australia. One of our staff has just returned from Perth after giving an explanation there on our strategy moving forward. I think we are leading the way in that structure.

**Mr DEAN** - The other question I have is on contraband getting into the prison.

**CHAIR** - What were you finding, Nick, if you were not finding any cigarettes, were you finding anything else?

**Mr EVANS** - Weapons, drugs, quite obviously.

**Mr DEAN** - Minister, I know it is a problem in all prisons probably.

**Dr GOODWIN** - It is. Do you want to know figures?

**CHAIR** - I visited a prison and I could not get a magazine in.

**Dr GOODWIN** - Just in terms of what the prison does to address the issue of contraband, there are a number of strategies to reduce the supply of drugs in prison and prevent other items of contraband entering the prison system, including information gathering intelligence assessments, searching and surveillance of prisoners, staff, visitors, facilities, property, equipment including the use drug detection dogs, searching of mail and other goods entering the prison, screening at prison entry points by the drug detection dog unit, random drug and alcohol testing of prisoners and the use of mobile phone technology. The TPS has also purchased an itemiser trace detector and passive alcohol sensor torches to assist with the detection of narcotic and alcohol substances as well as cameras for monitoring the administration of Schedule 8 medications.

A security committee has been established and is tasked with investigating amongst other security related issues, the trafficking of drugs and other contraband within the prison. This is something that has been focused on in the media are mobile phones. In prison on average there are 25 seizures of mobile phones and mobile phone accessories each year, not two every week as was reported. This figures has not increased in the past five years.

In terms of the number of seizures, I have a note that this is not individual items confiscated. Year to date as at 16 May 2016: alcohol, drug and drug taking implements, 163 - that is the number of seizures, not the number of individual items confiscated.

**Mr DEAN** - That is 163 different occasions.

**Dr GOODWIN** - Seizures. Mobile phones and accessories, 24; weapons 47; other unauthorised items, 127.

**Mr DEAN** - The weapons? What does that entail? Knives, I guess.

**Dr GOODWIN** - Yes.

**Mr DEAN** - Does this concern them?

**Dr GOODWIN** - Yes. But these things are being detected.

**Mr DEAN** - My other question was on assaults committed against staff within the prison service and prisoner on prisoner. Do we have those figures for the last financial year? It would be good to know if there is a trend there.

**Dr GOODWIN** - We only have the [inaudible] data which does not deal with this.

**Mr DEAN** - I will take it on notice then, minister, if that is okay.

**CHAIR** - Minister, I have a question about transfers of prisoners between states and whether we are getting any inmates in and whether we are sending any out.

**Dr GOODWIN** - We are able to transfer prisoners on welfare grounds and that happens both ways.

We have found this year's results. In the year to date to 31 May, there has been 51 assaults on TPS staff by prisoner with 20 assaults resulting in vary degrees of physical injury. Assault includes spitting. The breakdown of assaults on staff by seriousness is as follows: number of serious assaults prisoner on staff, 2; number of assaults prisoner on staff, 18; number of other assaults no physical injury prisoner on staff, 31. A further six assaults have been committed by watch house detainees against staff, fortunately only one resulted in physical injury.

A question was asked about the issue of ice - certainly there has been both an increase in the prison population but also the impact of ice has manifested itself as well within the prison system with some people obviously coming and being quite aggressive and unpredictable in their behaviour.

**Mr EDWARDS** - Both in the watch house, the police and ourselves have found there is - to use a very uncultured term - people bouncing off the walls when they are arrested and generally that is a mix of ice and alcohol. They usually take five or more days to settle down. In that time they are quite difficult. And there might be some psychiatric problems underneath that as well. A combination of all that is not good.

**Dr GOODWIN** - Women have been more involved in the assaults as well.

**Mr DEAN** - When that happens the prison is fully briefed on the condition of that prisoner? So that you are prepared for them.

**Mr EDWARDS** - The police will escort them in anyway, so we are usually together when that happens.

**Dr GOODWIN** - There is a tier 1 health assessment done on prisoners when they come into the system.

**Mr EDWARDS** - That is one of the areas we put in for the change management, that we have a 100 per cent tier 1 assessment. This year we have 100 per cent of tier 1's done so that we can assess and then with the two counsellors that we have taken on, on our drug program, we can actually start dealing with these issues quite quickly. It does not help us with the original violence that is shown. Then we start treating and taking them through our full program of drug counselling, drug programs, and so on.

**Mr DEAN** - My other question was on prisoner on prisoner assault. Was that there?

**Dr GOODWIN** - We might need to take that question on notice. So, last year 10 prisoners received serious injuries due to assaults by other prisoners. I think the figure for prisoner on prisoner assault was 40. That was last year. I don't have this year's.

**Mr VALENTINE** - My question is regarding use of prisoners for services the Department of Veteran's Affairs require for veterans. Do you still participate in that? Some time ago, I don't know whether it is still going or not, prisoners used to perform some services for Veteran's Affairs provided to veterans.

**Mr EDWARDS** - I don't have that. We have increased our ability to help other services by quite a lot. We now have a full reintegration team that is actually working on that. I will need to take that on notice.

**Mr VALENTINE** - I would be interested in that, thank you.

**Mr DEAN** - With regard to the work within the prison system, I have recently come back from Alice Springs where I had the privilege of meeting with the director of prisons there and some other people. They have a program called Escape and they have many talented Aboriginal artists unfortunately doing time. They have a display of their works annually. It is a great thing and there are great benefits from it. I have bought one very nice product.

**Dr GOODWIN** - They have two exhibitions a year. The Prison Fellowship run one and then there is the Artists with Conviction exhibition. It was at the Moonah Arts Centre last year.

**Mr DEAN** - That was a great one. The first time I had every seen that one. There they bring the public in to view all of the works done by the prisoners. It is a great thing.

**Mr VALENTINE** - I do declare an interest - I bought one.

**CHAIR** - Minister, I am going to invite everyone to take a 10 minute break and then come back and finish off. We don't have a letter into the President so there is no going beyond time. We need to get the next part of it done as efficiently as possible.

**The committee suspended from 3.31 p.m. to 3.42 p.m.**

### **3.2 Community Corrections Services**

**CHAIR** - Welcome back, members. We will now head back to community corrective services. I would like to ask you about the overarching number of people in this area, the FTEs, also the programs that are being run out of this particular area as well.

**Dr GOODWIN** - FTEs, total of 81.25, which includes the court mandated diversion and safe at home staff. They became part of the community corrections output in 2013-14.

**CHAIR** - Last year it was 85.66. It is a reduction.

**Dr GOODWIN** - There are some vacant positions.

**CHAIR** - There is a process in place to have those filled.



**Dr GOODWIN** - Yes, there is, the process is underway. I can give you a regional breakdown, if you would like, of where they are: 18.02 in the north; 14.99 in the north-west; 40.34 in the south; and in the directorate 7.9. Would you like me to talk about the program? Community corrections delivers the family violence offender intervention program and the save-a-driver program. The save-a-driver program was introduced into community corrections in July 2008. It is an educational and skill-based group program, which targets adult offenders who have been convicted of two or more drink driving offences within the last five years. It has been very well received by the courts, facilitators and offenders.

As at 29 April 2016, a total of 834 offenders have graduated from the save-a-driver program, the sentencing section. The program has high completion rates, with 84 per cent of offenders enrolled in the program from July 2015 to the end of April completing it. I do have some numbers for this financial year to date, as at April 2016. 144 started the program, 122 have completed the program, and that is a completion rate of 84 per cent. Each program is facilitated by trained programmed facilitators over a nine week consisting of one two-hour session per week. The program caters for up to 20 participants and can be run during business hours or after hours. A condensed program consisting of three six-hour sessions is available for offenders in remote and rural locations.

Community Corrections and the Tasmanian Prison Service have replaced the Get Smart program with a program licensed through New South Wales called Equips.

**CHAIR** - Why was that, minister? What was the rationale behind that?

**Dr GOODWIN** - This program consists of modules so it is probably more flexible and able to be better adapted to the individual.

**Ms HONAN** - It was also no longer supported. It was no longer licensed through New South Wales. They reviewed it and determined there were better programs they could operate under.

**CHAIR** - That is for substance abuse users?

**Dr GOODWIN** - This is a suite of programs designed to be delivered to offenders assessed with medium to high risk. It addresses factors such as factors related to recidivism in a manner that is flexible and adapted to the individual.

**Ms HONAN** - It has a 40 hour component which is a cognitive skills component and then a number of modules thereafter which may or not be applicable to all offenders. One of them is the general violence module. One is around substance abuse. One is around domestic violence and the fourth one is the cognitive skills component.

**Dr GOODWIN** - I might touch on the family offender intervention as well. That has been managed by Community Corrections since July 2007 and it is a cognitive behavioural program aimed at high risk family violence offenders. It can be delivered as either a 12 hour individual or a 50 hour group program. Magistrates continue to refer offenders to the program and demand is high. Community Corrections are currently facilitating the program in all three regions of the state.

Since 1 July 2012, and as of 3 May 2016, 105 offenders have successfully completed the program. It has high completion rates with 75 per cent of offenders enrolled in the program from 1 July 2014 to 30 June 2015 completing it. A total of 78 per cent of offenders have completed the program from 1 July 2015 to 3 May 2016. Currently across the state, there are 12 offenders participating in group programs, and seven participating in individual programs.

**CHAIR** - Can I have your assessment on how the Back on Track program is performing and also what is going to happen after 2018-19 when funding ceases?

**Dr GOODWIN** - This Back on Track program essentially replaces the U-Turn program after there was some concern identified through the evaluation. So this new model for a young adult offenders' program was developed with extensive input from stakeholders and work by the Tasmanian Institute of Law Enforcement Study. We went out to tender and Life Without Barriers was the successful tenderer for the three year \$1.5 million Back on Tracks program. The program will include intensive and tailored case management intervention as well as program participation to address the dynamic criminal genetic risk factors that have contributed to offending and improve opportunities for involvement in both social activities and employment.

Currently there are eight participants in the south and six participants in the north and north-west. Community Corrections commenced referrals to the program in January 2016. It was always anticipated approximately 20 participants would be engaged in the program at any time with five in both the north and north-west of the state and 10 in the south of the state. There is obviously a bit of capacity still there and it is going well.

There is an evaluation in progress. Towards the end of February 2016 Dr Sharon Casey from Deakin University was engaged to develop an evaluation framework for the Back on Track program and to assist the program annually. Funding for the framework was from the National Motor Vehicle Theft Reduction Council. We will consider the findings of the evaluation at the end of the period and make a decision whether or not it should continue in that format.

**CHAIR** - I inquire about the Tool program and also is there split funding to White Lion and the PCYC network?

**Dr GOODWIN** - They are not mine. I think Tool was originally funded by State Growth.

**Mr DEAN** - I want to ask how well the work order program is recorded, the recording of people undertaking their work order commitments? The reason for this, minister, and I outlined it in my speech on the Budget was I had an elderly gentleman come to me who brings in work orders. People come into his community project. He says that on many occasions the ones who are supposed to be there don't turn up. On other occasions they turn up and won't do anything. They sit around and smoke, and smoke marijuana and goodness knows what else. He then says what he does is he has to ring through and the whole time he has been working with this program he has not had any supervisor from corrective services or wherever they come from, come and check and look and give him any assistance. It is left to him to handle and manage. He says he rings in on the Monday as he is required to or whenever he is required to do. He says from his perspective there seems to be very little interest taken in what he is reporting back. He is asking the question how much recording is

done of what he reports back and what action is taken against these individuals who do not turn up?

**Ms HONAN** - The Community Services Scheme is a scheme whereby an offender can have up to a maximum of 240 hours of community service and there is an assessment around their suitability to partake particular activities in the community, some of which may be programmed, some of it much more manual reparation back to the community. The hours are electronically recorded and monitored by a Community Service Order support officer and any activity which requires follow up is done by a Probation Officer who oversees a lot of the allocation and placement of offenders to project sites. When a person nominates to have work performed for them in the community there is an assessment done and in that assessment there is provision for the person, for example it may be a pensioner, to nominate whether or not they are confident or they require supervision or they are comfortable doing it themselves. They nominate that up front.

In this case it may be that this person may have been comfortable with that but through different incidences he is no longer comfortable with that. They should contact the Probation Officer and say I no longer want people here unless they can be supervised. The difficulty with that is that not all sites can be supervised 100 per cent of the time. There are a lot of offenders. The supervisors that do supervise these sites are often picking up, dropping off, moving equipment around and offenders because it can sometimes take two hours to mow or service one location and the offenders are then moved on to another location. It is constantly moving. It is the larger project sites where there are more than one or two offenders that we have a supervisor predominately there all of the time.

If the expectation of this individual is that he/she would require a full-time supervisor to be present it is not a realistic expectation that this could be accommodated.

**Mr DEAN** - I don't think he expects to have them all the time. He expects that someone would call in every now and again. Minister, when he reports on the Monday of the activities of the individuals who are supposed to be a part of his program for that day, the Saturday, what happens in relation to that information where they come and they sit around all day and refuse to do any work. How is that recorded? Is that recorded as eight hours work or five hours work?

**Ms HONAN** - It wouldn't be recorded as such. In that instance the Probation Officer would call the offender in. It would be dealt with as a complaint. If there is not a level of satisfaction or a level of non-compliance in what they have been asked to do then they would only be recorded for minimum hours and we would look at potentially changing their work location or consider informal warnings or other forms of ways of dealing with it. In this instance, if you would like to give me specific details I am more than happy to follow that up outside of this forum.

**Mr DEAN** - I think this gentleman would be prepared to give his name. I think he would be quite happy to do that. He is a great person.

**Ms HONAN** - Yes, more than happy to follow that up.

**Mr DEAN** - He does wonderful work in the community.

**CHAIR** - Is there a problem, minister, finding these good people who are willing to take people under this program?

**Ms HONAN** - There is more demand than we can cater for. Particularly the pensioner sites, which are the most resource-intensive to manage and probably in many ways the highest risk.

**CHAIR** - That includes out in the more rural and remote areas as well?

**Ms HONAN** - They are often a gift, because if you have offenders in outlying areas, finding them sites that they can complete work orders in is often very difficult. If we have people in those smaller communities who are happy to do that, it is gratefully accepted.

**CHAIR** - Is there any program to try to seek out some of those people in these areas who may be willing to undertake a supervisory role? Is there any intention, minister, to have a look at that?

**Ms HONAN** - We do conduct a lot of work with local councillors in asking them to encourage people in their community who they are familiar with that may need this service. Also Community Health Services, often GPs and people like that, recognise that some of their older members of the community who need assistance to stay in their home can benefit from that. There are numerous ways to try to promote the service. The risk with over-promoting is that we cannot provide that service. We have to be careful about how much marketing is involved, given the level of demand and the level of ability that we have to deliver.

**Dr GOODWIN** - There can be an educational program component to the CSO as well?

**Ms HONAN** - Indeed there is, both for offenders and also for people who want to take up the scheme, and there is quite a lot of written pamphlets and information provided at the point of assessment when they decide that they want the service themselves.

**CHAIR** - I like to think I know my communities fairly well and I have not heard if there have been any inquiries into that area. But I will keep by ears to the ground, minister.

**Mr VALENTINE** - When you were talking about the programs, minister, in the opening when Madam Chair was asking about the programs, there was some information given about the Getting SMART Program and that has gone to a program called EQUIPS. Did I hear correctly that it wasn't working in Queensland or New South Wales? My question is: why would we be implementing something here that wasn't working in Queensland?

**Dr GOODWIN** - No, Getting SMART, which is the one that has been replaced.

**Mr VALENTINE** - The Getting SMART program wasn't working in New South Wales and EQUIP has replaced that, and we are taking that on?

**Dr GOODWIN** - Yes.

**Mr VALENTINE** - I just wanted to clarify that. I thought that was a bit odd.

**CHAIR** - I am sure the minister would never okay a program if it wasn't working.

**Mr VALENTINE** - It is not always the case. Just because it doesn't work in one place doesn't necessarily mean it won't work in another; I just wanted to clarify that.

**CHAIR** - I am assuming that it would have needed some sort of accreditation and it didn't gain that?

**Mr VALENTINE** - Can you just explain that program a little bit more for us and exactly how it is going to be implemented?

**Ms HONAN** - The EQUIPS Program?

**Mr VALENTINE** - Yes.

**Ms HONAN** - For the EQUIPS Program there has already been around of training from facilitators who flew down from New South Wales to train the staff of the Tasmania Prison Service and also within Community Corrections. That is the first round of several. We will also get to the point where we will have our own trainers in Tasmania, who will then be able to train our own staff so we won't have to fly people in to do that, they will already be accredited.

The prison is already running EQUIPS. The thinking behind this is that EQUIPS would be run both within custody and outside of custody in the community. If there were inmates who started the program within the prison who didn't complete it, or vice versa, they would still be able to do that right through care, depending on their sentence.

**Mr VALENTINE** - This obviously comes with a software package of some sort?

**Ms HONAN** - It is very hands on. It is very engaging. It comes with a whole range of tools. There is consistency in delivery, based on the fact that we have been trained by the same people.

**Mr VALENTINE** - Is it basically aimed at trying to reduce recidivism?

**Ms HONAN** - It is, and the consequences and thinking before acting.

**Mr VALENTINE** - Does that involve placement of prisoners who are going out into housing to stop them connecting up with their old networks and becoming reinvolved with what might be nefarious practices?

**Ms HONAN** - It would certainly be challenging and encouraging different ways of thinking and looking at consequences to, for example, maintaining the same kind of networks versus trying to establish new or more pro-social networks. As for addressing housing, that would become part of wider case management. It would be outside of that program.

**Mr VALENTINE** - I am interested in whether the housing of prisoners after they exit prison is part of the Community Corrections program, or is that handled in some other way?

**Dr GOODWIN** - No, ex-offenders leaving prison and requiring housing assistance receive support through Housing Connect, a one-stop shop for all Tasmanians in need of Housing assistance. Housing Connect offers access to a full range of housing solutions, including public housing, community housing and the private rental market. Housing Connect can provide tailored assistance to meet the needs of clients, including ex-prisoners. Issues being faced by parolees are being addressed by ensuring the policies and procedures in place between Corrections and housing agencies are well coordinated to align with the new Housing Connect arrangements. The Department of Justice and Housing Tasmania have discussed opportunities to improve the reintegration of prisoners into the community. This has resulted in the introduction of a number of policy changes to enhance referrals, pre-release assessments by Housing Connect, housing suitability assessments for parole applicants, and changes to the prisoner's call day, where required.

**Mr VALENTINE** - So they are not disadvantaged in that process. They have the same opportunities as anybody else in the community to access housing?

**Dr GOODWIN** - This is probably more a question for the housing minister. There is a waiting list for housing and some prioritisation that occurs, factoring in all those considerations.

#### **Capital investment -**

**CHAIR** - We have already touched on the quantum and the funding for the Mary Hutchinson Women's Prison to increase capacity and upgrading security systems for the Ron Barwick Minimum Security Prison. Is there anything you want to add, minister? We have already talked about both of those initiatives.

**Dr GOODWIN** - I just want to mention, in the context of suicide and self-harm, there was some funding of \$2 million which has assisted with the construction of an observation cell at Mary Hutchinson's Women's Prison for prisoners at risk of suicide or self-harm. I wanted to mention that because it was provided outside the normal budget process because there was some infrastructure money available. Has that work been completed?

**Mr EVANS** - No, it is still in progress.

**CHAIR** - When is it estimated that will be completed?

**Mr EVANS** - About the end of July.

**CHAIR** - We have completed all our work for the minister and Attorney-General today, thank you.

**The Committee adjourned at 4.05 p.m.**