

# UNCORRECTED PROOF ISSUE

Tuesday 29 May 2012 - Estimates Committee B (Wightman) - Part 1

## LEGISLATIVE COUNCIL

### ESTIMATES COMMITTEE B

Tuesday 29 May 2012

#### MEMBERS

Mr Dean  
Mr Finch  
Mr Gaffney  
Ms Goodwin  
Ms Rattray (Chair)  
Mrs Taylor

#### IN ATTENDANCE

**Hon. Brian Wightman MP**, Attorney-General, Minister for Justice, Minister for Environment, Parks and Heritage

#### Department of Justice

**Robert Williams**, Acting Secretary  
**Michael Stevens**, Deputy Secretary  
**GINNA WEBSTER**, Acting Deputy Secretary  
**Dale Webster**, Director, Office of the Secretary  
**Chris Jacoora**, Department Liaison Officer  
**Kerry Worsley**, Manager, Crown Law  
**Jim Connolly**, Registrar, Supreme Court  
**Paul Huxtable**, Acting Administrator, Magistrates Court  
**Mark Cocker**, Director, Monetary Penalties Enforcement Service  
**Len Armsby**, Director, Office of Legislation Development and Review  
**Norman Reaburn**, Director, Legal Aid Commission of Tasmania  
**Chris Batt**, Director, Births, Deaths and Marriages  
**Stephen Morrison**, Director, Finance  
**Debra Rabe**, Manager, Victims Support Services  
**Julian Type**, Electoral Commissioner  
**Robin Banks**, Anti-Discrimination Commissioner

**Leon Atkinson-MacEwen**, Ombudsman

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**Tim Ellis SC**, Director of Public Prosecutions  
**Russell Pearce**, Acting CEO Integrity Commission

## **Department of Primary Industries, Parks, Water and Environment**

**Kim Evans**, Secretary  
**Michele Moseley**, Deputy Secretary  
**Robert Cockerell**, General Manager, Corporate Services  
**Kane Salter**, Manager, Finance  
**John Whittington**, Deputy Secretary  
**Kate Kent**, General Manager, Information and Land Services  
**Alistair Scott**, General Manager, Resource Management and Conservation  
**Brett Noble**, Director, Policy and Projects Group  
**Alex Schaap**, Director, EPA Division  
**Peter Mooney**, Deputy Secretary, Parks and Heritage  
**Pete Smith**, Director, Heritage Tasmania  
**Steve Gall**, Director, Aboriginal Heritage Tasmania  
**Lesley Kirby**, Director, Royal Tasmanian Botanical Gardens  
**Brooke Craven**, Specialist Policy Analyst

## **Ministerial Office**

**Denise McIntyre**, Head of Office  
**Brad Arkell**, Adviser  
**Alison Wood**, Adviser

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

**CHAIR** - Good morning, minister, and welcome to members of your support group at the table.

**Mr WIGHTMAN** - I would like to start with an opening statement. This year in the Justice portfolio we will continue to work to ensure our justice system and the laws of this state protect the most disadvantaged members of our community, and promote Tasmania as a safe community in which to live. We will continue to progress legislative reform to improve access to justice and promote a fair and equitable justice system in this state. We will also continue to deliver high quality and timely legal and judicial services to promote and maintain rights and responsibilities and the resolution of disputes for the benefit of the Tasmanian community.

I am in the process of progressing a number of important legislative changes. This year I aim to table amendments to the Anti-Discrimination Act 1998 aimed at improving the way complaints are handled and disputes are resolved under the act. The bill will also increase some of the protections under the act, particularly with regard to offensive and insulting conduct, on the basis of certain attributes.

I intend to introduce changes to the Electoral Act, including electoral donations, and I will be introducing provisions to ban political donations by tobacco companies. The Victims of Crime Assistance Act will soon be amended to allow the Director of Monetary Penalties Enforcement to

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enforce the payment of moneys which have been ordered by a court to be paid. This will improve the process by which the money is collected as the crown will no longer need to spend time and resources pursuing these matters through the civil court.

I also propose to address the question of responsibility of owners of dogs that attack people. While there are laws covering this, I intend to make the liability of owners clearer, especially in respect of dogs which are known to be dangerous or have attacked people previously.

I am confident that a bill I have introduced to legalise surrogacy will be passed by parliament this year.

Other matters under development include powers of attorney, forensic procedures and, if necessary, after consultation, regulation of the sex industry.

This year will see a revised funding model for the payment of crown law services. Previously, agencies have directly paid for services delivered by crown law particularly the crown solicitor and DPP civil. Based on advice from our most senior government lawyers, I have decided to implement a new funding model which removes the fee barrier and will lead to better management of government legal risk.

Last year I announced that the Poppy Administration and Control Board will be funded by the poppy industry it is set up to benefit. This year will see the implementation of that decision supported by amending legislation. The poppy industry in Tasmania is now a robust and sound industry and it is only appropriate that some of the significant profits from the industry go to the maintenance of the board.

The Sentencing Advisory Council is now fully established and is currently undertaking work on three references. In December last year, the council released a consultation paper into its first referral: arson and deliberately lit fires. All responses to this paper are currently being collated for consideration by the council and I expect to receive final advice from the council later this year. I also expect the council to release a consultation into its second referral on assaults on emergency workers soon. The council has also commenced data collection into the referral sentencing of sexual assault offenders.

The Tasmanian Law Reform Institute recently released an issues paper on sexual offences against young people. The paper sets out the areas of the current law relating to the state of age defence which are uncertain or inconsistent. The paper is a comprehensive analysis of a complex matter and there will need to be some changes to the current law. The paper is currently going through a crucial public consultation phase to ensure that the options of legislative reform presented are critically examined by the community, legal practitioners and other stakeholders.

The government is committed to being responsible about the way we approach legislative reform, and we are also committed to ensuring any amendments to the existing law are sound and have community support. I encourage anyone with an interest to take the time to read the paper and provide responses to the issues raised and the questions posed.

A bill for the protection of children and other special witnesses is also being prepared. It will improve the way in which young or otherwise vulnerable witnesses are treated, minimise the number of times they may be questioned or cross-examined, and prevent cross-examination by the alleged perpetrator in some cases.

In conclusion, Chair, I am continually impressed by the hardworking commitment I see from the staff in Justice and the offices of crown law, the Ombudsman, the Integrity Commission, the Magistrates Court, the Supreme Court and our number of tribunals. I look forward to another productive year.

**CHAIR** - I think the new phrase is working harder and smarter, minister, from what we heard yesterday.

**Mr WIGHTMAN** - Is it? I did not get the memo.

**Output group 1**  
**Administration of justice**

**Dr GOODWIN** - Minister, on your overview, can I clarify something?

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - You mentioned the amendments for the Victims of Crime Assistance Act; can you just run through that again because I thought we had already -

**Mr WIGHTMAN** - We are waiting on royal assent. They are through; we are just waiting on royal assent.

**Dr GOODWIN** - Because we did that the other week, I think.

**Mr WIGHTMAN** - I said that in that way to just make sure we have royal assent, that is why I described it in that way.

**Dr GOODWIN** - Okay, terrific. If we could start with the budget saving strategies.

**Mr WIGHTMAN** - Sure.

**Dr GOODWIN** - This coming financial year, Justice is one of the departments with an additional savings target and that applies across the forward estimates as well. I am wondering if you could inform the committee what the total savings are that Justice has to find and how you propose to achieve those savings.

**Mr WIGHTMAN** - I will explain. In 2011-12, we were required to find \$2.887 million and we were able to achieve that. I am happy to talk about those strategies later if you would like. Announced last year for the 2012-13 budget, our savings task was \$1.232 million. On top of that already announced we have an efficiency target of 1 per cent, which adds an additional \$1.2 million to that target. The savings target for 2012-13 will be \$2.432 million.

I am very pleased to report that we were able to achieve those savings of \$2.887 million, that is in 2011-12 and, as outlined previously, those savings were made through the following budget savings measures: a reduction in the Legal Aid Commission of Tasmania grant; Magistrates Court administrative costs; the closure of Sullivans Cove Waterfront Authority; and savings in the Tasmanian Industrial Commission, and that was through administrative savings. We have been able to use vacancy control, review procurement activities, travel costs and whole-of-government

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employment strategies to find the savings that I described as \$2.887 million, and also WorkCover and rationalisation of administrative services has allowed us to find those savings in 2011-12.

As I said, our additional target of \$1.232 million was set out last year prior to the efficiency savings, and we have some strategies about how we would like to achieve that target this year. I have absolute confidence that we will achieve that target again based on our previous work and our ability to meet targets in previous years.

With the changes to the law that I discussed earlier regarding criminals' injuries compensation, we would hope to recover around \$190 000 in payments recovery from those perpetrators of crime. That is about 6 per cent. That is a nationally consistent figure for other jurisdictions that attempt to recover money in this way; around 6 per cent is a nationally fairly consistent amount that they are able to gain. Once again, a reduction in funding to the Legal Aid Commission of Tasmania of \$50 000; savings in magistrates court administrative costs; and revenue from the Poppy Advisory Control Board, which will come into force this year. Once again, carry-on figures from the closure of the Sullivans Cove Waterfront Authority, Industrial Commission savings and, as we have done this year, we hope to find savings or we will find savings in vacancy control, procurement activities, travel costs and the like across the agency, and WorkCover and rationalisation of administrative services.

Those savings will provide the additional \$1.2 million that was set out last year, which is on top of the \$2.887 million, which we found in 2011-12.

**CHAIR** - Minister, did you say \$50 000 on Legal Aid?

**Mr WIGHTMAN** - Yes, \$50 000. I must also say that we also gave \$500 000 out of the Solicitor's Guarantee Fund. It is not a head loss.

**Dr GOODWIN** - So you are taking less out of the con fund and more out of the -

**Mr WIGHTMAN** - I was able to use my discretionary fund, the Solicitor's Guarantee Fund to assist them.

**Dr GOODWIN** - That Solicitor's Guarantee Fund, we would be lost without it, wouldn't we?

**Mr WIGHTMAN** - It is the one that keeps on giving. I must say, Dr Goodwin, it is a great pleasure to go around the state and help people, particularly with the provision of legal services and their access to justice. There is no more worthy group than Legal Aid and community legal centres which do an absolutely outstanding job in our community. They, too, have budget pressures like we all do, so it is a pleasure to be able to use that to assist those most in need.

**Dr GOODWIN** - Yes. Just before you move on and talk about the additional savings, I wanted to get some clarification on those administrative savings in the magistrates court. Are you able to elaborate on that how they have been achieved?

**Mr WIGHTMAN** - Michael.

[9.15 a.m.]

**Mr STEVENS** - We had planned last year to save \$100 000 in reorganising the security arrangements around the state. Unfortunately, during that period, the company that provided the

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services to the Magistrates Court went bankrupt, so we had to award a new contract. One of the reasons, according to the receiver at least, was that the charges they were charging were reasonably attractive to government and therefore hurting their bottom lines. We didn't save \$100 000 in the magistrates court but we saved the extra money in vacancy control. We had a target of \$450 000; we are tracking for about \$780 000 to \$800 000 at the moment in vacancy control. The actual saving that we had identified was \$100 000, just for security. We haven't been able to achieve that but we have achieved it with additional vacancy control.

**Dr GOODWIN** - So it's back in there this year - the savings in the magistrates court?

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - How will that be achieved?

**Mr STEVENS** - Again, we anticipate we will get the extra through vacancy control.

**Dr GOODWIN** - Okay.

**CHAIR** - So fewer people on the ground?

**Mr STEVENS** - Not filling positions for a period of time; they used to be filled almost immediately but now, unfortunately, we wait a bit of time and therefore we get the cash savings.

**CHAIR** - I see people working harder and smarter, minister.

**Mr DEAN** - Vacancies in what areas and what has that created? Obviously that would have to create other problems for you if you keep areas vacant for longer periods of time and/or you don't need them - one or the other.

**Mr WIGHTMAN** - Vacancy control is a strategy that is used across all agencies and we do have to find savings, so not filling positions is a strategy that is used. All agencies would use vacancy control. I do not think any political party would talk down vacancy control as a savings measure. It means that you have to be leaner in that regard about the work you do but still provide the service right across the agency.

We cannot say that we can't have vacancy control because we need to use that strategy to find the savings. So, yes, we need to look at the way we do things within the Justice department, like every agency, and make sure that we are as efficient as we possibly can be.

**Mr DEAN** - My position is that it depends on how long you keep the position vacant for. It might help if we were told the time those vacancies are in place. If they are in place for a long period of time, you would then have to question whether the position needs to be filled or not, and that is my point.

**Mr WIGHTMAN** - There are a couple of points around that. That vacancy control tool is very important and is one of the strategies that has allowed us to find the savings within Justice. There is no doubt that we need to find those savings across the Public Service; I think everyone has agreed with that aspect of it. We will go about that in a way that we can find the savings but also do our best to make sure that the efficiency of the department is maintained, and also that the work of the department is maintained. We need to keep in mind the fact that we have a number of

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statutory positions and roles within the agency that are required to be filled by law. However, our aim is to use that vacancy control to save a significant amount of money across Justice, which we have done and will continue to do this year.

Does that mean that there are cuts on the ground when it comes to the agency? No, there are cuts on the ground when it comes to the agency but that is the requirement and that is what we need to do. We are in a difficult financial time and we will use vacancy control to make sure that we find our savings but also that we do not reduce the quality of the agency in its performance.

**Mr DEAN** - That would obviously be documented - the vacant areas and where the moneys have been saved in that regard. Are you able to table that information?

**Mr WIGHTMAN** - For that level of detail I would have to ask Michael or Robert.

**Mr WILLIAMS** - We do have records of those details; we don't have them with us. You questioned the length of vacancy - it depends on which area it is. The agency executive, which is the secretariat to deputies, reviews all vacancies as they come through and we make a judgment based on the advice of the output manager as to what the impact is and how long we will do that. Sometimes it is just a slowing down; sometimes it might be that we don't fill one and they will have to come back in six months' time with a further request. It varies depending on what we are doing.

We talked yesterday as part of the Justice portfolio about community corrections. We put in a KPMG review over the last few years which has significantly adjusted the way we do the work so that we can meet increasing demands. It is largely about trying to do things differently, setting different priorities, so it is completely different across each area.

**Mr DEAN** - Can it be tabled minister?

**Mr WIGHTMAN** - We can take that on notice and get you the information, Mr Dean. That is probably the best way to go about that.

**Mr DEAN** - Thank you.

**Mr WIGHTMAN** - I can talk about individual reductions across the agency, if you would like.

**Dr GOODWIN** - That would be good at some point.

**CHAIR** - Mrs Taylor has -

**Mr WIGHTMAN** - I am sorry, Madam Chair. I am happy to come back to tell you about the differences across the agency.

**CHAIR** - Yes, when we get into those, Mrs Taylor has a question in relation to what you have just spoken about, minister.

**Mrs TAYLOR** - Minister, as you say, many people in tight times use vacancy control as a measure and it is not a bad thing to do, but it is a temporary measure, isn't it?

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**Mr WIGHTMAN** - Yes.

**Mrs TAYLOR** - You cannot do that permanently; you are not intending to do that permanently. So when you say there are savings - yes, it is a saving for this year, and as long as you keep vacancy control operating, it is a saving. But it is not a permanent saving because you are not getting rid of jobs.

**Mr WIGHTMAN** - I do not know so much about that because I think any agency always uses vacancy control. But you also look very carefully at the positions you have within your agency in these sorts of situations and make sure that you have the best, most efficient streamline into the agency at that time. So, if there are savings that can be made, or positions that are lost, we make sure that we review exactly what we are doing and how we are doing it to make sure we have the most efficient agency we can have. I would not say with regard to vacancies that agencies use vacancy control all the time as budget management strategies.

**Mrs TAYLOR** - Quite frankly, I would be concerned if they used them all the time for budget savings strategies.

**Mr WIGHTMAN** - Why is that?

**Mrs TAYLOR** - Because if the job needs to be done then - for instance, yesterday, we talked about the prison where there are eight out of 27 or 25 managers currently vacant and being backfilled by - that cannot be the best possible way to operate if that is the sort of percentage of your people. I do not know whether that is about vacancy control, or whether it is just that they have not been able to fill the positions, or what.

**Mr WIGHTMAN** - The point I am making is that no matter when it is, you are always looking at how you can have continuous improvement within your agency -

**Mrs TAYLOR** - Absolutely.

**Mr WIGHTMAN** - and efficiencies that you wish to be able to find, and I think you use vacancy control to do that.

**CHAIR** - Minister, we might have railroaded you a bit when you were trying to finish your first line there. So if you want to go back to where you were before I asked you to clarify the \$50 000 on legal aid -

**Mr WIGHTMAN** - Sorry?

**CHAIR** - If you want to go back to where you were going after I asked about clarification on \$50 000 for legal aid.

**Mr WIGHTMAN** - The point then was about the additional savings, the 1 per cent -

**Dr GOODWIN** - Yes, that is where we were up to.

**Mr WIGHTMAN** - We know we have a 1 per cent efficiency dividend and now we will enter into discussions across the agency about where that will be found.



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**CHAIR** - So there is no strategy in place at this stage?

**Mr WIGHTMAN** - We are currently working on it, Madam Chair.

**CHAIR** - More vacancy control?

**Mr WIGHTMAN** - As I talked about it, there will be. I said that earlier in 2012 - to achieve that initial saving which was set out last year, there will be more vacancy control. I cannot get away from that as yet - everyone is pointing in the right direction but do you know what, Madam Chair? I know exactly where it is.

**CHAIR** - By the end of the day there will be papers flying left, right and centre.

**Mr WIGHTMAN** - But you know what I am like, Madam Chair. I am quite happy to answer the questions myself. There are areas that we will look at with regard to the 1 per cent additional savings and, as I have said, we have not made a firm decision about that. We are going into discussions about those areas now. Some of the possible areas may include savings in operating costs from the closure of the Hayes Prison Farm, a review of fees and charges that would be proposed to be retained by the department, and increased administrative savings from vacancy control, travelling, and procurement activities. I did talk about the fact that there will be vacancy control but they are some of the areas that we might look at to attempt to find our additional 1 per cent.

**Dr GOODWIN** - Can I take up the procurement point? How have you managed to achieve savings there? What have you been doing differently?

**Mr STEVENS** - We are attempting to make a whole range of administrative savings in relation to travel, mobile phones, and various pieces of office equipment, so in our procurement and our tendering we are being a lot sharper in what we buy. We buy less of and just in time; that sort of thing. It is really just applying a range of business strategies to reduce outgoings as much as we can. As the minister said, we use the vacancy control essentially to cover things like interstate and intrastate travel, and a whole range of administrative savings, cars and mobile phones.

**Mr WIGHTMAN** - Whether it is credit cards, mobile phones, cars or whatever it is, we do look very carefully.

**CHAIR** - Cream biscuits?

**Mr WIGHTMAN** - No, we don't have many of those in my office, Madam Chair. We look to save money across the agency in that regard and that is obviously prudent financial management.

**Dr GOODWIN** - Minister, I have been looking at the progress report on 2011-12 budget saving strategies around the state service structural reforms in Justice. There is the number of the workforce renewal incentive programs accepted there, voluntary redundancies, fixed-term contracts, not renewed and employees transferred. Are you able to give us an update on those figures, and also explain what has happened there, and what positions have gone and where people have been transferred to and those things?

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**Mr WIGHTMAN** - The first one I will look at is the targeted voluntary redundancy arrangements and workforce renewal incentive program that has occurred across government. The Department of Justice made five offers of voluntary redundancy at a cost of \$387 711. That will generate a saving of just over \$448 000 per year. The Department of Justice has made 10 offers under the workforce renewal incentive program. This is a one-off cost, as we know. The payments were \$138 000 but they will generate a saving of \$125 000 per year.

If you would like me to go further about staffing numbers in that regard, I would be happy to.

**Dr GOODWIN** - Do you have information on fixed-term contracts?

**Mr WIGHTMAN** - I would have to ask the secretary in that regard.

**Mr WILLIAMS** - We would have to take on notice. We don't have the numbers here.

**Dr GOODWIN** - The other one was employees transferred.

**Mr WIGHTMAN** - I can talk about employees generally and the changes across the agency. With regard to those specifics, we would have to get you those figures.

**Dr GOODWIN** - It would be useful to know where they have been transferred to, if that is possible.

**Mr WIGHTMAN** - Staffing numbers?

**Dr GOODWIN** - Yes.

**Mr WIGHTMAN** - The administration of justice includes the Forensic Tribunal Guardianship Board, Legal Aid Commission of Tasmania, Magistrates Court, Mental Health Tribunal, MPES, Public Guardian, Supreme Court, and Victim Support Services. There has been, from May 2011 to May 2012, an increase of five. In central office, there is a decrease of eight. In consumer services, from May 2011 to May 2012, there is a decrease of two. In Corrective Services, there is an increase of 17. In legal services within the crown, there is an increase of two. In other services, including the Poppy Advisory Control Board, there is a decrease of two. Registration services has an increase of one. Resource planning is neutral. Review services, neutral; Workplace Standards Tasmania, an increase of five; and DHE, budgeted staff from 1 131 to 1 147. It is a headcount I am talking about, so if you look at the FTE difference there is a slight increase of 0.2.

**Dr GOODWIN** - A slight increase, right. And what do you attribute that to, the correctional -

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - Does that actually break it down by a unit within those output groups?

**Mr WIGHTMAN** - Yes, it does. I can table or read it right through. The table I have in front of me contains FTE and headcounts. The original one I gave you is about headcounts, but then I gave you the final figure of 0.2 difference with full-time equivalents.

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**Dr GOODWIN** - If you wouldn't mind tabling it, that would be good.

**Mr WILLIAMS** - What that does not take into account is that was a special project in MPES. A number of community corrections staff became part-time so, while the FTE looks the same, the headcount goes up. Sullivans Cove Waterfront Authority ceased, so that is an off, and some of it was simply a move from some casual community service advisers to a permanent status. There was an increased level of activity around some special projects, which keeps the number pretty much the same, but in fact a number of areas lost.

**Dr GOODWIN** - When you move CSO supervisors from casual to permanent, does that result in a saving in the long term?

**Mr WILLIAMS** - No. That is just a regularising of what needs to happen, because we need those people on the ground.

**CHAIR** - Minister, you said there was an increase of five in Workplace Standards. Can you give me a brief overview of why that would have come about?

**Mr WIGHTMAN** - I will take some advice on that. It is not my area, so I don't have the specifics about that. It was David O'Byrne's, so I am just providing an overview of the agency but I don't have that level of specifics. That question would need to be to David O'Byrne.

**Dr GOODWIN** - Do you have information on consultancies across the whole department?

**Mr WIGHTMAN** - Yes.

**CHAIR** - Minister, are you going to pass that over?

**Mr WIGHTMAN** - Yes, sorry. Yes, I do have information on consultancies, Dr Goodwin.

**CHAIR** - Thank you. We have noted the additions. Thank you.

**Mr WIGHTMAN** - We use consultancies for specialised advice or services when it cannot be provided by the staff within our agency. We only ever use interstate consultants in such cases where that specialist service is not available in Tasmania - and I know that is a question often asked at estimates hearings about interstate consultants. Once again I make the point that we only use interstate consultants when you might have a conflict of interest matter within Tasmania in a small community -

**CHAIR** - They might be related to someone.

**Mr WIGHTMAN** - They might be related to someone, yes; you might have that conflict of interest, or if that specialty advice that you require cannot be provided in Tasmania, so then you would use an interstate consultancy. The total cost of consultancies - and these are consultancies over \$1 000 to 30 April 2012 - is \$542 450. Tasmanian consultants were \$356 657, and non-Tasmanian consultants were \$185 753. Up to April 2011, this cost of consultants was \$814 978, so this year up to 2012, \$542 450; last year it was \$814 978.

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We have been well aware of this matter. Tasmanian consultants were similar in 2011, \$355 063, and non-Tasmanian consultants to April 2011, \$459 915. We have reduced that to April 2012 to \$185 753.

**Dr GOODWIN** - In terms of what the consultancies were for, are you able to table that information as well?

**Mr WIGHTMAN** - Actually I can.

**CHAIR** - Well prepared, minister.

**Mr WIGHTMAN** - There was a reduction in consultancies and once again we are looking at ways we can streamline but also save, and more of the use of Tasmanian consultants as opposed to using interstate which the legal profession in particular is often quite happy about.

**Dr GOODWIN** - I may as well ask about workers compensation and sick leave across the agency as well and you might have some information there.

**Mr WIGHTMAN** - Workers compensation, if I could talk about that, the department continues to maintain a focus on early and supportive intervention, effective employee assistance and workplace safety programs, and an emphasis on rehabilitation to assist injured employees return to work. The department continues to refine and develop an inquiry in injuring management program in recognition of the employer requirements arising from the amendments to the Workers Rehabilitation and Compensation Act 1998, and this has included the attainment of WorkCover accreditation for the program and the training of additional injury and management coordinators to support injured employees.

The department is also further strengthening its approach to returning injured employees to work at the Tasmanian Prison Service as a principal means of supporting injured employees and addressing the impact of workers compensation absences.

Here are some from figures, Dr Goodwin. The department's workers compensation premium for 2011-12 was \$1 729 211, which was an increase of \$123 194 from the contribution in 2010-11. This increase is part reflective of the still emerging costs from claims in previous years, particularly 2010-11, and there are two other contributing causes. First, whilst claim numbers have decreased from the last financial year there were still higher than the average number of claims of previous years and, second, the amendments to the Workers Rehabilitation and Compensation Act have led to some increases in premium costs, as anticipated across the insurance industry.

**Dr GOODWIN** - Any explanation for the higher than usual number of claims?

**Mr WIGHTMAN** - It is just what I said, and as you probably were made aware of yesterday some issues in the prisons -

**Dr GOODWIN** - It is basically the prison side of things.

**Mr WIGHTMAN** - Yes.

**CHAIR** - They have a lot to answer for.

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**Dr GOODWIN** - How many figures in terms of the number of people, claims or anything of that nature?

**Mr WIGHTMAN** - I will just finish my answer in regard to that. Just to reiterate, whilst claims have decreased they were still higher than the average number of claims of previous years and the amendments to the Workers Rehabilitation and Compensation Act have led to some increases in the premiums. At May 2012, 65 claims have been lodged for the period 2011-12. This represents a decrease in claim numbers compared to the 2010-11 financial year and the current total estimated claims costs for that period is \$1 590 634.

**Dr GOODWIN** - Do you have a breakdown of where the staff are from in terms of the claimants?

**Mr WIGHTMAN** - No, I do not have a breakdown of where individual staff are from; I have a breakdown of the types of compensation claims.

**Mr WILLIAMS** - We do not have a breakdown but a significant number of compensation claims come from the prison and in 2010-11 there were 92 claims, yet in 2011-12, as the minister said, there were 65. There was a peak when we had a number of nasty incidents at the prison and they tend to tail on for quite a while.

**Dr GOODWIN** - Is that something you could take on notice and give us a three-year trend or something so we can see that change?

**Mr STEVENS** - The overall departmental figures?

**Dr GOODWIN** - Yes.

**Mr WIGHTMAN** - Across the agency, Dr Goodwin?

**Dr GOODWIN** - Where they are from and maybe for the last three years so we can see that change that you are talking about in the prison.

**Mr STEVENS** - Can I just ask: would you be happy with Corrections and non-Corrections because there are so many other outputs in the agency: Supreme, Magistrate - we have about 30 outputs.

**Dr GOODWIN** - Yes, I suppose so if it is too difficult to break it down more than that.

**Mr STEVENS** - Prison and non-Prison.

**Mr WIGHTMAN** - I suspect the ones you want to know about -

**Dr GOODWIN** - I am interested more broadly where people are experiencing workers comp issues, so what about output groups?

**Mr WILLIAMS** - We have about 30 output groups.

**Dr GOODWIN** - Just outputs then.

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**Mr WIGHTMAN** - Dr Goodwin, we will do our best to provide the sort of advice that you are after. I understand the advice you are after, but we will do our best to provide as much detail as we can on that. As the Acting Secretary says, there is a number of output groups you have to consider.

**Mr DEAN** - I am interested in the interstate and international travel in the budget, and also overtime in the agency, what is happening in that area, bullying complaints, et cetera.

**Mr WIGHTMAN** - I would like to start with travel costs and I can provide some detail on that. Travel costs include air fares, accommodation, meals allowances and other travel-related costs. The department has spent a total of \$658 477 on travel and travel-related costs to 30 April 2012, and that is a reduction from \$789 646 to 30 April 2011. That relates to what I have been saying about trying to find those savings.

**Mr DEAN** - So a reduction from?

**Mr WIGHTMAN** - \$789 646, I can nearly do the maths in my head, but I will leave that to your calculator.

**Mr DEAN** - Round figures will do.

**Mr WIGHTMAN** - \$790 000 to \$660 000 basically. This is a reduction in cost of \$131 169, or a decrease of 16.6 per cent compared to the same period last year, so we have been trying to make those and have made those savings. This has been achieved by reducing travel significantly in the department. To date, the number of interstate trips has decreased by 44 per cent in 2011-12 compared with 2010-11. There has been a decrease of \$131 000 and much of that has been made by decreasing the number of interstate trips, which is down 44 per cent.

**Mr DEAN** - International? Did you make any international?

**Mr WIGHTMAN** - I do not have the specifics of international trips, but we believe that it is down similarly.

**Mr DEAN** - So if we could get the international, I will take it on notice.

**Mr WILLIAMS** - I think it is only one. There has been only one international trip, which is the chair of the Poppy Board who has to go to Vienna.

**Dr GOODWIN** - Tough gig.

**Mr WILLIAMS** - That is the only one from memory.

**Mr DEAN** - Overtime in the department, minister?

**Mr WIGHTMAN** - The reason I do not have that -

**Mr DEAN** - The reason I ask that is I want to work it out with vacancies as to what happens.

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**Mr WIGHTMAN** - The reason I do not have that overtime figure with me is that, as you would be aware, it is mainly prisons; I have no doubt that you asked information about overtime yesterday with regard to prisons.

**Mr DEAN** - I did, but I wanted it across the rest of the department as well, across the whole of the organisation.

**Mr WIGHTMAN** - Predominantly in Justice overtime falls within the prisons and you no doubt went through that with a fine toothcomb yesterday. I am not unaware, but we can get the overtime figures across the department, if that satisfies, Mr Dean.

**Mr DEAN** - If I can, thank you.

**Mr WIGHTMAN** - Predominantly it falls within the prison system.

**Mr DEAN** - The other area I asked about was the bullying and disciplinary issues. Are there any of those in the Justice area?

**CHAIR** - Harassment.

**Mr WIGHTMAN** - No, we do not have those figures in front of us about bullying complaints and/or harassment complaints. I can undertake to get those for you, Mr Dean, if that would satisfy.

**Mr DEAN** - Thank you, minister.

[9.45 a.m.]

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

**Mr WIGHTMAN** - I invite Jim Connolly to the table.

**Dr GOODWIN** - I am used to seeing Mr Connolly in a different role, so congratulations on your new role. Can I ask about backlog indicators for the Supreme Court and how they are tracking for this year?

**Mr WIGHTMAN** - I will make a start on that. There are two primary indicators, as you well know, Dr Goodwin, but others may not be equally across the figures. One is the clearance rate, which is the finalisations as per a proportion of lodgments - so finalisations over lodgments - which indicates whether the court is keeping up with its caseload. There is also the backlog indicator, which Dr Goodwin has referred to, which measures the age of the court's pending caseload against time limit standards.

In the Supreme Court we measure them over 12 and 24 months. During 2010-11, the Supreme Court was very successful in managing its caseload. The Supreme Court reported a clearance rate for all matters of 100.7 per cent - that is finalisations over lodgments - showing that the court is keeping up with its caseload by finalising more matters than are lodged in a reporting year.

The Supreme Court criminal jurisdiction continues to report one of the lowest backlog indicators - that is the proportion of pending caseloads older than 12 and 24 months - of all higher

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courts in Australia. Of the pending cases as at 30 June 2011, only 16.7 per cent were older than 12 months, compared with the national average of 19.2 per cent.

**Dr GOODWIN** - Do you have an older than 24 months figure?

**Mr WIGHTMAN** - We continue to have one of the lowest criminal backlog indicators for all Australian high courts. 16.7 per cent of all pending non-appeal cases were greater than 12 months old as at 30 June 2011, and that compares with the national average of 19.2 per cent. Only 4.6 per cent of the pending cases were greater than 24 months old, compared to the average of 9.1 per cent.

**Dr GOODWIN** - Are they for the last financial year?

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - Do you know how it is tracking for this year?

**Mr WIGHTMAN** - They are the latest figures I have, to be honest with you, Dr Goodwin, but Jim might -

**Mr DEAN** - I hope you are being honest with us, Mr Wightman.

**Mr CONNOLLY** - They were the figures that were published in the court services. I don't have the year-to-date figures with me so I cannot provide them, but I can on notice, if you like.

**Dr GOODWIN** - On notice, terrific, thank you.

The Supreme Court annual report mentions that an IT plan is being prepared to prioritise the many needs of the Supreme Court. I am wondering whether that has been completed and what the plan is to try to finance the improvements that are needed?

**Mr WIGHTMAN** - I will ask Jim to answer that question.

**Mr CONNOLLY** - The Supreme Court IT plan has been drafted and is being settled to the point of being adopted as we speak. The court has an IT budget manager who is going to be coordinating the implementation of the relevant projects under that broader plan. One of the particular issues that we need to address, as I understand it in my short time there, is that the amount of technology used in court rooms needs some good coordination - whether it be video conferences, digital audio recording, voice amplification, hearing loops, and all that sort of stuff. So we are going to be looking at ways of better managing and funding that. As the Attorney-General has mentioned, there are proposals to look at increasing fee revenue and retaining some of that for the purpose of ploughing it back into technology-type projects.

**Dr GOODWIN** - Is that key revenue that you are talking about? Is that in relation to the criminal injuries or is that something else?

**Mr WIGHTMAN** - No, what we talked about with the additional efficiency savings - that might be an area that we look at with regard to additional savings.

**Dr GOODWIN** - Then you would put it into IT?



**Mr WIGHTMAN** - Yes, correct.

**Dr GOODWIN** - Any idea of the ballpark figure of what you need to satisfy all the IT requirements?

**Mr CONNOLLY** - No, I could not give you a figure on that. There is a range of projects that will come under that umbrella.

**Mr WIGHTMAN** - Can I just say in my last visit to the Launceston Supreme Court - as a guest -

*Laughter.*

**Mr WIGHTMAN** - I will wake you up, Mr Finch.

**CHAIR** - Not as a guest of Her Majesty.

**Mr WIGHTMAN** - That is right. When I was there, some training was taking place in the use of ICT in the courts, particularly the cameras and the use of the audiovisual equipment. There certainly have been some improvements made in that regard and we would like to continue that because that is how the courts will keep up in the future. We are also looking at a number of matters around audiovisual technology but audio in particular because we do have, at times, people who find it difficult to hear both in the magistrates court -

**Dr GOODWIN** - We understand that well.

**Mr WIGHTMAN** - Pardon?

*Laughter.*

**Mr WIGHTMAN** - There are people who have trouble at times in the magistrates court and the supreme court in hearing the proceedings, so we are looking to improve that area as well. I see ICT as an area in which we have made some improvements. We will continue to make improvements into the future because the courts need to be able to keep pace with information technology, just like any other jurisdiction or agency.

**Dr GOODWIN** - I understand there has been a major upgrade of the recording system. Has that been finished?

**Mr WIGHTMAN** - Yes, it has because I have seen it. Can you give us the specifics on it, Jim?

**Mr CONNOLLY** - It is being done in two stages. The first stage was completed a few months ago and the next stage is due to occur during the next appeal term when many of the courts are not being used. That is going to standardise some of the hardware that supports that whole audio recording system.

**CHAIR** - Minister, do you have the total cost of that project available?

**Mr WIGHTMAN** - No.

**CHAIR** - Can you take that on notice?

**Dr GOODWIN** - How old was the court recording system? Was it the one that has been around for some time?

**Mr CONNOLLY** - We first introduced digital audio recording in the courts in about 2002 or 2003. So it is the next version of the software with some enhancements to the microphones and the configuration.

**Dr GOODWIN** - In terms of the number of judges and the workload - how is that tracking? There was a reference in the annual report to the fact that the criminal workload is fairly heavy and that seems to have an impact on judgments providing time. I am wondering if I can get a feel as to how that workload is going.

**Mr WIGHTMAN** - The indicators I can give you are obviously the ones I have already talked about such as backlog indicators and clearance rates. They are the clearest indication that I can give you about workload in our courts. No-one underestimates, as you know, Dr Goodwin, the work of judges within our judicial system. It is a difficult and complex matter, there is no doubt about that, but we are very fortunate to have Supreme Court judges who are absolutely outstanding and do a terrific job. It is fair more than just a paid job, it is a community service and indeed they do an excellent job at that.

The figures that I can give you are about backlog indicators in particular, but I would also say that with the judges there are obviously a number of judgments to write and there will be more pressure at particular times than others. I discussed the matter of the management of caseloads with the Chief Justice to make sure that we have the judges in place and they are able to deliver timely access to justice for those who are in front of our courts. It is a matter that I am aware of and keep open the communication channels about. We know being a judge is a difficult task, it is time consuming, particularly around the writing of judgments, but we do attempt to manage those as best we possibly can.

**Dr GOODWIN** - Sometimes people who are involved in a particular case raise concerns because the judgment has been a long time coming, in being handed down. That is the only reason I am flagging it, to make sure that the judges have not been knocking on your door saying, 'Can we have another one,' because things are pretty bad.

**Mr WIGHTMAN** - Dr Goodwin, I have to concur with you and timely access to justice does mean that you need timely judgments from your judges. I have absolute faith in the judiciary of Tasmania. They are an outstanding group of people with a very complex job to do. However, I am aware of managing the workload and making sure that we are able to manage that workload for judges. They are conversations I have with the Chief Justice.

**CHAIR** - Do we need more judges?

**Mr WIGHTMAN** - No, I think we have it about right at the moment with our judges.

**CHAIR** - People will have to wait.

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**Mr DEAN** - A couple of questions on the Supreme Court. What is the position with - last year it came up - the delays occurring within the Supreme Court because of failure of access for lawyers to their clients in the prisons, in particular? I noticed in the paper recently there have been some changes made in relation to access for lawyers, is that -

**Mr WIGHTMAN** - Do you mean duty lawyers; is that what you mean?

**Mr DEAN** - Duty lawyers, yes, and I think other lawyers as well who are defending people who are in the prison service. There was a concern about the access that those lawyers had to their clients in the prison department, in particular, and that was creating some problems within the Supreme Court and the Magistrates Court as well.

**Mr WIGHTMAN** - We attempt to ensure that people do get timely access to judges and that includes representation. Some of the work I discuss even at community centres around Tasmania is making sure people are aware of their rights, in particular, and their ability to access a lawyer, whether it be a legal aid lawyer, whether they qualify for that, or going to a community legal centre to receive that advice. We also have a good quantity of our lawyers who take on legal aid work. We are very fortunate as a jurisdiction that we are the only jurisdiction where you can choose your legal aid lawyer in the first place. I think that is, indeed, a very good thing.

One part of this is making sure there is access to justice, which means that we make sure that people do have a lawyer and representation. I must say that the duty lawyers do a terrific job in picking up clients who are unrepresented and that is very important. We provide more money out of the Solicitor's Guarantee Fund to make sure that there are lawyers right across regional Tasmania so that Tasmanians can get access to justice. I believe your particular question, Mr Dean, if I might paraphrase you, is around access with clients in custody.

**Mr DEAN** - Yes, that is the main one. I am trying to go back through the *Hansard* of last year where this issue came up and it is in there. I did have it marked but I am having trouble picking it up.

**Mr WIGHTMAN** - We have put in place arrangements to make sure that lawyers have access to their clients on remand or serving prison sentences, to enable adequate instructions to be taken for the purpose of effective legal representation.

[10.00 a.m.]

The key to this is an access to justice matter and effective legal representation, and so that access is provided either in person by the lawyer or via video link or teleconference, so we use a variety of audiovisual means to be able to achieve that access point. These arrangements have been agreed following discussions between the Law Society of Tasmania, the Tasmanian Prison Service, and the Magistrates Court and the Supreme Court, and they have been in operation since 2010 and, from all reports, are operating effectively. And that really goes to the heart of making sure that everyone can get that access to justice and access to a fair trial, meaning that they do have adequate representation.

**Mr WILLIAMS** - From my other hat, there is no doubt we were not doing as good a job in terms of access to lawyers previously. We met with the Law Society a number of times and actually signed an MOU in August last year. The feedback so far, as the minister said, is that we have been able to be a lot more flexible within what is a pretty rigid sort of environment. It is mainly access to prisoners in maximum security because it is hard to move them around. The feedback is

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that we have improved significantly, based on an MOU that we worked through with the Law Society, because we were not doing as well as we could have.

**Mr WIGHTMAN** - So there has definitely been an improvement there, Mr Dean, which is something which we should all be pleased with, no doubt. Can I also say that the Magistrates Court issued a circular to practitioners in 2010 setting out the access arrangements, and that is -

**Mr DEAN** - I will probably get beaten around the head, because we are no longer magistrates' [10.01.57] but anyway, minister, keep going.

**Mr WIGHTMAN** - No, this was just issued by the Magistrates Court, so a circular was put out and there is a web site address of the Magistrates Court which talks about access to remandees and prisoners, and sets out the arrangements that were discussed between the Law Society, the Tasmania Prison Service, and the Magistrates Court and the Supreme Court. In my view, and from the data that I have received, there has definitely been an improvement in access to justice for prisoners and remandees.

**Mr DEAN** - Thank you. My other question, minister, was in relation to pre-sentence reports, probation reports, and so on. Is that impacting at all on the ability of the Supreme Court to complete its cases and finalise that matter?

**Mr WIGHTMAN** - The two specifics are probation reports and pre-sentencing reports?

**Mr DEAN** - Yes. Is that creating any issues?

**Mr WIGHTMAN** - No.

**Mr DEAN** - Not at all? That is good. That came out yesterday as well, that they are supposedly on top of that.

**Mr WILLIAMS** - Ms Webster has worked extremely hard with the magistrates to reorganise processes, because that is another area that needed some improvement, and that has been done.

**Mr DEAN** - It came up last year as well and you were saying that you were starting to make some changes in that regard, so that is good.

**Mr WIGHTMAN** - When we become aware of an issue we do make sure that we attempt to address it in a timely fashion. That is particularly because my focus is on the access to fairness, the access to justice, and if you can put these memorandums of understanding in place then you have a better access to justice in Tasmania, and that is a good thing for everyone.

**CHAIR** - Thank you. If we have no other questions in this particular area we will move on to 1.2, Magisterial court services.

### **1.2 Magisterial court services -**

**Mr WIGHTMAN** - I invite Paul Huxtable up to the table, and thank you very much, Jim.

**Dr GOODWIN** - If I could just start with the specialist Youth Justice Court pilot and ask how that is going?

**Mr WIGHTMAN** - Yes. I know you have a particular interest in this one, Dr Goodwin.

**CHAIR** - Dr Goodwin has a particular interest in all legal aspects.

**Mr WIGHTMAN** - I know you have a particular particular interest in this one then, Dr Goodwin. As we know, this is one of the key pilot projects that we have in place and we have decided to continue that. As I said, when you are dealing - and I obviously have some experience in this outside of politics - with young people in Youth Justice, that access to justice is very important. The time between when a charge may be laid and when they receive their consequence or not for the behaviour has to be particularly timely because you are dealing with young people who cannot always understand the processes that are in place that take a long time for their matter to appear before a magistrate in particular. So it is very important that you provide the support services to get those processes in place, and that is why the youth justice magistrate pilot came along. We know the Deputy Chief Magistrate, Michael Daly, has been sitting as that youth justice magistrate in the Hobart Magistrates Court since 4 January 2011. There are a number of cases but he is also backed up by Magistrate Catherine Rheinberger during any periods of leave or, in fact, if a conflict of interest arises.

Good pilot projects usually work. It was originally planned for 12 months in Hobart but the court decided to extend that for a further 12 months. A big part of that is so that you can gather data, so that you then have two years' worth of data about how efficiently this is providing to access to justice. The real aims of that project are to make sure that we achieve the objectives of the Youth Justices Act 1997. It also provides us with the ability to consolidate multiple charges. When multiple charges come against a young person, we can consolidate those multiple charges against the single defendant.

We hope to better coordinate the youth justice support services to the court. Whenever you are working with a young person, you have to get all the support services around them, so that you can hope for the best outcome that you can possibly achieve. We also wish to improve the timeliness or early finalisation of cases, with fewer listing before a magistrate. When you have one person doing this work, it leads to more consistency in the court's decisions. Another key point working with young people is that you have the expertise and the knowledge of how to work with these people, who are often either from volatile situations, or have been involved in volatile situations, and may feel a lot of stress and trauma from what they have been involved in and what they are going through. It is very important that you have that trust and support when working with the youth justice system in Tasmania.

What is very important when working with the youth justice system is that you have all those groups coordinated. Even at a school level, we would have used what we call tiger groups, where you would have a lot of different specialist support around to provide the support these people need. The youth justice pilot brings together police prosecution, legal aid and youth justice services from the Department of Health and the Department of Education, and allows those people to work together.

A consultation working group has been set up with the youth justice pilot and there are representatives from youth justice and forensic mental health, the Department of Health and Human Services. Police prosecution and particularly education play an important role because education may, indeed, provide an avenue to getting kids back on track. The Commissioner for Children is involved in that and there are private legal practitioners involved, and it is chaired by

Magistrate Daly. He also has the group around him to provide those support services to our young people. That group was also set up to oversee the youth justice pilot in Tasmania.

One of the key drivers for this is to reduce the time a young offender has in the court process and to make sure that we have a quick response to that offending behaviour and that we deal with the matter quickly.

When you do a project such as this, a valuation of this is very important and the increase from 12 to 24 months provides you with two years of data as opposed to one, which will also aid us into the future.

**Dr GOODWIN** - That evaluation is ongoing for the duration of the pilot period?

**Mr WIGHTMAN** - Absolutely.

**Dr GOODWIN** - When is the pilot period due to end?

**Mr WIGHTMAN** - It would be January next.

**Dr GOODWIN** - Are you just going to focus on the Hobart Magistrates Court for this pilot period?

**Mr WIGHTMAN** - Yes, at this stage.

**Dr GOODWIN** - Has that evaluation been done internally?

**Mr HUXTABLE** - That is internal.

**Mr WIGHTMAN** - Someone within the department is doing that?

**Mr WIGHTMAN** - Yes. Do you have an issue with that, Dr Goodwin, or is that just to clarify?

**Dr GOODWIN** - No, I am just clarifying. In terms of best practice, it is often good to have an external evaluator, but this is a time where resources are short and if you have the expertise in-house, of course, sometimes you choose to do it in-house. But I am really seeking clarification.

**Mr WIGHTMAN** - Sure, that is really important. Making sure that we have that legitimate data and that we have a very close look and interrogate that data will be key to where we go next with this youth pilot. I had lunch with Magistrate Daly last week and I am very impressed with the work he is doing and his real knowledge and understanding of how to work with young people within the youth justice system.

The total pending caseload decreased by 26 per cent from 330 total lodgements pending at 30 June 2010 to 244 total lodgements pending to 20 June 2011. The age of pending caseload of youth justice matters has increased slightly in the Hobart court region and this reflects the longer periods of judicial supervision of young offenders while on bail programs or serving sentences in the community. One of the main aims is to minimise that delay between the commencement of proceedings and the finalising of proceedings - that access to justice once again. In 2010, only 31 per cent of matters were listed before a magistrate within two weeks of lodgement. As at June

2011, it increased to 50 per cent, so there has been an increase in that regard. We will continue to track this data through to the completion of the project and then fully interrogate the data at the conclusion.

**Dr GOODWIN** - Are you intending to make that evaluation report publicly available, or has a decision not been made on that yet?

**Mr WIGHTMAN** - I would say a decision hasn't been made on that at this stage. With any report that comes before the Attorney-General, he would then have a good look at it and provide a response.

**Dr GOODWIN** - I think there would be quite a bit of interest in that particular report.

**Mr WIGHTMAN** - We know that other jurisdictions across Australia are set up a little differently with a three-tiered system of courts. I take a particular interest in this area, as I do in all access-to-justice matters, but this work is crucially important because working with young people in front of the criminal system is such a complex matter. It is not just about access to justice. It is how you transition the kids out of their time in trouble, back into the community, which is not different to adults but it is very important that we have the support services around those young offenders.

**Dr GOODWIN** - Obviously if you can disrupt their offending so they don't graduate to the adult correction system then that is really good.

**Mr WIGHTMAN** - That is absolutely right. From someone who has been involved with youth justice, in particular, in another field, we know that at every level, whether it be education or health, the whole goal is to keep kids from reoffending and going to Risdon. We know that once they begin a cycle of crime, or a cycle of offending in Tasmania, it is desperately hard to break.

**CHAIR** - Minister, have you and your agency been involved in any decisions on the future of Ashley?

**Mr WIGHTMAN** - No, I haven't at this stage. I noticed some comments about that yesterday and I put my hand up and mention the education work that is done at Ashley. I don't really want to get into this debate because it is not my area.

**CHAIR** - We only heard positive comments yesterday from the minister about programs that were being run at Ashley.

**Mr WIGHTMAN** - Yes, the principal there does a fantastic job; he is a super bloke. That would be the aspect that I know about it but it is not specific to my portfolio role.

**CHAIR** - We get that quite a bit.

**Mr WIGHTMAN** - I try to answer as many as I can, Madam Chair.

**CHAIR** - They do overlap at times and we have had this discussion and I expect we will continue to have this discussion.

## UNCORRECTED PROOF ISSUE

**Mr DEAN** – What is the CPS caseload in Launceston - the outstanding matters, matters becoming before the courts? Are they increasing, decreasing, or are you on top of it?

**CHAIR** - I think figures will be ideal, minister.

[10.15 a.m.]

**Mr WIGHTMAN** - I will see if I can get some of those figures. Do you mean figures with regard to Launceston and in particular youth justice matters?

**Mr DEAN** - No, I am talking about generally in the Court of Petty Sessions and youth justice as well because it seems to be an excessive number of youth in the area that are getting into trouble with the law.

**Mr WIGHTMAN** - I could give you overall views across Tasmania but I cannot give you it split into regions at this stage.

**Mr DEAN** - Would that be available if it were taken on notice?

**Mr HUXTABLE** - Yes, we can get regional caseloads.

**Mr WIGHTMAN** - I can provide a statewide view but Paul has that more specific information so I will throw it to him.

**Mr HUXTABLE** - I would have to take that on notice as I do not have it with me today.

**Mr DEAN** - Regionally I want, if I can, thanks.

**Dr GOODWIN** - Could we have the statewide backlog?

**Mr WIGHTMAN** - You certainly can.

**CHAIR** - Are there any more issues about the Magistrates Court?

**Dr GOODWIN** - Yes, he is going to provide the statewide backlog.

**CHAIR** - Sorry.

**Mr WIGHTMAN** - Sorry, Madam Chair.

**CHAIR** - I thought that was one that you were taking on notice.

**Mr WIGHTMAN** - No, I am taking the youth justice matters but I can provide some overall state figures to do with the Magistrates Court performance. The backlog indicator, as we talked about before, our jurisdiction is higher than the average of all states and territories. We have been upfront about that before. For the Magistrates Court's criminal cases greater than six months, the Tasmanian result is 33 per cent and the national average is 27 per cent; and the children's criminal cases greater than six months is 29 per cent, and the national average is 22 per cent.

**CHAIR** - Do they come with figures and not just percentages?



## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - I will just go through this and see whether I come to that.

**CHAIR** - Thank you. It does not mean much to anyone if they do not know what the figure is.

**Mr WIGHTMAN** - I just have it in percentage terms at the moment.

**Mr DEAN** - Sorry, minister - can I ask the question but you will probably come to that, the reasons that we seem much greater than the national average?

**Mr WIGHTMAN** - Yes, I can. You have to look at magistrates courts or court of petty session figures very carefully in Tasmania - and it is what I alluded to earlier. It is very difficult to compare us to the other states which have a three-tier court system when we have only a two-tier court system. For example, all the other states have a three-tier court system including the intermediate which we call the district or the county court. In Tasmania, we have a two-tier - the magistrates and the supreme - so the caseload is carried by two courts and not three. So it is very difficult to compare us with a national figure. I am glad you asked that question because if I just give us versus the national figure I need to provide more detail of the fact that it is two versus three.

It is my understanding that when you compare that to other territories in particular, the other two would have two-tier systems, we would be very similar in that regard. We are below nationally because of the three-tier system because that is the way you need to look at it but when you compare it nationally to those who have two-tier systems then we compare favourably. I do not know if you would like any more detail about that.

**Dr GOODWIN** - We have the six months and then the children's - are there any other -

**Mr DEAN** - I think I cut you off midstream.

**Mr WIGHTMAN** - That is all right. I can give you pending caseloads, case details greater than six months as percentages. I have those if you would like them.

**Dr GOODWIN** - Yes.

**Mr WIGHTMAN** - Pending caseload 2010-11 was 8 121; in 2009-10, it was 8 543. Cases older than six months, 2010-11 figures I have, 2 757; cases greater than six months, the percentage, which I talked about before, 33.9 per cent; cases greater than 12 months 1 213 so these are the raw figures, and cases greater than 12 months as a percentage 14.9 per cent.

**Dr GOODWIN** - They would be 2010-11 figures.

**Mr WIGHTMAN** - Yes, they are the most up-to-date figures I have at this stage.

**Dr GOODWIN** - Again on notice, are you able to provide some figures for this financial year?

**Mr HUXTABLE** - They are criminal figures only.

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - They are the criminal figures that I told you, but if you would like some more, they are the most details that I have in front of me now, Dr Goodwin, but we are happy to provide some further details around that.

**Mr DEAN** - That was petty sessions you were talking about?

**Mr WIGHTMAN** - Yes, it was, so criminal matters in front of the petty sessions.

**Mr DEAN** - What about the other matters, minister?

**Mr WIGHTMAN** - Children's court or civil?

**Mr DEAN** - Children's court, but we are talking about criminal matters, but what about the petty sessions matters?

**Mr WIGHTMAN** - Civil matters, summary matters?

**Mr DEAN** - Yes, summary matters.

**Mr WIGHTMAN** - It is all together.

**Mr DEAN** - So it is all together, right, that includes the lot. When you said criminal, I thought -

**Dr GOODWIN** - Well, there is the civil division.

**Mr WIGHTMAN** - There is the civil division of the Magistrate's Court and the criminal division of the Magistrate's Court.

**Dr GOODWIN** - How do we compare in terms of the civil?

**Mr WIGHTMAN** - The pending caseload, this is the civil, as at 30 June 2010-11 and once again we will try to provide additional figures, Dr Goodwin, for you, 2010-11 5 728 cases. Pending caseload greater than six months 2 557, cases greater than six months as a percentage 44.6 per cent, and cases greater than 12 months as a number 553 pending caseload, and as a percentage that is 9.7 per cent for 2010-11.

**Dr GOODWIN** - How do we compare with the national and the territories that you mentioned?

**Mr WIGHTMAN** - So pending caseloads 2010-11 - if I can just run through them quickly - Victoria, 17 000; Queensland, 23 000; WA, 22 000 - I am rounding here - South Australia, 13 000; Tasmania, 5 000; ACT, 795; and Northern Territory, 2 332.

**Dr GOODWIN** - Do you have that in percentage terms, just so we can compare with the national average?

**Mr WIGHTMAN** - These are the civil backlog, cases greater than six months 2010-11: Victoria, 30 per cent; Queensland, 44 per cent; Western Australia, 30 per cent; South Australia,

39 per cent; Tasmania, 44 per cent; ACT, 36 per cent; and Northern Territory rounded out to 36 per cent.

I will go through the criminal figures for you. Pending caseloads criminal as per the Magistrate's Court: 23 000, New South Wales; 30 000, Victoria; 25 000, Queensland; 10 000, WA; 17 000, South Australia; 8 000, Tasmania; 1 500 in ACT; and 2 800, Northern Territory. Caseload greater than six months - sorry, I will go through the percentage figures - that is what you would be after I suspect - caseload greater than six months in the criminal jurisdiction: 11 per cent in New South Wales; 23 per cent in Victoria; 28 per cent in Queensland; 21 per cent in Western Australia; 26 per cent South Australia; 33 per cent in Tasmania; 24.1 in the ACT; and the Northern Territory is 47 per cent.

**Dr GOODWIN** - Northern Territory is often a bit of an outlier.

**Mr WIGHTMAN** - It is, and I think we all know the reasons. Just greater than 12 months to finish that off in the criminal within the Magistrate's Court: New South Wales, 2.2 per cent; Victoria, 7.7 per cent; Queensland, 13.1 per cent; WA, 7.7 per cent; South Australia, 10.5 per cent; Tasmania, 14.9 per cent; ACT, 8.9 per cent; and the Northern Territory, 33 per cent.

**Dr GOODWIN** - What is being done to try to reduce the backlog that we have? Is it historical, how come we have ended up with -

**Mr WIGHTMAN** - I do not want to go through all the details of that again but -

That is a good point you are asking. A simplistic argument that is often run in respect to court resourcing is whether we should address the appointment of more judicial officers. In saying that, it should be stressed that this is a really complex area when you are dealing with matters before the courts and there are a number of strategies to tackle this matter; I am sure we can go into those in a moment. To compare the numbers, if you look at the number of magistrates available and the number of full-time judicial officers per 100 000 people, it reveals that Tasmania at 4 per cent judicial officers per 100 000 people has relatively more judicial officers than New South Wales with 3.6, Queensland on 3.3, and the ACT on 3.8. While Tasmania may be below the national average, which is 4.8 per 100 000 people, it is important to make allowance for the distorting effect of the high numbers of judicial officers in the federal and territories court system.

As I said, care should be taken when we interpret even that figure of 4 per cent per 100 000 people because you have geographical dispersion of people across Australia. Judicial workload can affect demand and the Australian average is inflated by the impact of those factors in the Northern Territory and Western Australia.

**Dr GOODWIN** - My question was, what are we doing to address the backlog and is it expected that eventually we will make up that ground?

**Mr WIGHTMAN** - Yes.

**Mr HUXTABLE** - There are a number of initiatives that the court undertakes. We have what is known as 'conscience mention' which is a plea indication court - that is one of the issues that reduces the hearing time in relation to the numbers. The magistrates try to manage the cases sooner in the process to try to reduce the backlog and reduce the number that are going to hearing.

## UNCORRECTED PROOF ISSUE

But it is not only the court that manages the case; there is also the defendant's solicitor, the number of times the defendant appears before the court, et cetera, and adjournments - that is an access to justice issue that is important. So as well as the court trying to manage its workload as best it can, they are still subject to a number of outside influences that we cannot really control.

**Mr WIGHTMAN** - I would say, Dr Goodwin, we always strive for continuous improvement but these matters are complex, and comparing against jurisdiction probably does us no favours in that regard but I am happy to give those figures. Like the context mentioned, there are a number of things put in place to make sure people get that access to justice and we do improve the pending caseload but it is not an overnight fix and it will take time.

**Dr GOODWIN** - There is a package of legislation being worked on for the magistrates court, isn't there?

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - Is it hoped that that might help improve this situation?

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - So where is that at?

**Mr WIGHTMAN** - I was just talking about that the other day.

**CHAIR** - It is probably in 2.2 - legislation development and review.

**Dr GOODWIN** - It does relate to the magistrates court, though.

**Mr WIGHTMAN** - I was talking to the Chief Magistrate at lunch the other day about this very matter and the ways that there can be some legislative revision put in place to assist with that. If I can just tell you where that revision package is at - is that what you are after?

**Dr GOODWIN** - Yes.

[10.30 a.m.]

**Mr WIGHTMAN** - You may well be aware that there was an internal magistrates court steering committee put in place which had the Chief Magistrate, Deputy Chief Magistrate, administrator of the court, and senior policy officers. They have advanced that considerably with a proposed suite of legislation which will be applicable to the criminal and general jurisdiction. As you alluded to, the focus of that current framework of the Justices Act of 1959 is somewhat outdated, and that was the whole impetus behind going down this route.

The proposed legislative package will hopefully expedite the criminal litigation processes in a more simplified and modern way to deal with the magistrates court, also making sure that we protect the fundamental rights of people in having a fair trial. We are up to version 11 of the Magistrates Court Criminal and General Division Bill, and version two of the Magistrates Court Rules and Restraint Orders Bill. Several draft consequential amendments have been received from the Office of Parliamentary Counsel between March and May of this year. The internal steering committee will consider these drafts in the near future and hopefully raise those concerns with OPC so we can go into another range of drafting.

**Dr GOODWIN** - Do you have a sort of time line in sight? Is there an aim to try to get it done this year, or is that -

**Mr WIGHTMAN** - I would like to have it done as soon as possible, Dr Goodwin. I am sure Mr Huxtable and the Chief Magistrate would also like to have it done as soon as possible, but we need to get it right. This is substantial legislation. As you said, there have been a number of versions which means the steering committee have had some animated and robust discussions, one might suggest, about a new Justices Act. We certainly hope to have it in place as soon as possible but I am not going to give you a definitive time line on that. I am not going to lock myself into that at all. This is a very complex matter and we have to get it right.

**Dr GOODWIN** - Has it been out for external consultation with the profession, for example, or is it still -

**Mr WIGHTMAN** - It will be out late this year for external consultation. It is anticipated the discussion draft would be available in late 2012 or early 2013, so the process is: back to the steering committee, another range of amendments, provide instructions for OPC, a draft bill put out for consultation.

**Dr GOODWIN** - Well that is a bit of a time line; so that is good.

**Mr DEAN** - Is that addressing sentencing options as well?

**Mr WIGHTMAN** - No. The Sentencing Act goes to sentencing options.

**CHAIR** - Before members continue, just as a little incentive, when we finish this line item we are going to have morning tea; so I don't know whether that will move things along a bit or not.

**Mr WIGHTMAN** - Would you like me to hurry up?

**CHAIR** - I would like everyone to keep it moving, because we are only on 1.2 and I am mindful of the time. That is my job.

**Dr GOODWIN** - Can I ask about the Mental Health Diversion List, because I think there was a Tasmanian Institute of Law Enforcement study? They were doing some research on the Mental Health Diversion List, so I am just wondering if that has been finished.

**Mr WIGHTMAN** - Can you just repeat that question for me, Dr Goodwin?

**Dr GOODWIN** - This was about the Tasmanian Institute of Law Enforcement Studies. They were doing a research project, I think, on the Mental Health Diversion List, and I am just wondering if they have finished it and what has happened with their report.

**Mr WIGHTMAN** - What I can advise you, Dr Goodwin, is that the Mental Health Diversion List final report is now available on the TILES website.

**Dr GOODWIN** - What did that find, and will there be any changes to the list as a result of that report?

**Mr HUXTABLE** - We are evaluating that report at the moment.

**Dr GOODWIN** - So it has only just come out, has it?

**Mr WIGHTMAN** - Yes. I can let you know, Dr Goodwin, that the TILES report released in December 2011 also observed that the success of the program revolved around strong collaboration between Justice, Law Enforcement and Mental Health - exactly as we talked about in other matters today - also ongoing professional development, the courts' flexibility. The report provided a number of recommendations intended to assist the improvement and reform of the list. The magistrates court is currently considering the findings and recommendations of the final report and no doubt I will be made aware of those. I would strongly advise that I am made aware of those final recommendations.

**Dr GOODWIN** - Is it just in Hobart and Launceston at this stage, or is it elsewhere?

**Mr HUXTABLE** - It is; the pilot was introduced in Launceston at the end of last year.

**Dr GOODWIN** - Did that child support address the extension to the north-west coast or is that possibly on the drawing board?

**Mr HUXTABLE** - I cannot answer that directly; I would have to talk to the Chief Magistrate.

**Mr WIGHTMAN** - We know we have had really good success with this program and a number of therapeutic jurisprudence problem-solving programs and we hope to continue those. Obviously there are constraints around that as well.

**Dr GOODWIN** - A question about the business case for the new criminal justice information system to replace the crimes system. That also might also help with the backlog, I am not sure. Where is that at as?

**Mr WIGHTMAN** - Michael and I have been having a number of conversations about this in regard to making sure that we have the best case management within the system. We feel this is extremely important. We are currently preparing a business case for stage 1 of the program that improves and transforms the criminal courts case management system. The aim is that it will contribute to the achievement of the Tasmanian government's ICT strategy which is, by 2017, to have an integrated, secure view of defendants and offenders in the criminal justice system, which includes the courts, police, youth justice and, of course, the prison. The business case is being developed under the strategic infrastructure investment review program. This is an interagency group that has to work on this project. Within our agency we are working with police, the office of the DPP, corrections and youth justice. There are a number of stakeholders involved in this. It is very important that we do continue that work of liaising with the different output groups within that agency to make sure that we do get the best system in place.

At this point we are preparing a business case and we hope to progress that into the future.

**Dr GOODWIN** - That might not get funded until 2013-14?

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - Possibly. We have to get the business case in place first, and then we have to have to those ongoing discussions with police, youth justice, the prison and the courts, and make sure we have the best model in place, or the best available tool to provide that case management approach. Then we will look to implement it and go about it. It certainly is something that has been brought to my attention and once I became aware of it, which was early into my career as Attorney-General, I had a good discussion with the then Deputy Secretary about how we could progress this because I see it as an important initiative.

**Dr GOODWIN** - Police in the courts. This is a bit of an old chestnut.

**Mr WIGHTMAN** - The good, old perennial, isn't? What was it, the old walnut or the old chestnut, I saw reported in the paper today?

**Mr DEAN** - The Labor Party should have fixed it years ago and there would not have been a perennial problem.

**Mr WIGHTMAN** - Is that right? I thought you might raise that.

**Dr GOODWIN** - What is happening?

**Mr WIGHTMAN** - No change at this stage, much to your disappointment, no doubt.

**Mr DEAN** - I always said the Labor Party would never fix it.

**Mr WIGHTMAN** - Why would you make that a political comment?

**Mr DEAN** - I have made it a number of times.

**CHAIR** - Order. Mr Dean, do you have a question?

**Mr DEAN** - Yes, I do have a couple of questions. One question has just been asked for the police association and if I had not raised that question, someone would have been shot.

**Mr WIGHTMAN** - Metaphorically speaking.

**Mr DEAN** - Yes. In relation to the Magistrates Court and the backlog of cases, I often raise the question about the times that those courts sit. I was a police prosecutor in the 1970s for eight or 10 years and the sitting times have never changed. Minister, will that be a consideration of the clearances in the backlogs?

**Mr WIGHTMAN** - Can you explain that? Did you mean sitting times?

**Mr DEAN** - The sitting times of the Court of Petty Sessions. I am not sure what time they commence and the hours that they sit. Does that compare with the mainland?

**Mr WIGHTMAN** - Yes, I will get Paul to answer that in a moment. Can I clarify, too, are you suggesting that they open at more flexible hours?

**Mr DEAN** - That is what I am saying, more flexible hours, probably longer hours.

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - Did you want to ask that question on overtime again?

**CHAIR** - No.

**Mr HUXTABLE** - The standard hours that a court sits, of course, is that it begins at 10 a.m., the court would rise by lunchtime and sit again at 2.15. There are a number of sitting times; the Magistrates Court sits earlier than that. They sit at 9.15 to do video links; they sit at 9.30 to manage adjournment courts. The magistrates are flexible and it is a magistrate's decision on when they sit, but they are flexible. If a case needs disposal they would sit longer, and we have often gone way past 5 o'clock up to 6 o'clock. They might sit early at 9 o'clock to dispose of a matter if they felt it was appropriate.

The amount of work that goes into the operation of a court first thing in the morning, let us say between 9 and 10, is quite extensive. There are people who have been placed in custody overnight. There are prosecutors who do not have witnesses available to the court so they are contacting the court to let the court know how those cases may run. There are solicitors saying that they have not been able to contact their client. That hour between 9 and 10 is probably the most frenetic part of the office work for a magistrate and staff before the court actually opens.

Certainly, we could sit earlier and often we do, but I believe efficiencies will be lost if we did sit earlier.

**Mr DEAN** - With regard to justices of the peace, will they be used more in the courts?

**Mr WIGHTMAN** - Since I became Attorney-General I was made aware of some issues regarding JPs, particularly about our ability to track JPs. Indeed, I have met with the JPs association on the north-west coast in particular and I also know there is one in Launceston and one in Hobart. They take great pride in the role that they perform. Your father was a JP.

**CHAIR** - He was.

**Mr WIGHTMAN** - I remember it being listed in the paper.

**CHAIR** - They are not keen to have new people enter the fray, though - if you do not mind me saying.

**Mr WIGHTMAN** - Is that right? Could I ask what you mean by that?

**CHAIR** - I know of an instance where someone applied and they said, 'No, we don't need any more, thank you'.

**Mr WIGHTMAN** - A number of JPs come across my desk, I can guarantee you that, and I have great delight in signing their certificates. We do them in batches. The majority of people who come across my desk who make an application to become a JP are indeed made a JP. We use our JPs for those particular matters but I would suggest that we have enough magistrates and the right number of magistrates to be doing the work they currently do. I do not see a further role - and this is my personal view, Mr Dean - in the courts for JPs at this stage.

**Dr GOODWIN** - Just on the JPs, you mentioned the issues tracking them; what has been done to address that?



**Mr WIGHTMAN** - Michael and I have regular discussions about this. We do have a database but we are working on making sure that that is kept up to date when JPs -

**CHAIR** - Pass away.

**Dr GOODWIN** - Or go into a nursing home or whatever.

**Mr WIGHTMAN** - Thank you very much, or resign. We have cases where JPs resign from being a JP so we keep that database up-to-date, and we are also liaising with the groups in the north, the different JP associations and legal aid as well to make sure that we do have a handle on who are JPs and where they live - not wanting too much detail from them, just so they are contactable. Once upon a time it used to be in the newspaper but you see less of that.

**CHAIR** - It is still in the *North Eastern Advertiser*, minister.

**Mr WIGHTMAN** - It certainly still is in *North Eastern Advertiser*.

**Dr GOODWIN** - Do you know how many active JPs you have on the books? Do you have a number?

**Mr WIGHTMAN** - A lot.

**Dr GOODWIN** - You do not know how many exactly?

**Mr WIGHTMAN** - A lot of JPs.

**CHAIR** - Any advance on thousands?

**Mr WIGHTMAN** - We can provide that information. This is a matter that I have become acutely aware of and we are attempting to put in a tracking device of the many JPs across Tasmania who do an outstanding job.

[10.45 a.m.]

**Dr GOODWIN** - Could you provide a regional breakdown?

**Mr WIGHTMAN** - We will have a go.

**Dr GOODWIN** - Have you given any thought to some sort of searchable database as they have in other jurisdictions - I think I mentioned this last year?

**Mr WIGHTMAN** - We have given a lot of thought to this, haven't we, Mr Stevens? We have had many discussions about this and there are some options. One is getting a good handle on it; other options might look at providing a card, or something like that, but they are matters we are still investigating. I see as the primary role at the moment, what we need to be doing, is making sure that we have an up-to-date database. That is going to take some time but with better interaction with the three groups around Tasmania, we might be able to work on that.

**Dr GOODWIN** - That is the first step, obviously.

**Mr WIGHTMAN** - That is the first step.

**Dr GOODWIN** - Then the next step would be, if possible, to have some sort of public searchable database for people to find out where their closest JP is, because it is an issue.

**Mr WIGHTMAN** - It has changed a lot; community centres have JP lists, and the like.

**Dr GOODWIN** - But anyway you are looking at that.

**Mr WIGHTMAN** - We are always happy to have a look at it all the time.

**Mr DEAN** - I raised with the minister previously sentencing options, and magistrates have continually raised that issue. I remember a select committee inquiry - I think 12 months or so ago - when it was raised.

**Mr WIGHTMAN** - What do you mean?

**Mr DEAN** - The options for magistrates for home detention, the electronic control devices - are we considering that further or what stages are we at?

**Mr WIGHTMAN** - We have looked at home detention. At this stage, unfortunately, it is a cost pressure that we cannot bear. So we have certainly looked at it but it would be an additional cost and we don't feel that we have the resources to spend on it at the moment.

**Mr DEAN** - The cost is in the tracking devices -

**Mr WIGHTMAN** - The tracking devices, absolutely. We have looked at some options in other states and how other states do it, but at this stage it is cost-prohibitive because, as I have clearly outlined today, we need to be making savings across our agency.

**Dr GOODWIN** - At one stage the police were looking at doing some sort of a trial -

**Mr WIGHTMAN** - It will be a combination. Once again, it is a cost issue. It comes out of Justice. The police might say they are looking at it but it comes out of the Justice department. We have looked into it and generally I am quite favourable of it, but at this stage it is not possible.

**Dr GOODWIN** - While there might be some upfront costs to fund the electronic monitoring devices, you might actually save money if they are not in the prison system.

**Mr WIGHTMAN** - Possibly, but I make the point that we have made our savings this year and we have more savings to make next year, and we are focusing on those. Home detention, while remaining an aspirational goal, we just don't have the funds for at this stage.

**Mr DEAN** - Do you know what the cost would be to implement that in Tasmania?

**Mr WILLIAMS** - We did a business case - and I don't have the figures with me - but it is not just the cost of the devices, it is the cost of the monitoring as well. If you are going to put these things in, you have to have a sensible regime monitoring them, and you can go for different sorts of trackers, like GPS, or location-based ones. The experience in some other states with GPS tracking is that you end not being able to monitor because you have someone moving around and

there are 100 of those people, and you cannot have enough people to monitor where they go. It is one of those things that creates new problems.

**Mr WIGHTMAN** - We have had an in-depth look at it.

**Dr GOODWIN** - Can you provide any of that information on notice?

**Mr WIGHTMAN** - We can provide you with the cost, the business case.

**The committee suspended from 10.50 to 11.09 a.m.**

### **1.3 Enforcement of monetary penalties -**

**CHAIR** - Minister, may I ask you to address your mind to 1.3 Enforcement of monetary penalties. I was going to ask Mr Dean if he would like to kick off here.

**Mr DEAN** - My first question is about the budget and the impact on MPES, minister. Have there been any impacts and changes within that department as a result of the budget savings that are necessary?

**Mr WIGHTMAN** - Yes. I can make points about that and I will get Mark to talk a little bit more about this at the moment -

**CHAIR** - I can help you out, minister, your department is to be congratulated, they have achieved 105 per cent fine collection.

**Mr WIGHTMAN** - I am going to get to that point. I will make some general comments and then I will ask Mark to comment after that. MPES continue to do an absolutely outstanding job and we are getting national recognition about the work that MPES does. This is particularly when I go to Attorneys-General meetings that a number of different states are very interested in the set-up we have in Tasmania, particularly the success rates we have been able to have in recent times. A lot of the discussion turns quickly to this thought of, 'Well, you must very good at making people comply and using those heavy-handed tactics, one might suggest, to get people to comply and pay fines.' I would suggest that it is, in some ways, the opposite of that. Yes, there is a compliance factor, but the actual compliance factor is based on that customer service. It is very much a customer-service focus where you are making people aware who may have just unfortunately put the fine in the drawer, that we will come after the money, but also working with individuals to make sure that either a payment plan can be organised, or that they pay off their debt as quickly as possible.

The questions that I get are particularly around compliance, but I think it is far deeper than that. It is about the way the service is set up, it is about the interaction with the agency and the people within the agency with what we might call our customers or clientele, and trying to recover that money as quickly as we can. Everyone knows that a substantial amount of money is owed to the state. It works out about \$53 million of state government money, and \$15 million of local council money, so \$68 million is a substantial amount in that regard. We make every effort to retrieve that money in the fairest way we possibly can. That has been the success of MPES.

## UNCORRECTED PROOF ISSUE

**Mr DEAN** - The decrease in the budget, and we know why that is there, reflects the one-off funding to -

**Mr WIGHTMAN** - That is right, to really kick-start the work that they have done.

**Mr DEAN** - What I wanted to ask from that, minister, is what was accomplished as a result of that? I know it was done for the purposes of chasing after people. It was in relation to property, in relation to the garnisheeing of salaries and all of those things. Was everything accomplished from what it was set up to accomplish in the first instance, that is, that extra funding and the extra personnel?

**Mr WIGHTMAN** - I would have to say yes to that because if you are tracking at more than 100 per cent, I would have to suggest that it is indeed a very good success. The key part of that initial program funding was also to increase the awareness that MPES will be collecting funds. There is a much broader and better understanding of the work that MPES now does within the community. I must admit, maybe it is because I am involved, but I do notice the advertisements on the back of the MTT buses, Mr Cocker, as I am going around town to see that initial work that was done to make sure that everyone understood that if you have a fine we do expect you to pay it. I would suggest, yes, that spending that was initially in the budget has had an excellent success rate compared to the amount of money that it cost.

**Mr DEAN** - I would agree with every comment you have made there.

**Mr WIGHTMAN** - Thank you.

[11.15 a.m.]

**Mr DEAN** - There is not much good penalising and fining people unless you can collect the fine from them because it is not a penalty if you don't. My next question relates to the amount of property that has been recovered, or has there been a necessity to actually take property or have threats served the right purposes? What sort of property has been taken possession of, and what has happened to that property including vehicles that were taken, minister?

**Mr WIGHTMAN** - People would be aware that there were clamps used in particular. For the specifics of that I will ask Mr Cocker if he would tell the committee about those enforcements, particularly around property, vehicles and the like.

**Mr COCKER** - Yes, minister.

*Laughter.*

**Mr WIGHTMAN** - A good name for a show.

**Mr COCKER** - The introduction of the seizure and sales sanction available under the Monetary Penalties Enforcement Act commenced in earnest in September 2011. This involves the issue of enforcement warrants for seizure and sale of property. To the end of March there have been in excess of 900 enforcement warrants issued, of which 600 remain outstanding. In real terms we have physically executed over 300 warrants, not of all of which result in the seizure of property. The large majority result in payment in full on the front door step either in cash or by an EFTPOS machine. There have been approximately 200 motor vehicles seized.

## UNCORRECTED PROOF ISSUE

**Mr DEAN** - How many? 200?

**Mr COCKER** - Approximately 200 motor vehicles seized. I am happy to report that we have never physically removed a motor vehicle from a place of seizure; we have left the seized items at the place of seizure but they have been fixed with a wheel clamp for a period of a maximum of seven days where either a repayment plan has been negotiated, or payment in full is made. There has only ever been one piece of property or item physically removed and that was a fairly expensive road bike, a bicycle, and that remained seized and sat in my office for a period of three days.

*Laughter.*

**Dr GOODWIN** - When you say 'fairly expensive', just out of curiosity -

**Mr COCKER** - \$12 500.

**Dr GOODWIN** - Yes, that is very expensive.

**Mr COCKER** - So \$6 300 was paid within three days of seizing the bicycle.

**Mr DEAN** - Is that right?

**Mr COCKER** - So in terms of seizure of property we have never had to sell anything, never had to remove anything from the place of seizure other than one bicycle.

**Mr DEAN** - That is good, that is great. So, of all the vehicles that were clamped, not one vehicle had to be removed or taken?

**Mr COCKER** - Correct.

**Mr DEAN** - Quite amazing, isn't it?

**Mr WIGHTMAN** - You can see why there has been interest from interstate. Western Australia, in particular, was recently on the news about MPES in Tasmania, about the work that they have been doing because they are going down the same sort of track and they are looking to see how they can set up a similar system. When you think about other states, they are owed multimillions - a lot more than \$68 million is owed in Western Australian or Queensland - in these bigger states and they are looking for a way to try to recoup that money.

I make the point, and I always make the point, that we attempt to do this, and through Mark's leadership, in the fairest way we possibly can. We are not about making life more difficult for families who potentially might be struggling. That is why there is always a real customer focus on how we can get back the money that is owed but also at the front end there is an education focus to say, 'Please don't put the fine in your drawer because it won't go away'. So that focus on 'don't stick it' - because will get these at times and just file them away, never to be seen again until MPES comes to negotiate a repayment plan with them.

**Mr DEAN** - It is a bit like Service Tasmania, minister, it has been too successful.

## UNCORRECTED PROOF ISSUE

**Mr FINCH** - It is like Care Park with the way they were not able to go through their filing system but they have caught up and they are penalising people from fines from a long time ago.

**Mr DEAN** - It is contained within the papers - how many personnel are employed within MPES?

**Mr WIGHTMAN** - Mark, if you have those figures in front of you I am happy for you to do that.

**Mr COCKER** - Full-time equivalents: 23.

**Mr DEAN** - My next question goes to local government. Minister, there is a lot of work being done by MPES in relation to local government collection of fines and so on. Can I be advised of, the regional figures around the state, for instance, Hobart, Launceston and Burnie, the main areas, as to what the collection rates are, how much is with MPES for collection, and what are the statistics and figures around that?

**Mr WIGHTMAN** - I will see if we have those figures and then we can let you know. Mark, do you have a breakdown of the figures?

**Mr COCKER** - I do not have the specific breakdown by specific councils. I have the overall total dollars owed to local government in both fines and infringement notice penalties.

**Mr DEAN** - Minister, could have those figures?

**Mr WIGHTMAN** - Can you ask that again, please?

**Mr DEAN** - Yes, the amounts owing to local government where the contact has been made through MPES for collection.

**Mr WIGHTMAN** - The figures that I have here are: outstanding money to 31 March 2012 to the consolidated fund, \$51 893 143.

**Mr DEAN** - \$51 million.

**Mr WIGHTMAN** - Yes, \$51 million owed to the state.

**Mr DEAN** - And that includes local government?

**Mr WIGHTMAN** - No, I am about to get to that, Mr Dean. Local government is owed \$9 530 426.

**Mr DEAN** - Minister, I think you said that on notice you might be able to provide the regional breakdown for local government.

**Mr WIGHTMAN** - Yes. Once again, as I said, we will do our absolute best to provide that and break it down as best we possibly can. But when you had that discussion, and I can see the look on your face, Mr Dean, \$52 million, you could say, is a considerable amount of money to the consolidated fund and we are making every effort to collect that money in as fair a way as we possibly can.

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**Mr DEAN** - That is quite incredible. Just remind me, what percentage is retained by the state or MPES on the collection of fines?

**Mr WIGHTMAN** - Zero.

**Mr DEAN** - Nothing at all? What is local -

**Mr WIGHTMAN** - Hang on, let us just get this question correct so that I can get you the right answer.

**Mr DEAN** - What does local government pay for their fines to be collected?

**Mr WIGHTMAN** - I will get Mark to explain this figure in a moment. It is \$39 for each infringement.

**Mr DEAN** - Each infringement is \$39?

**Mr WIGHTMAN** - Yes, it attracts a \$39 collection fee.

**Mr DEAN** - Is that sufficient, minister, to cover the costs of the work that is done in relation to that?

**Mr WIGHTMAN** - Just a couple of things - \$51 million is owed to the consolidated revenue. Obviously, if you up the cost of the fine then you have to up the amount of money because we have to do our very best to get that money back. If you are collecting at more than 107 per cent or 105 per cent that probably shows that you have just about got it right. So you are collecting 100 per cent of the fines that go out, plus you are getting into that backlog of fines that has been owed for a considerable period of time. You have to be very careful of saying that we will just up the fines or up the collection fee, for example, but then you have to get it back. As I say, we have many people on payment plans and the like trying to recoup the money owed to the state and local government.

**Mr DEAN** - I am not sure I have that right. Where a council, for instance, provides the detail to MPES in relation to, say, to collect owed rates which might be \$1 500 or \$2 000, and if that amount is actually collected by MPES, how much is retained by MPES? Is there a certain percentage retained? Are there any costs at all?

**Mr WIGHTMAN** - No.

**Mr DEAN** - Nothing at all?

**Mr WIGHTMAN** - No.

**Mr GAFFNEY** - It seems like a very fair and effective system to me.

**Mr WIGHTMAN** - We are in it to get the money back but we are also bringing people to account who have fines outstanding. As I said, the front end is about education, 'Don't put it in the drawer,' but the compliance part of it is the fact that there is a substantial amount of money owed to the consolidated fund and we should make our best endeavours to get it back. We have

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found that MPES, and through national recognition, is the fairest way for us to be able to track that money and return it to the consolidated fund, but it should not be seen as purely a revenue matter, Mr Dean. Do you understand what I mean?

**Mr DEAN** - I do. I understand it is more about -

**Mr WIGHTMAN** - This is about justice and making sure that people get the message that we want you to pay your fines or, alternatively, do not incur the fine in the first place. But you have to be very careful that it is about fairness and making sure that we do have a fair and just system of collection of those fines.

**Mr DEAN** - I have one more question. A question was asked last year in relation to the disqualifications that are occurring and the withdrawal of licences as a result of the process. How many have we had in the year up until whatever the figures are - March of this year - and what has been the impact on the courts in that area?

**Mr WIGHTMAN** - When a licence or a registration is suspended, you would like to know how that goes back through the magistrates court?

**Mr DEAN** - Yes, absolutely.

**Mr WIGHTMAN** - I can give you some details about that. I am not sure I can give you the details on the magistrates back through. We don't track that data, to be honest. In the nine months to 31 March 2012, in excess of 8 312 debtors were subject to enforcement sanction. These ranged from driver licence suspensions to orders for the redirection of money. There were 3 412 driver licence suspensions out of a total of 8 312; 3 218 vehicle registration suspensions; 653 name publications, where people are named; 141 orders for the redirection of money owed; and 978 enforcement warrants, which are seizure and sale of assets.

I make the following point: of these sanctions imposed within this period- so 8 312, then we come in and have a conversation - 4 819 have been revoked due to payment having been made, or the establishment of a repayment plan, which has resulted in the collection of over \$3.3 million, and repayment plans are being established to cover debts totalling \$4 million. So what happens is, if Monetary Penalties Enforcement Service come for a chat, as we might say, it often changes the behaviour of the person, and so out of 8 312, 4 819 have been revoked because they have either paid up front or they have entered into a payment plan with MPES.

**Mr DEAN** - How does it actually occur? Obviously MPES front up and they say, 'You have this outstanding fine, warrant or whatever, and you either pay or we have the right to withdraw your licence, or your registration'.

**Mr WIGHTMAN** - I will ask Mark to talk you through what it looks like, as I have a hands-off role in this, obviously.

**Mr COCKER** - I will give a five-second overview of the entire process. The obligations of the recipient of the monetary penalty are contained on the original notice itself - say, the infringement notice. Your obligations are all contained there - how to pay, what happens if you do not pay, how to elect a court hearing, and so on and so forth. Failing that, after having been deemed convicted of the offences contained in that infringement notice - if we just keep specifically to infringement notices for the purposes of this discussion - you are subject to



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enforcement with the issue and service upon you of an enforcement order, which increases the amount owed by 0.5 of a penalty unit, or \$65 as it currently stands. That gives you a further opportunity to do something about the monetary penalty within 14 days.

The content of the enforcement order as prescribed in section 47 of the legislation provides specific detail in the document itself as to what the consequences are should you not pay in full or make arrangements to pay. They can include the suspension of driver licence, suspension of vehicle registration, publication of your name, and so on and so forth. If you do not pay or do not make arrangements to pay and stick to them, then you will be subject to enforcement sanction, and that could include, in the context of this discussion, the suspension of your driver licence.

What that involves is a direction being issued by the Director of MPES to the Registrar of Motor Vehicles for the suspension of driver licence. That direction is communicated in writing, albeit through an electronic means using Web Services XML technology, which causes a flag to be raised on the Registrar of Motor Vehicles data base. The Registrar of Motor Vehicles then writes to the person concerned, advising them that 'as of date X your licence will be suspended unless you do A, B or C'. That is in addition to any other form of communication that my office has had with the clients.

[11.30 a.m.]

So it is not just a case of one infringement, one enforcement order and that's it. It is a series of telephone contacts; we personally write to each and every client. We issue statements of outstanding monetary penalties. We specifically target, based on trend analysis, various areas of the state. That could also include onsite fine visits. There is a whole raft of communication strategies that we employ. It is not just a matter of people sitting in a little dark office somewhere, pressing buttons and making things happen.

**Mr DEAN** - The licence suspension in the letter written by the Registrar of Motor Vehicles is such that until such time as the fine is paid and/or suitable arrangements are made - is that how the letter is couched?

**Mr COCKER** - I believe so. The letter basically tells the client, 'I have been directed by the Director of MPES to suspend your driver licence which will be suspended from this date unless you do this, this or this, or unless I am advised otherwise by the Director of MPES'.

**Mr DEAN** - I think that it covers that pretty well.

**CHAIR** - The message is, do not do the wrong thing.

**Mr DEAN** - You are right; or pay your fine, if you do.

**Dr GOODWIN** - I had a question around the \$51 million because there is always the distinction between the aged debt - the debt that has been around for a while that you are recovering. I am wondering if you have a breakdown of that for us?

**Mr WIGHTMAN** - You mean of the \$51 million, how much was over for the collection rate?

**Dr GOODWIN** - Yes.

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**Mr WIGHTMAN** - I will ask Mark to answer, as he has the figures.

**Mr COCKER** - Of the total amount owed across the board, \$14.4 million is not yet due; \$13 million is over five years old; \$7.9 million is three years old; \$11.2 million is one year old; and then going from 180 days, backward to 60 days, you have \$6.4 million, \$3.7 million, \$1.7 million and \$2.7 million.

**Dr GOODWIN** - In terms of the over five years' category, what are the prospects of recovering that and what are some of the issues? Is it difficult to track those people or just difficult to get the money out of them because of the capacity to pay issue?

**Mr WIGHTMAN** - This is debt that is older than five years?

**Dr GOODWIN** - Yes.

**Mr WIGHTMAN** - Also, how we go about recovering that?

**Dr GOODWIN** - Yes, and what are the prospects, realistically, of being able to recover it?

**Mr COCKER** - Generally speaking, it is a combination of all of the above. Capacity to pay is one thing, skip tracing is another. Locating where the client may now reside is a significant issue. That said, we do have specific rules enshrined in our legislation and that provides for the allocation of receipts to the oldest debt first. That is why that particular aged debt profile was moving down every year by in excess of \$1 million because a lot of the monetary penalties that are referred within a reported period, say a year, match the people who have existing, outstanding debt.

**Dr GOODWIN** - It gives you an opportunity to collect the whole lot?

**Mr COCKER** - Yes, what was owed plus what is still owed.

**CHAIR** - The repeat offenders, then.

**Mr WILLIAMS** - Also, I think the use of the third enforcement sanction of seizing vehicles, which has happened in the last year, has made a big impact. People who have been sitting on a lot of fines have just ignored the system. Once the clamps came in, as Mark said, of all the vehicles clamped, people paid straight away and some of those people had been sitting on these hundreds of fines.

**Mr WIGHTMAN** - As I have always said, we do try to make it as fair as possible. We are obviously hopeful in aspirational targets that we continue to collect it at these rates.

**Dr GOODWIN** - Did we get a breakdown of how many individual debtors that equates to, and individual monetary penalties out of that \$51 million?

**CHAIR** - Happy for you to table that, minister.

**Mr WIGHTMAN** - Mark, do you have those figures around that?

**Mr COCKER** - I have them as a briefing note or as of midnight last night.

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*Laughter.*

**Mr WIGHTMAN** - I suggest that that one is slightly more updated than mine. Unfortunately, at midnight last night, I was not thinking about collection of fines.

**CHAIR** - No, it is not your role, minister.

**Mr WIGHTMAN** - If you want up-to-date figures, this is your man.

**Mr COCKER** - Total debtors showing as owing a monetary penalty are 56 730. There are 458 908 individual outstanding monetary penalties.

**Dr GOODWIN** - So definitely repeat offenders there.

**Mr WIGHTMAN** - Owed by 56 000.

**Dr GOODWIN** - I do not know whether you would be able to answer this; you probably will, knowing you. What is the highest number of fines an individual debtor has?

**Mr COCKER** - I will take that figure and re-profile that and just talk about those who have \$5 000 or more outstanding. There are 2 785 debtors. Of the 56 000, 2 785 have \$5 000 or more outstanding, 108 000 monetary penalties, so \$26.9 million is owed by 2 700 people.

**CHAIR** - This is the most interesting session I have sat through for some time. Thank you.

**Dr GOODWIN** - I have one last question. The annual report for the department talks about the use of profiling and targeting techniques to identify emerging trends of non-compliance. I am wondering if you have identified any particular trends of non-compliance.

**Mr COCKER** - Yes, we have. Depending on what we are looking at at the time, I have noticed that traffic infringement notices seems to be our highest non-compliance monetary penalty. Not safety camera infringements, but physical on-the-spot traffic infringement notices.

**Mr WIGHTMAN** - There are particular fines we have seen patterns with now. We do our very best to get those back, but in saying that, if you are going to increase fines and whatever else, you really need to be able to get the money back. It is not just a revenue strategy in that regard, you have to be able to get the money back.

**CHAIR** - I believe the whole agency is in good hands, minister. On the strength of that I think we will move on to 1.4.

**Mr WIGHTMAN** - I thank Mark, as he does a terrific job in what is a difficult -

**CHAIR** - Thankless?

**Mr WIGHTMAN** - It is a thankless task and a difficult task, and as you have seen today he always provides the exact detail.

**CHAIR** - And up-to-date, minister.

**Mr WIGHTMAN** - I can't believe that I didn't get the midnight figures in my briefs and if I can just say if not, why not?

**Mr FINCH** - If Mr Cocker came to collect a fine from me I would pay up straightaway.

**Mr WIGHTMAN** - I have said that to him before. I do call him the sheriff because if he knocked on my door I would be saying yes.

**CHAIR** - Minister, if he was a member of the Legislative Council he would probably get a sheriff's badge for Christmas.

#### **1.4 Support and compensation for victims of crime and others -**

**Dr GOODWIN** - The annual report for the department shows quite a significant increase in the number of victim contacts for 2010-11 compared to previous years. I think it mentions in there that that is related to perhaps an increase in the number of hours and maybe more awareness. I am wondering whether the level of resourcing is sufficient to cope with the increased demand.

**Mr WIGHTMAN** - First, the increase is credit to Deb and the work that they are doing in raising awareness for victims support services for victims of crime. It is very important that you make sure that Tasmanians are aware that there are support services available. What we have to continue to do is raise the profile of this output to make sure that Tasmanians are aware and that we do provide the best support we possibly can for victims of crime. With regard to budget matters I will ask Deb if she would like to comment on that.

**Ms RABE** - Like everyone, we have the normal budget cuts, but we are operating well within the resources that we have. We are going to have a look at that in the future.

**Dr GOODWIN** - So you are coping all right with that increased demand that has arisen from the increased awareness and the hours?

**Ms RABE** - It means staff are working at their optimum and we probably expect a little more of staff than perhaps we should but we have a very committed staff who really believe in what they do and why they do it.

**Mr WIGHTMAN** - I have to reiterate that about the support that the staff members provide. It is a difficult field to work in and the level of support that they provide to victims indeed is exemplary.

**Dr GOODWIN** - Are there any changes being considered to the current model of delivery of victims of crime services, including the way compensation applications are assessed? We talked a little bit about this last year, I think.

**Mr WIGHTMAN** - Obviously that continuous improvement in the way you go about things is very important. One of the ways we can do that is to look at how victims of crime support services, in particular, operate across other jurisdictions, such as Queensland. In this portfolio we often have close collaboration with Queensland, and I believe we will be continuing this year to look at other jurisdictions to then see if we need to make modifications to the way we go about business in Tasmania.

**Dr GOODWIN** - But you do not have any definite plans as such to make changes?

**Mr WILLIAMS** - Debra's team is currently looking at what other models exist around the way criminal injuries are dealt with, and we haven't any plan. We have not given the minister any advice at this stage but I expect we will give him some advice at some stage on alternative models. We will be couching that in terms of other efficiencies we can gain and other better outcomes for the victims of crime - better use of the resources, getting it better targeted to the right people, reducing administrative overheads.

**Mr WIGHTMAN** - They know an expectation of any agency that I am across is that there is a focus on that continuous improvement, and if we can do things better or streamline those processes then it is my expectation that I will be provided with advice about how to do that.

**Dr GOODWIN** - I don't know whether you can answer this because it is in its early days but are there any particular issues with our current model that are problematic to explain why you are looking at Queensland?

**Mr WIGHTMAN** - You always look at different models to see the way other jurisdictions go about their work. If there are ways that we can improve the system, which will come through the advice from the department to me, then we will go about making those changes. As minister, I have not received any briefing on particular improvements that could be made at this stage but from what I hear it is not that far away.

**Mr FINCH** - I understand the compensation part of it and, in fact, it has been an issue for people in my electorate for quite some time; it has been a long-running campaign and I think much of that has been resolved.

**Mr WIGHTMAN** - Can you be more specific about that, please?

**Mr FINCH** - It was an assault in North Hobart on a young fellow a couple of years ago.

**Mr WIGHTMAN** - Sorry, I did not mean that specific.

**Mr FINCH** - His name is -

*Laughter.*

**Mr WIGHTMAN** - No, just a long-running campaign in your electorate. I am in your electorate so I was just curious.

**Mr FINCH** - It was about a person who was looking for justice for her son and she ran a campaign to try to seek more understanding and compensation for victims of crime. I was wondering about the support side of things. What form does that take, what skills do the people have, and how does the department operate with victims of crime?

**Mr WIGHTMAN** - Debra is probably best placed to answer that question.

**Ms RABE** - We have a number of services within Victims Support Services. We have trained social workers and counsellors on board who provide victims of crime with face-to-face

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counselling and specifically trauma counselling and work through their issues with them. We will also help them with housing and other issues.

[11.45 a.m.]

Our court support and liaison service works as a Safe at Home program with victims of family violence, so we will walk them through the court system. We operate the victims register which provides information on offenders currently in the Tasmanian prison system on release dates, parole dates and leave. We also run a general service where, if people want court outcomes and do not want to go to court, we can provide that information, and we get calls like that over the weekend when there has been a shooting. We get calls for support and information on those issues, and work quite closely with police on some of them. But that is us in a nutshell.

**Mr FINCH** - How many are on the staff in this area of the operation?

**CHAIR** - Probably not enough, honourable member.

**Mr FINCH** - And what are the skills of those people?

**Mr WIGHTMAN** - I will have a go at the staffing numbers, and then Debra can do the breakdown of skills in those roles. In May 2012 there was a head count of 16, FTEs 12.3.

**Mr FINCH** - Based around the state?

**Ms RABE** - The service is based across the state, so we have offices in Hobart, Launceston and Burnie. Our central services such as victims of crime financial assistance and the victims register are based in the Hobart offices. Our counselling and support services and our court support and liaison services operate out of the three offices. We currently run a 24-hour counselling and support line, so a victim can ring our office number and the number will always be answered by a person, even if it is 2 o'clock in the morning. You were asking about qualifications and skills?

**Mr FINCH** - Yes, those counsellors and social workers that you are talking about, are they on the staff, or do you contract them in?

**Ms RABE** - The social workers and counsellors are on our staff. We also have a number of trauma psychologists and psychiatrists across the state that we can refer to if the client requires a higher level of service than we can provide, and that referral is done through Medicare.

**Mr FINCH** - Thanks very much.

**CHAIR** - Minister, I do not mean to rush over any area, but that will probably end that output group, that line item, and we will go on to 1.5 Legal Aid. Thank you very much, Debra. Terrific work you do.

### 1.5 Legal Aid -

**Mr WIGHTMAN** - I invite Norman Reaburn to the table once again.

**CHAIR** - Welcome, Norman. It is nice to see you back again.

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**Dr GOODWIN** - What level of commonwealth funding has Legal Aid received for next financial year, and is it along the same lines as you received this financial year, and is the overall budget position of Legal Aid as expected last year?

**Mr WIGHTMAN** - The state contribution to the Legal Aid Commission stands at \$5.619 million. Commonwealth funding for the Legal Aid Commission is provided through the National Partnership Agreement, which is with the commonwealth and the states and territories. Under that agreement the commonwealth funding for the Legal Aid Commission 2012-13 will be \$5.935 million, so that means that the state contribution is 48.6 per cent of the commission's total activities and the commonwealth 51.4, which is a comparable figure to previous years about how that is made up. The commission then receives one-off funding from the Solicitors Guarantee Fund and, in 2010-11, the commission received \$802 000 from the Solicitors Guarantee Fund, which was one of my first jobs as Attorney-General, from the trust to fund items which had been negotiated with and applied for by the Legal Aid Commission.

**Dr GOODWIN** - What is the allocation, that was 2010-11?

**Mr WIGHTMAN** - No, I said the commonwealth funding for the Legal Aid Commission in 2012-13 -

**Dr GOODWIN** - No, I am sorry, the Solicitors Guarantee Fund?

**Mr WIGHTMAN** - That was in 2010-11, so that was when I first became Attorney-General actually in 2011.

**Dr GOODWIN** - What was the Solicitors Guarantee Fund allocation for this financial year, and what will it be for next?

**Mr WIGHTMAN** - I have not made it.

**Dr GOODWIN** - You have not done it for this financial year?

**Mr WIGHTMAN** - No, I am saving that good news, Dr Goodwin.

**CHAIR** - For a media release?

**Mr WIGHTMAN** - There will be one.

**Dr GOODWIN** - Regardless of what the amount is -

**Mr WIGHTMAN** - Norman and I will be there.

**Dr GOODWIN** - The situation is that the Legal Aid funding will be maintained at a commensurate level to what it has been - is that the situation?

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - The DPP in his annual report has raised the issue of the size of the criminal bar. He suggests that the size of the criminal bar is contracting and that Legal Aid's policy of

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dealing with Supreme Court matters in-house and also the level of fees paid to the private profession are driving -

**Mr WIGHTMAN** - I will go first and then you can defend yourself.

**Dr GOODWIN** - I am wondering if you can respond to that?

**Mr WIGHTMAN** - I will have a go first and give a general overview and let Norman defend himself after that as I am sure he would like to on the record.

*Laughter.*

**Mr WIGHTMAN** - What happens - for those people unaware of legal aid in Tasmania - is that you can choose your legal aid lawyer which makes us different -

**CHAIR** - Unique.

**Mr WIGHTMAN** - Unique and different from any other jurisdiction which I think is terrific. So then that goes to whomever the person chooses. Sometimes it is in-house and other times it is chosen other members of the bar would take on the criminal work.

If there is a dispute or a disagreement between the client and the lawyer, that matter is then briefed back to the Legal Aid Commission; it is not briefed on again, in the first instance, to another private lawyer. The reason behind that is cost because as you would be well aware, Dr Goodwin, briefing on a matter to another lawyer then incurs an associated cost, but if we brief it back to in-house counsel in the first instance then we feel that is the best way to deal with that cost pressure.

With regard to the criminal bar, the criminal lawyers in Launceston are a small but very astute and well-practised group and that is something we need to look at continuously. Like any profession, whether it be teaching, nursing, doctors, or lawyers, we have to look at the progression of people through the profession over years to come to make sure that we have adequate legal representation as we do with doctors, nurses, teachers and the like.

Norman, would you like to add to what I just said?

**Mr REABURN** - Simply to say that the nature of the legal profession is changing and all firms are becoming less general and more specialised. This has tended of itself to reduce the number of firms that do criminal law work.

**Mr WIGHTMAN** - That is right.

**Mr REABURN** - But there is a number of younger practitioners around the state who are active in the criminal law field and it is interesting to watch them come along. It is interesting because of course the comment that was in the director's annual report was about the number of people doing criminal law work in the private legal profession. If you want to look at the capacity of Tasmanian lawyers to do criminal law work then you have to count our lawyers as well because we are probably the biggest criminal law practice in the state. We are quite proud of the fact that we have lawyers whom people want to appear for them.



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In the year covered by that report, about a third of the trials in the Supreme Court were done by in-house legal aid lawyers and the other two-thirds were handled by 22 different lawyers. I think that in itself answers the point.

**Dr GOODWIN** - Going back to that issue that the Attorney mentioned around people being able to choose their lawyer, is that the way it works? People do legitimately have that choice? The only issue is when they have a dispute with their lawyer and then it goes back to -

**Mr REABURN** - It is certainly true that people choose their own lawyer. They can come to us or they can go to a private practitioner, but if the person wants to change lawyers that is when we step in and say if you want to change your lawyer and continue to receive a grant of aid, then you have to get approval from us to do that. As part of that approval, if what is being proposed is that the matter will be briefed over to someone, we say if it is possible for us to take that brief we will. That depends on our capacity and of course whether it is open to us, in terms of conflict and so on, to take the case.

**Dr GOODWIN** - You have not always been able to fund every matter that people would like to be funded for because of the funding constraints. Are there any matters that you are still not able to fund?

**Mr WIGHTMAN** - I can give some figures on that.

**Dr GOODWIN** - Minor drug matters and some driving cases?

**Mr WIGHTMAN** - Legal Aid do make decisions and there is a threshold test around those who receive legal aid representation or legal aid funding and those who do not. If I can look at just to have a look at the basic raw figures, in 2010-11 the Legal Aid Commission received 6 176 applications and approved 5 147, so that is an 83 per cent approval rate. As at May 2012 - this is the most up-to-date figure I have - the Legal Aid Commission has received 5 662 applications and approved 4 929, which is up to 87 per cent. So 87 per cent of people who make an application for legal aid in Tasmania receive it and that is in criminal, family and civil matters, which is a pretty good figure.

**Dr GOODWIN** - But there are some areas that don't get funded.

**Mr WIGHTMAN** - There are some that people miss out. Yes, we know that.

**Dr GOODWIN** - Do you want to elaborate a bit on that, for the record, which areas they are that are not eligible?

**Mr REABURN** - The commission adopts policies in relation to what it will regard as its priorities. On the state side we are not funding non-indictable drug matters and we have some limitations on traffic matters, and we will sometimes not fund a parent in a parent protection matter if it is our view that funding the parent for representation would not add to the issues to be considered by the courts. We do that as a kind of rationing process and where we can - if we have money this week we will do that. These policies are known to the profession because we broadcast them to the profession every time the commission makes a decision, and so you would find that there would not be a lot of applications made to us that come within these policies. There are some, but there would not be a lot of applications made to us for areas covered by these policies.

[12.00 p.m.]

**Dr GOODWIN** - How often do you change those policies, or is that fairly standard now?

**Mr REABURN** - This one has been in operation for about 16 months. But, I do have to say, the commission quite regularly looks at these policies and would look at its priority policies about three times a year.

**Dr GOODWIN** - Right.

**Mr WIGHTMAN** - To sum up those comments: with regard to commonwealth funding, the commission generally would not look at matters to do with family or property disputes, for example. With the state matters, it would not particularly look at non-indictable drug matters as well. But it would look at other driving offences and matters which you raised earlier. But if I can go back to those figures, 87 per cent of people seeking representation from Legal Aid in Tasmania are represented.

#### **1.6 Protective jurisdictions -**

**Dr GOODWIN** - Could I start with a question about the Office of the Public Guardian because there have been some concerns expressed by the Public Guardian about the level of resourcing and the capacity to fill the office's statutory functions.

**Mr WIGHTMAN** - This is the Office of the Public Guardian?

**Dr GOODWIN** - Yes. As I understand, from the annual report, there has been, or is, a review of the office being undertaken by an independent assessor. I am wondering if that has been completed and, if so, what will the outcome of that be for the office?

**Mr WIGHTMAN** - If I can answer the last part of your question first, the department instigated an independent review of the office in the second half of 2011, which is the point you are alluding today. That review primarily looked at the administration of the office, but also outlined areas where they believed there could be improvements made. The Public Guardian has accepted those outcomes and now she is working with our department to make sure that she meets these outcomes.

**Dr GOODWIN** - That will not result in any additional resourcing for that office?

**Mr WIGHTMAN** - No, it is not a conversation we have had at this stage. We will look at the report that was commissioned. Obviously that has been looked at and the Public Guardian has accepted that and will implement the recommendations.

**Dr GOODWIN** - If I could move to the Forensic Tribunal. I did raise this issue last year because the chair of the Forensic Tribunal keeps expressing these concerns. There are two concerns. One is about the need for a step-down facility, separate from the Wilfred Lopes Centre and she is particularly concerned about the indefinite detention of people with an intellectual disability in a secure mental health facility because of the lack of a step-down facility. I understand the budget situation, but I am wondering whether the government is looking into that issue at all.

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The other thing she continues to highlight is the need for amendments to the Criminal Justice (Mental Impairment) Act.

**Mr WIGHTMAN** - With regard to the Wilfred Lopes Centre, I am trying to push this issue away but it is run by the Department of Health. So any step-down facility, those questions would need to be raised with the relevant minister, not me, in this case.

**Dr GOODWIN** - You have not had any discussions with the Minister for Health about this issue? It keeps being raised in the Forensic Tribunal report?

**Mr WIGHTMAN** - No.

**Dr GOODWIN** - What about the need for the legislative amendments that I mentioned?

**Mr WIGHTMAN** - I can comment on that. Wilfred Lopes is run by the Department of Health - step-down facilities are therefore a matter for the Minister for Health. I have had discussions with the Minister for Health about the amendments and will continue to do that and look forward to progressing those amendments within the act.

**Dr GOODWIN** - Can you be a little bit more definitive about when that might happen? What has to happen first?

**Mr WIGHTMAN** - It is a question for the Minister for Health.

**Dr GOODWIN** - Isn't criminal justice your portfolio?

**Mr WIGHTMAN** - Sorry, I thought you -

**CHAIR** - Wilfred Lopes might be, but this one is.

**Mr WIGHTMAN** - I will just take some advice.

**Mr WEBSTER** - We have always seen this as a two-step process and so the Minister for Health is progressing the Mental Health Bill, which looks at both the civil mental health and the forensic mental health side of that particular legislation. In Justice it has always been seen as a two-step, that that would be completed first before we have a look at the criminal justice mental impairment. As you know, that bill is in its final steps. There was an exposure draft issued earlier this year and so that bill is now being finalised. The next step is to have a look at the provisions around criminal justice.

**Dr GOODWIN** - There is a commitment, then, to look at that act. It has been raised several times as a concern.

**Mr WEBSTER** - The concerns are legitimate, it is just that with the Mental Health Bill going on at the same time it is important to do this in a constructive way.

**Mr WIGHTMAN** - If I can just excuse my confusion there I thought you were talking about the Mental Health Act as opposed to the Criminal Justice (Mental Impairment) Act, so that is where the first part of my answer was coming from.

## UNCORRECTED PROOF ISSUE

**Dr GOODWIN** - I just wanted to make sure that the amendments to this act are well and truly on the radar and on the agenda -.

**Mr WIGHTMAN** - Yes, indeed.

**Dr GOODWIN** - because it continues to be raised and it is important to acknowledge that the Chair of the Forensic Tribunal keeps raising it and is obviously somewhat frustrated. I understand that it is linked to the Mental Health Act review.

**Mr WIGHTMAN** - Correct.

**Dr GOODWIN** - In terms of the Mental Health Review Tribunal, the chair of the tribunal is concerned about the level of resourcing for the tribunal. Will this be taken care of as part of the Mental Health Act review as well? What is happening there?

**Mr WIGHTMAN** - The review and amendments to the Mental Health Act are extremely important and from the number of conversations that I have had with people at this table, we do see these as very important amendments. If those proposed amendments are brought in there will be a cost associated with bringing them in and we will need to deal with them at that time.

**CHAIR** - What is the time frame?

**Mr WIGHTMAN** - I don't have a time frame on that one.

**Mr WEBSTER** - The exposure draft was released early March of this year. The drafting committee, which is the steering committee appointed to that, has now finished with the feedback from the exposure draft and so final instructions have been issued to Parliamentary Counsel. I think the hope is that it will go to cabinet soon for introduction to parliament within a short time frame.

**CHAIR** - This year?

**Mr WEBSTER** - I cannot give you an exact date.

**Mr WIGHTMAN** - It has to go to Parliamentary Counsel, so that takes a period of time.

**Mr WEBSTER** - The Minister for Health has given some undertakings that it will be introduced here within a short period from now.

**Mr WIGHTMAN** - Once again that is the Minister for Health.

**Mr DEAN** - I have a question in relation to protective jurisdictions and the Guardianship Administration Board. I noticed on reading the figures that you were hoping to reach 100 per cent completion within the statutory time frames. Is that on target? The previous year the actual meeting was 85 per cent only. In 2011-12, it was identified as 100 per cent as a target and it is the same target for next year. So are you on target?

**Mr WIGHTMAN** - Thank you.

**CHAIR** - That is table 7.3, minister, on 7.9.

**Mr WIGHTMAN** - I will provide a bit of information about the Guardianship Administration Board first and then ask for any further specifics to your question that I have not covered. To date, the board has received 859 applications and that is on its way to the expected 1 000 for year ending June 2012 and this compares to a total of 1 089 applications in 2010-11.

The board has already conducted 541 hearings to date, which is slightly less than the number of hearings this time last year in 2010-11, which was 643. As we know, hearings are conducted across the state. There are now, as at 3 May 2012, 16 215 registered enduring guardianships in Tasmania, an additional 2 000 registrations in this financial year. As you know, the board is required under the legislation to conduct a hearing within 45 days of receiving the application and this is achieved in 90 per cent of cases. So in 90 per cent of cases that hearing is heard within 45 days, based on those figures I have given you that show that we have an additional 2 000 registrations in this financial year.

**CHAIR** - Are you happy with that answer?

**Mr DEAN** - So it means you have not met your 100 per cent target -

**Mr WIGHTMAN** - Correct. We are at 90 per cent.

**Mr DEAN** - I wonder why. That would have been somewhat similar for the previous year and yet your own target is 100 per cent. It would seem, minister, that you are setting a target that is not achievable.

**Mr WIGHTMAN** - Would you prefer us to set less aspirational targets?

**Mr DEAN** - Sure, but when you put 100 per cent there -

**Mr WIGHTMAN** - When you are talking about the Guardianship Administration Board and people with disabilities in particular, you do aspire to get 100 per cent of people heard within 45 days so I think you should maintain an aspirational target and work in this protective jurisdiction to make sure that you are targeted on ensuring that everyone receives their hearing within the 45 days.

**Mr DEAN** - I don't want to get into an argument with the minister -.

**CHAIR** - There will not be any arguments.

**Mr DEAN** - but it is not good setting unachievable targets, is what I am saying.

**Mr WIGHTMAN** - So you would like us to reduce the target when it comes to the Guardianship Administration Board?

**Mr DEAN** - Well no, I am saying a target that is achievable. If you cannot achieve it obviously something is not quite right. I guess my question would be why can't you get to your target, your aspirational target as you put it; what is preventing that? Is it the complexity of the cases?

**Mr WIGHTMAN** – That is how I would answer it. I would say when you are dealing in this jurisdiction it is the complexity of the matters that takes the time.

**Mr DEAN** - I accept that.

**Mr WIGHTMAN** - Dale, do you want to add to that?

**Mr WEBSTER** - In addition to complexity, which in some cases would result in specialists' reports being sought and those sorts of things to assist the board, the act requires the least restrictive alternative to be explored and the board has the distinct policy that if that is possible then it does not go to hearing. So sometimes it is exploring other alternatives around the family making decisions and those sorts of things that will actually expand the time line. So whilst the board would like it at 100 per cent, those sorts of negotiations around families being involved and those sorts of things and the few cases where specialists need to be involved, will expand that time. However, the board would see that 100 per cent is the correct aspirational goal but you cannot achieve it because you have to factor in the human end of that.

**Mr WIGHTMAN** - But we should be aspiring, Mr Dean, to see 100 per cent of the people within the 45 days and we will do everything we possibly can to make sure that happens, and it is an aspirational target.

**Mr DEAN** - You have convinced me, minister, that it should be there.

**Mr WIGHTMAN** - If I have convinced you of anything, Mr Dean, that is amazing.

**CHAIR** - Just reading that, it is actually within a statutory time frame so it is not an aspirational goal it is a requirement, so that is why it is 100 per cent. The 100 per cent is required.

[12.15 p.m.]

Minister, we will move now to output group 2, legal services, and it is 2.1 crown law. Do you need to invite someone to the table?

**Mr WIGHTMAN** - It is Kerry Worsley.

## **Output group 2 Legal services**

### **2.1 Crown law -**

**Dr GOODWIN** - My question is about the new funding model for crown law and what the anticipated benefits of that will be because previously agencies used to have to pay to use the services of crown law. Has there been an adjustment made across the agencies to fund this new funding role and how was that done?

**Mr WIGHTMAN** - I can kick this off in a few different ways. First, since becoming Attorney-General, the provision of crown legal services is of utmost importance to me, as you would expect it to be for any attorney-general. That means that my relationship with the Solicitor-General, the Crown Solicitor and the Director of Public Prosecutions has to be a good one - an open and clear relationship so that we are able to best provide legal services to the crown.

## UNCORRECTED PROOF ISSUE

If you talk to most ministers, we do provide an exemplary legal service and we are focused particularly strongly on making sure that we do have the best services in place.

Advice was sought from the Solicitor-General, the DPP and the Crown Solicitor on managing legal risk across the crown, and the government in this regard through my leadership has decided to end the practice of agencies directly paying for their legal services delivered by crown law. When I say that, I am talking particularly about DPP civil and the Crown Solicitor.

You may be aware that 15 years ago this was introduced as a funding model for crown law by the Rundle government who believed it would result in delivery of more targeted and effective legal services. They thought that by taking the DPP civil and taking the Office of the Crown Solicitor outside of government and having agencies pay for it that it would deliver better legal services. However, 15 years on and having had a look at that process for the last 15 years, our most senior lawyers within the government have made it clear to me that they do not believe that that is the best way to deliver legal services for the crown, so I acted upon that immediately and -

**Dr GOODWIN** - Probably not in a situation where there are extreme budget pressures, either. It seemed as if some of the agencies were becoming somewhat reluctant to seek legal advice because it was going to cost money.

**Mr WIGHTMAN** - It was going to be cost prohibitive.

**Dr GOODWIN** - Yes.

**Mr WIGHTMAN** - It was made clear to me that there would be an avenue for managing legal services across the crown better and on hearing that and working with the three principals, we have brought about this change. As I said, fundamental to my role as Attorney-General is making sure that we manage legal risk but also that we provide exemplary legal services to the crown and that is something that I am very focused upon.

The offices of all principals within crown law - the DPP, the Solicitor-General and the Crown Solicitor - now deliver legal services to the agencies without charging a fee. The removal of the fee barrier is expected to increase the demand - there is no doubt about that - but I am very firmly of the belief that it will lead to better management of legal risk across all agencies.

**Dr GOODWIN** - The second part of my question was, how did you recover some of the funding from the agencies?

**Mr WIGHTMAN** - It was set by Treasury.

**Dr GOODWIN** - They came up with some sort of formula?

**Mr WIGHTMAN** - They came up with a model. I can tell you, my strategic view was that we needed continuous improvement of the legal services to the crown. I said that I believed there is a better way we can go about this, which is removing the charge regime for the Crown Solicitor and the DPP Civil. I told Treasury of that via the Premier, and that change has been made. So for the Department of Justice, we will pay \$268 000 back to receive those services. It was created by a Treasury model, but on my advice that we could have a better system in place.

## UNCORRECTED PROOF ISSUE

**Dr GOODWIN** - The main thing is that now Crown Law will be fully funded and they will not have to worry about the fluctuations that were occurring before in what sort of revenue they were getting from their services.

**Mr WIGHTMAN** - I have to say I am very clear about this matter. The Attorney-General plays those three roles within the government - about providing legal advice about my own administration, of particular pieces of legislation, and also about law reform. But key to that is the provision of those exemplary legal services, and I think there was a better way to do it so, on hearing that advice, I acted upon it and had a discussion and we are at that point now.

**CHAIR** - Any more questions in relation to that.

**Dr GOODWIN** - You get a gold star for that one.

**Mr WIGHTMAN** - Do I get a gold star for that? Maybe.

**CHAIR** - While Dr Goodwin is finding her next question, minister, I am just interested in the unresolved legal issues in this state. In particular, there is a government one that I know is outstanding. Does that come in under -

**Mr WIGHTMAN** - Can you be specific about this?

**CHAIR** - It is the indemnity issue with Mr Parkinson. That has just been an ongoing issue. I am just wondering where the status is for that particular issue.

**Mr WIGHTMAN** - That would be the Premier.

**CHAIR** - It is not ours?

**Mr WIGHTMAN** - No.

**CHAIR** - It does not come under the legal? The government has their own lawyer?

**Mr WIGHTMAN** - That would be the Premier.

**CHAIR** - So she would have her own lawyer. She would not use any part of your area?

**Mr WIGHTMAN** - For Doug?

**CHAIR** - For Mr Parkinson.

**Mr WIGHTMAN** - No.

**CHAIR** - There seems to be some conversation. Is that something to be shared with the committee?

**Mr WILLIAMS** - In terms of indemnity - but it is for public servants - there is a committee that sits, and I think it must be the Premier's Office that would deal with indemnity for -

**CHAIR** - Some of my colleagues have probably already asked that question.



**Mr WIGHTMAN** - Can I also say that as Attorney-General, you are loath to talk about individual cases, because my job is to deal with a system -

**CHAIR** - Unresolved legal issues, for example.

**Mr WIGHTMAN** - Yes. My job is to make sure there was fairness and access to justice right across our legal system in Tasmania, and I am loath to talk about individual cases in that regard.

**CHAIR** - I asked if there were any unresolved issues, for example. Thank you.

**Mr WIGHTMAN** - I was just putting my point across.

## **2.2 Legislation development and review -**

**CHAIR** - I know you touched on legislation in your overview, minister.

**Mr WIGHTMAN** - Len Armsby is here to help us out today, so I invite him up to the table.

**Dr GOODWIN** - I might launch straight into the Tasmanian Law Reform Institute Report on sexual offences against young people because this has been an issue of great community concern for legislative reform in this area. The Tasmanian Law Reform Institute has released its issues paper and it concluded that the current law is unnecessarily complex and inconsistent. Then it talked about it being liberal in terms of the scope of the defence of 'mistake as to age' in comparison to some other jurisdictions. In fact, you in your own media release suggested that you were supportive of the introduction of a 'no defence' age, so obviously there is this clear need for reform. I know that the Issues Paper is out for consultation, I understand that. My concern is the length of time this has taken and the need, when there is a problem with the law, to reform it in a timely way because it always has implications. If there is a problem identified with the law it needs to be resolved as quickly as possible. I am wondering why you didn't proceed straight to introducing a no-defence age because any bill that you produced would ordinarily go out for consultation anyway, so you would have ticked off in that regard. Could you explain your decision-making around that? Do you have a time line for when you might be in a position to introduce some legislation?

**Mr WIGHTMAN** - The first point I would like to make is that this is a fundamental change to the Criminal Code. It seems to have been missed out there a little, that we have never had a no-defence age. Since 1924, when the Criminal Code replaced the previous 1888 bill, or whatever it was, we have not had a no-defence age. When comments were made that this creates a risk to children now, and so on, we have never had a no-defence age since 1924. In fact, restrictions have been lessened upon that no-defence age because when it was first brought in it was only available to people who were 21 and under, that was then tightened to those 18 and under and then at some point it was removed so that everyone could have access to mistake of age.

**Dr GOODWIN** - I am not quite following what you are saying.

**Mr WIGHTMAN** - It is my understanding that at one point - we know the mistake as to age was only available to those people who were 21, and then it was only available to those who were 18, and at some point became available to all alleged perpetrators.

This is a fundamental change to our legal system and I think you have found, as I have, and as I said in my media, that when you make statements about this matter and whether a no-defence age comes in, that you are going to have a lot of different discussions with the community about this matter. When I stated my personal opinion about a no-defence age, the first thing that happened was the Law Society, as they did when you spoke, said they disagreed with the statement I had made. Then based on the report I received, I came to a personal view that there should be a no-defence age. At that point, we had people suggesting that it was unfair and it was best placed at a jury to make that decision.

Therefore, this is an absolutely fundamental change to our legal system in Tasmania and we have used the TLRI process in releasing the paper to go through that. I believe, because it is a fundamental change, that we should allow that period, which closes on 29 June, and the feedback from that before we make any changes to the Criminal Code which has been in place since 1924.

I believe we should offer the opportunity for the Law Reform Institute and like relevant stakeholders to make their comments regarding that matter, so that is my decision-making around that. My personal view is that we should have a no-defence age in Tasmania and I have made that very clear from the outset. Comments have also been made, from people's further reading of that documentation, that a no-defence age exists across Australia - 10 in New South Wales and the ACT, and 16 in South Australia - and we are the only jurisdiction that does not have a no-defence age. My personal view is that we should have one; I think there would be a fair debate around what age that no-defence age would be ruled out, and that is a debate we need to have.

However, I do not move away from the fact that this is a fundamental change to the Criminal Code in Tasmania. We have not had it in place before and, as I said in my initial media, when we do discuss this there will be many different views. I think I can gauge the view of the general public which would be supportive of a no-defence age but I believe that because it is such a fundamental change that we should allow the TLRI to complete its process.

[12.30 p.m.]

**Dr GOODWIN** - Are you likely to change your mind on this in terms of your support for the no-defence age?

**Mr WIGHTMAN** - No.

**Dr GOODWIN** - You are the Attorney-General.

**Mr WIGHTMAN** - I am the Attorney-General, absolutely.

**Dr GOODWIN** - So is it highly likely that we will see the introduction of some legislation around this at some point?

**Mr WIGHTMAN** - I expressed a personal view. My personal view is unlikely to change on that matter. However, I do not shift away from the fact that this is a fundamental change to the Criminal Code in Tasmania. As we have allowed the TLRI to do in other processes before in front of them or other referrals that they have, we should allow them to go through their process.

**Dr GOODWIN** - Do you think it is the best process, though? It is time consuming.

**Mr WIGHTMAN** - Initially I did not make the referral. I was not the Attorney-General at the time and in fact I wasn't the Attorney-General who made the referral to the TLRI at that time.

**Dr GOODWIN** - What I am getting at is the concern about the legislative reform process taking some time. I am wondering whether there should be some other process, a faster process perhaps, when there is a clear need for reform.

**Mr WIGHTMAN** - When you say there is a clear need, you were on the radio and then the Tasmanian Law Reform Institute, with some learned people on it disagreeing with the comments that you made.

**Dr GOODWIN** - How can you argue with the current laws unnecessarily complex and inconsistent.

**Mr WIGHTMAN** - With regard to the onus, yes, I broadly agree with you.

**Dr GOODWIN** - There is need for reform.

**Mr WIGHTMAN** - Absolutely. What I am saying is, when you say they clearly state there is a need for reform, that is a personal view you are expressing because the TLRI do say that about onus but the Law Society came out straight away and disagreed with what you and I both said.

**Dr GOODWIN** - Yes.

**Mr WIGHTMAN** - There are different views.

**Dr GOODWIN** - Of course there are different views, but sometimes when you are the Attorney-General and you are driving this law reform agenda, there has to be some leadership at some point and you have to make -

**Mr WIGHTMAN** - So you do not think I provided leadership in this area, Dr Goodwin?

**Dr GOODWIN** - No, you have to make that tough decision about 'We are not going to keep going out for consultation' -

**Mr WIGHTMAN** - Dr Goodwin, can I suggest -

**CHAIR** - Order. Order, minister. Order. We have questions and answers in this. We do not have debate. This is about questions and answers. So if the honourable member would like to ask a question and then the minister can provide an answer and that is how it works.

**Dr GOODWIN** - My original question was: what is the time line? Will we see some legislation introduced, and do you have an idea of what the time line for this will be?

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - Matters close on 29 June when people can make public submissions. I would hope to receive feedback or a final report from the Law Reform Institute as quickly as they possibly can, and then we will move to make amendments to the legislation as is required.

**Dr GOODWIN** - So we will essentially see some sort of bill around this issue, broadly speaking.

**Mr WIGHTMAN** - I think it is unfair to say 'shouldn't you just provide leadership' in this matter, when I believe I have provided leadership with regard to this matter.

**Dr GOODWIN** - I do not want to engage in a debate with you, but -

**CHAIR** - Well, we are not going to.

**Dr GOODWIN** - We will leave it at that anyway.

**Mr WIGHTMAN** - I think I have been really strong with my leadership about this.

**CHAIR** - We can leave this for further debate at another time and it is not here. Are there any more questions in this particular output group? Otherwise, we still have four to go before lunch.

**Dr GOODWIN** - Yes, Madam Chair, if I could talk about a couple of other matters. I wanted to ask you about the work of the Sentencing Advisory Council. It would be useful for us to get some idea of the funding for that.

**Mr WIGHTMAN** - Solicitors Guarantee Fund.

**Dr GOODWIN** - Yes, we go back to that again. If you could just tell us what the base funding is and what it has in terms of resources.

**Mr WIGHTMAN** - I will have to seek a bit of advice about that. You want the base level funding to the Sentencing Advisory Council?

**Dr GOODWIN** - Yes. I think it just had one staff member.

**Mr WIGHTMAN** - Yes, it does. It does have one staff member.

**Dr GOODWIN** - Is that full-time position?

**Mr WILLIAMS** - It is 100 per cent funded through the Solicitors Guarantee Fund.

**Dr GOODWIN** - What is the quantum of funding?

**Mr WEBSTER** - The advisory council is funded from the Solicitors' Guarantee Fund. The original grant was \$150 000 and then there was a further \$150 000 in the last round of grants that funds it through to June 2013. It has an FTE of 0.9 attached to it with support from the Office of the Secretary in the Department of Justice which is where the position is located. It also has some one-off project funding applications into the current round of SGF that is around the reference on sexual offenders.

## UNCORRECTED PROOF ISSUE

**Dr GOODWIN** - It does not have that funding yet?

**Mr WIGHTMAN** - It is likely to, though, I would suggest, Dr Goodwin. The novelty cheque might come out, Dr Goodwin, I reckon.

**Dr GOODWIN** - I am glad to hear that.

**CHAIR**- Thank you, Dale. It will not happen again, someone will need to remove himself.

**Mr WIGHTMAN** - Mr Finch, they are very committed staff and they look after me.

**CHAIR** - Yes, minister.

**Dr GOODWIN** - On that reference of the sex offender sentencing, do you have the final terms of reference for that, or is that tied up with that funding request?

**Mr WIGHTMAN** - We made reference with regard to sexual offences against young persons and the sentencing around that. We then had discussions with input from the Sentencing Advisory Council. We had some ongoing discussions about what that referral would look like. They have started some work on gathering the detail or the data required to begin their investigation.

**Dr GOODWIN** - Do you have final terms of reference that you can share with us?

**Mr WIGHTMAN** - No, I don't have final terms or reference to be able to share with you.

**Dr GOODWIN** - They have not been finalised yet?

**Mr WIGHTMAN** - They are either finalised or all but finalised, as far as I am aware. They have been agreed to and they have already started some work on gathering data.

**Dr GOODWIN** - Can you provide that information to us on notice about what the actual terms of reference are?

**Mr WIGHTMAN** - Yes, we should be able to do that, Dr Goodwin. I will check that and chase that up and provide it if I am able to. It certainly has been a matter of ongoing discussions.

**Dr GOODWIN** - The other matter you mentioned, the assaults against emergency service workers, are you expecting a report at some stage?

**Mr WIGHTMAN** - Yes, very soon, hopefully.

**Dr GOODWIN** - My other query is about the sentencing database I think they are working on.

**Mr WIGHTMAN** - Do you mean guidelines?

**Dr GOODWIN** - No, I think they are working on an actual database to capture sentencing decisions. There was an issue with the Magistrates Court, that we don't capture that data at the moment.

**Mr WIGHTMAN** - Yes, they are, I understand, but it is early stages, and the work they are doing on sex offenders will take precedence over that work.

**Dr GOODWIN** - Does the database work have any specific funding?

**Mr WIGHTMAN** - It does.

**CHAIR** - I think we let Dale go too early from the table, minister. Anyway, we will try to soldier on.

**Dr GOODWIN** - I don't know what the quantum of the funding is, but is that a bit of a scoping exercise to start with to find out what might be needed and how it might be done?

**Mr WIGHTMAN** - Yes. With regard to the sentencing of sex offenders matter, that is something we have had immediate discussions about with the Sentencing Advisory Council

**Dr GOODWIN** - I am very glad that is a high priority because we have had that discussion around the need for that reference before. We had it last year, in fact.

You mentioned in your overview about the sex industry regulation and you said something like, if it is needed, we might introduce it.

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - What is your thinking at the moment?

**Mr WIGHTMAN** - When I put out the paper I said, I think, that the debate had already been had about being a sex worker in Tasmania, and that it was not illegal. There had already been that debate in Tasmania about sex industry reform and whether or not it was legal to be a sex worker in Tasmania.

It is legal to be a sex worker in Tasmania therefore it was my opinion that the debate should focus upon how we provide the best protection we can to sex workers, but also there was the public health consideration. I was very clear in my comments about that, that the previous reform and work that had been done had provided information about that, and that now we should have a discussion about how we need to reform the industry to provide protection to sex workers and also consider the public health outcome in that regard.

The submissions closed on 23 March and I will now wait for the department to provide me some advice on those submissions. From there, we will look to a policy position about whether or not amendments are required to the Sex Industry Offences Act.

**Dr GOODWIN** - Just on that point, the discussion paper did canvass the three models, one of which is criminalisation and decriminalisation and -

**Mr WIGHTMAN** - And registration - or we could call it registration, I suppose.

**Dr GOODWIN** - Yes. From your comments do I take it that at least one of those is off the agenda?

**Mr WIGHTMAN** - No. Broadly, all the states look at it differently, whether it be decriminalising it and allowing it to become planning laws, occupational health and safety, and all that, to a matter of registration, which I believe the sex industry is against. There are some options that are seen in different jurisdictions right across Australia but I do not think you should read anything into my comments that one is off or one is on.

**Dr GOODWIN** - You have not mentioned the criminalisation option.

**Mr WIGHTMAN** - Yes, or the criminalisation.

**Dr GOODWIN** - You are looking at all the submissions that have come in, including those that might relate to criminalisation?

**Mr WIGHTMAN** - We had in our report, as you say, about criminalisation but, once again, my personal view is that that debate has been had in Tasmania. The Australian Christian Lobby disagree with me very strongly. I have had ongoing discussions with the Christian lobby about that with Mark Brown and he has provided me with a series of information but I think we have had that debate in Tasmania.

**Dr GOODWIN** - Will the trial by judge legislation come back or has that gone completely?

**Mr WIGHTMAN** - From me as Attorney-General?

**Dr GOODWIN** - Yes.

**Mr WIGHTMAN** - At this stage I have not had further consideration of it.

**Dr GOODWIN** - Where are we at on the Surrogacy Bill?

**Mr WIGHTMAN** - I have made it very clear publicly that I wish to progress the Surrogacy Bill in Tasmania. It would provide families who could not have children with the opportunity to have children. From a personal point of view, I believe I have a pretty thorough understanding of the importance and the want to have a family and we should do everything we can to make surrogacy an option for Tasmanian couples who wish to have children. I have had some excellent and ongoing discussions with the member for Murchison about this and the last discussion I had with her was last Friday. We will continue those because she knows that I am absolutely committed to get a surrogacy bill through both Houses. I know that if I don't get it right you are likely to use your power and just block it -

**Mr DEAN** - Or amend it.

[12.45 p.m.]

**Mr WIGHTMAN** - or amend it. We have agreed to a number of amendments from the Legislative Council. I was interested to note that the feedback coming back was you either accept them all, or it is nothing, and they are the comments I took from *Hansard*. So you either accept all our recommendations from the Legislative Council or -

**Mr DEAN** - I do not think that is right.

**Mr WIGHTMAN** - That is what it says.

**Mr DEAN** - Well, something is wrong somewhere.

**Mrs TAYLOR** - There may have been some members who said that.

**Mr GAFFNEY** - One person does not speak for the Council.

**CHAIR** - There is more than one member in the Legislative Council.

**Mr WIGHTMAN** - Okay.

**Mrs TAYLOR** - It is not a caucus here.

**Mr WIGHTMAN** - I am not suggesting you caucused on this matter. I am not suggesting that at all. However, that was the impression I had. We have agreed with a number of your recommendations of the Council and are happy to put those into the bill. There are a few sticking points that the member for Murchison and I have had ongoing discussions about and I think we can find agreement on those. I believe the Legislative Council committee did a very good job in their work and made some very good suggestions which, as Attorney-General, I am happy to take on and we will put into amendments to the bill that will be introduced back into the lower House.

I make the point if we go to a model, however, where it is a complete change to DHHS which would be the adoption model so that would sit under adoption we are looking at a rewrite of the bill and we could be 12 to 18 months away. It would have to be rewritten.

**Dr GOODWIN** - Has the bill come back to us?

**Mr WIGHTMAN** - Yes.

**Dr GOODWIN** - It will come back to the Legislative Council? No, it is going back into the lower House?

**Mr WIGHTMAN** - Sorry, I beg your pardon. The amendment bill will go straight to you guys.

**CHAIR** - We have sent it to committee. That is all we have done.

**Mr WIGHTMAN** - Yes, sorry, my apologies.

**CHAIR** - At this stage that is all that we have done.

**Mr WIGHTMAN** - I have accepted a number of the committee's deliberations; there are a few sticking points particularly about where the bill sits. We will have ongoing discussions and provide ongoing briefings because it is a bill that I want to get through.



**Dr GOODWIN** - One final question on this area that I have is on amendments to the Family Violence Act and Safe at Homes has been flagged in the annual report. Do you have a time line for that?

**Mr WIGHTMAN** - Safe at Home review in particular, I think. Most of the amendments here are small and we do not have a time line around that at this stage.

**Dr GOODWIN** - So they are fairly minor then by the sound it.

**Mr WIGHTMAN** - Yes, minor amendments but we do not have a time line around that at this stage.

**CHAIR** - Minister, thank you and before we head into output group 3 -

**Mr WIGHTMAN** - Thank you a good discussion.

**CHAIR** - I want to inform the committee and you, minister, that I have made the letter to the President asking for an extension of time past 5 o'clock. I cannot see us getting completed by 5 o'clock this afternoon given that we have only completed two output groups.

**Output group 3**  
**Registration services**

**3.1 Births, deaths and marriages -**

**CHAIR** - We will move on to births, deaths and marriages - quite a good segue from surrogacy I would expect.

**Mr WIGHTMAN** - Can I just go back to that point? I will lose my two acting secretaries at lunchtime.

**CHAIR** - So we are hoping to finish this output -

**Mr WIGHTMAN** - By lunchtime.

**CHAIR** - We need to rock and roll here.

**Mr WIGHTMAN** - Right.

**Mr FINCH** - Births, deaths and marriages.

**CHAIR** - A segue from surrogacy.

**Mr WIGHTMAN** - Do you have a conflict of interest here?

*Laughter.*

**Mr FINCH** - No births on the radar.

**CHAIR** - Mr Finch if we keep it to questions and answers, we will go well.

**Mr WIGHTMAN** - I welcome Mr Batt to the table.

**Mr FINCH** – Minister, I must say the website is fantastic to look at and to use as a reference point for people. However, I notice in the notation in respect to this output group it reflects expenditure of the special deposits and trust fund - can you give me some explanation of that reference, please? For the scanning project which is about updating the documents.

**Mr WIGHTMAN** - I am aware of updating the documents process of scanning all those and having them in the one depository, we might say, Michael are you able to elaborate on that?

**Mr STEVENS** - It is probably better for Chris.

**Mr WIGHTMAN** - Chris, are you able to elaborate on that please?

**Mr BATT** - I am happy to do that because it is a project we have pursued with some passion. At present we have a number of our records - I think there are 1.5 million records - in leather-bound volumes and they are the only existing copy of those first records at all, which is an enormous risk for us. The project we have pursued with some passion is to get those scanned. It has taken a while but in the last month we signed a contract with a company to undertake that scanning and we have also employed two people who will be involved in doing the data entry. The funding source for that is a trust fund that we had put aside and earmarked for that project. We have planned for two years of activity and then we will assess it from that point. Does that explain the context of that?

**Mr FINCH** - Yes. Minister, when does Mr Batt feel that this project will be completed? There's an assessment after two years, but -

**Mr BATT** - At the moment I think we are focusing on the birth records from 1920 to 1970. We would like to do death, marriage and adoption records, and a whole lot of other things, but that will depend upon how much of that trust fund we have spent. We are optimistic about a long-term project but we have our sights set on a short and realistic target.

**Mr FINCH** - I am curious, too, about the cost. There is a sliding scale depending on the search that you do - whether you go back 50 years or 100 years. When we do have these computerised figures available, will that lead to a reduction in the cost of the searches?

**Mr BATT** - In the short term, no, because it is not something we have considered. One of the benefits, however, of scanning is that we will be able to improve the efficiency of the office and the efficiency of the operation. I wouldn't want to put a time line on it, but in the next couple of years I think that is something we would consider.

**Mr FINCH** - How much revenue is generated by people doing the searches through this agency at the moment?

**Mr WIGHTMAN** - I can tell you the total registrations for 2010-11 – 14 751; with regard to searches - do we have a figure on how much revenue we would have raised from searches?

**Mr BATT** - I don't have those figures on hand at the moment.

**Mr FINCH** - Could I take them on notice please, minister, just to see how much revenue has been raised from that source?

**Mr WIGHTMAN** - Of course. I don't have those figures in my head.

**Mr FINCH** - I am curious about where the people are housed and the number of staff who operate the birth, deaths and marriages. In what I was reading it seemed to be that they were in the Consumer Affairs office and with Mr Batt at the table I think that might be right.

**Mr BATT** - They are housed at level 15, Murray Street, part of the Consumer Affairs office. We share space and resources. I am advised that 7.5 FTEs provide services for the entire operation.

**Output group 4**  
**Review services**

**4.1 Anti-discrimination commissioner**

**Mrs TAYLOR** - Looking at the output figures, there is very little increase at least for the next three budgets, and then a slightly bigger increase. That is not much money for the Anti-Discrimination Commission. I remember last year there was mention of a new complaint management system. Has that been done? You were also talking about meeting statutory deadlines for complaint handling and having looked up your website, it looks as if you are dealing with that really well. Does the output group for budget include the funds that are required for the Anti-Discrimination Tribunal? I am trying to give you all the questions -

**Mr WIGHTMAN** - Let's go back to the first question about the funding and whether it is a consistent level of funding - is that what you are raising?

**Mrs TAYLOR** - Yes, but it is not much funding for an agency

**Mr WIGHTMAN** - Can you not feed Ms Banks those -

**Mrs TAYLOR** - It is just considering the work that the Anti-Discrimination Commission is actually doing.

**Mr WIGHTMAN** - As you are aware, we are in tight financial times and that is not just a political line; that is the truth. So everyone has to tighten their belts in that regard, and maintaining a consistent level of funding is a tightening of the belt. I will say that the Anti-Discrimination Commissioner and the work that they do is absolutely outstanding. We are seeing a rise in the number of issues before them at this time and that it is a credit to Robin and the work she has been able to do, particularly in the front end around education and making people aware of that aspect of it.

**Mrs TAYLOR** - I am not disagreeing with you; I am agreeing.

**Mr WIGHTMAN** - What I am saying is that we have to manage the budget as best we can and we have savings to make, and we will do those as we have in previous years.

## UNCORRECTED PROOF ISSUE

**Mrs TAYLOR** - My question was really that because I see the work of the Anti-Discrimination Commissioner increasing, are you confident that they can continue to do the job?

**Mr WIGHTMAN** - I am very confident in Robin Banks; I can guarantee you that - she is outstanding. In saying that, too, we all have a level of budget restraint that we have to follow. No-one is immune from that, but it is my belief that they will be able to undertake their role.

**Mrs TAYLOR** - Okay. My second question is: has the new complaint management system been completed?

**Ms BANKS** - Yes, it is in place. We are still ironing out the final bugs and learning how to generate as much of the reporting that we really want to be able to do. So there is still some learning for us but it is all in place. All the current matters, including ones that predate the system, are in now in the system so that we are only operating one complaint system, which is fantastic.

**Mrs TAYLOR** - Terrific, that is good. You talked last year about statutory deadlines for complaint handling; are those being met?

**Ms BANKS** - We are meeting them in almost 100 per cent of cases. We still haven't achieved 100 per cent but we have seen an improvement this year, which is very pleasing for me because I know how stressful it is for the parties with complaints when we take longer than the deadlines.

**Mrs TAYLOR** - Absolutely. Does the output group for the budget include the funds that are required for the Anti-Discrimination Tribunal?

**Mr WIGHTMAN** - No, they are in the Magistrate's Court.

**Mrs TAYLOR** - You talked last year about the development of performance indicators that are more meaningful. What progress has been made with that?

**Mr WIGHTMAN** - About the performance indicators? Robin has some information on that.

**Ms BANKS** - We are continuing to look at ways we can better measure the effect we have. We are still not finding very useful ones. I had some very useful conversations with the New Zealand Human Rights Commissioner and the Western Australian Commissioner at a recent meeting we had. We are looking at bringing in an intern to specifically look at how you can measure the effect of the work we do on cultural change and societal change. I hope we all continue to -

**Mrs TAYLOR** - It is a work in progress.

**Ms BANKS** - A work in progress, yes.

**Mrs TAYLOR** - I have no more questions. The only other comment I want to make is that it is a great series of posters that has recently come out, minister.

**Mr WIGHTMAN** - Thank you. I would like to say that I had a key role in delivering those posters.

**CHAIR** - One more question from Dr Goodwin and then we will leave this output group.

**Dr GOODWIN** - I want to comment on the fact that Robin has been doing a really good job of raising the profile of the office; she is pretty much at every function I go to. I wondered whether that might be feeding into the increase in the complaints that you are seeing coming through the office - the profile raising.

**Mr WIGHTMAN** - Just before Robin responds - as I said in my opening piece, I have no doubt that the educative role that the Anti-Discrimination Commissioner plays and the commission plays has heightened the awareness of discrimination issues and that is a very good thing.

**Dr GOODWIN** - The last question is just around the investigation into insurance volunteering in age, how that is progressing because I am very interested in that issue.

[1.00 p.m.]

**Ms BANKS** - It has been a bit slowed down because we received very little in the way of responses from the insurance industry. I have subsequently used my power under section 97 to require information and had some much more detailed provision of documents. One of the side benefits of doing that, which we did not really expect to happen so quickly, is that we did get a response from one insurance company saying they had looked at their data. They found it did not support their policy and so they have changed their policy. That was a sort of small win in the process and hopefully we will see a bit more of that.

## **Output group 5**

### **Electoral services**

#### **5.1 Elections and referendums -**

**Mr WIGHTMAN** - Julian Type, Electoral Commissioner, is here at the table.

**CHAIR** - Welcome. The person we love to get a phone call from. 'You do not have an election'.

**Mr WIGHTMAN** - 'You have overspent again'.

*Laughter.*

**Mr GAFFNEY** - I was going to ask just three quick questions. A 3 per cent increase is neither here nor there, but I was going to check on last year until I got the FTEs from Electoral Services for May of last year. According to the papers from last year, when I asked the question, 'How many full-time staff do you have?' the answer was, 'Eight full-time and two part-time'. So then when I looked at table I thought, 'Okay, between May and June they either hired a couple of people or whatever'. It is not a big point, but I was wondering if there was an answer to that?

**Mr WIGHTMAN** - The figures I have in front of me around the commission are: the head count in May 2012, 11 minus 1; FTE May 2011, 10.5; May 2012, 9.8; so a decrease of 0.7.

## UNCORRECTED PROOF ISSUE

**Mr GAFFNEY** - That is fine, but in *Hansard* last year when I asked the question, 'How many staff do you have, full-time and part-time?' the answer was, 'Eight full-time and two part-time, and so there was a discrepancy'.

**Mr WIGHTMAN** - A discrepancy.

**Mr GAFFNEY** - Yes, it is no biggy, but I thought there might have been something between that. I do acknowledge that this was May and that briefings last year were in June. Local government elections are cost-effective; getting people to help out at elections does not seem to be a problem and we have not had any issues with volunteers or people coming along to support.

**Mr TYPE** - They are not volunteers, Mr Gaffney. They are paid employees.

**Mr GAFFNEY** - That is right - Mr Wightman's mother.

**Mr WIGHTMAN** - No. She did not - my mum has done that for about 30 years and reckons I owe her \$400; but she did not count votes on March 20, 2010.

**CHAIR** - Thank you, Julian. I think you were trying to answer something there.

**Mr TYPE** - We haven't had any difficulty obtaining casual employees as required over the past couple of election cycles.

**Mr GAFFNEY** - Okay. The other one is just a process question. On page 7.1(3), table 7.7, I am wondering - and it happens every year - why in the House of Assembly elections, the performance information for output group 5, House of Assembly elections, there is no cost per enrolled elector, or roll maintenance cost per elector, as there is for Legislative Council elections. I am just wondering why that is.

**Mr WIGHTMAN** - I don't know.

**Mr GAFFNEY** - I am looking at 7.7 here. I am wondering why we go to the degree of specifying the cost per enrolled elector for the Legislative Council electors and we do not give that same information for the House of Assembly. It is not an answer I need now. It is just something that happens every year, and I wondering why there is not a consistency there.

**CHAIR** - Why is there a distinction?

**Mr GAFFNEY** - Yes, why is there a difference? That is all.

**Mr TYPE** - It is published in our annual report so there would be absolutely no difficulty transferring it to the budget papers.

**Mr GAFFNEY** - I think it should be one or the other.

**Mr WIGHTMAN** - Consistent, okay; we take that on board.

**Mr GAFFNEY** - So we can at least then compare if there is a difference.

**Mr WIGHTMAN** - We are happy to raise it with Treasury.

**Mr GAFFNEY** - I just thought that it didn't make sense.

**Mr WIGHTMAN** - That is fair enough, good point.

**Mr GAFFNEY** - The last and final one, and I think this is to do with an accounting Treasury thing. If you have a look at table 7.2 at the bottom of page 7.5, where gives the output group expense summary, in 2011-12 it is \$2 954, in 2012-13 it is \$2 101. Estimates is \$5 512. There is a big jump and that is obviously to do with the election. If you go back to 2009-10, that jump is there as well. It says it is reserved by law item. Where is that money kept or where does it come from, where is it appropriated from or where does Treasury, I am not going to say, hide that, but where do they access that to put it into the - ?

**Mr WIGHTMAN** - It is out of consolidated revenue, Mr Gaffney. They hold it and then they pay it when it is required.

**Dr GOODWIN** - It is protected, though, isn't it?

**Mr WIGHTMAN** - It is protected. They hold it and they just pay it when it is required.

**Mr GAFFNEY** - Okay. Because it is in the 2013-14 year, it will be a March or May election, will it? I am just wondering.

**Mr WIGHTMAN** - You can chat to the Premier about that one. If it was close to 20 March it would be, I reckon.

**Mr GAFFNEY** - All right.

**Mr DEAN** - In relation to the recent Legislative Council elections, I have a couple of questions. One is, will all those people not voting be followed up with documentation from the electoral office, or what will be the position because there are quite a few of them?

**Mr WIGHTMAN** - I will make a couple of brief comments about that.

**Mr DEAN** - At the same time, what is being done to try to get people to vote?

**Mr WIGHTMAN** - About the process matter, I will let Julian take that. You can have measures to get people to vote. Compulsory voting is one but we know it does not always achieve 100 per cent. You can have punitive measures in place, which is fines or whatever it might be, to try to encourage people to vote. I am not sure there is a great deal of data that proves that dramatically increases it, that if you slug them a fine they are going to vote at the next election. There is also a key role that the Electoral Commission plays within education. I know the work that the Electoral Commission does, particularly starting with very young people in our schools about encouraging people to vote and hopefully some of that message can go home, one might say. There is that role of compliance and enforcement but there is also an educative role.

**CHAIR** - You have to educate someone.

**Mr WIGHTMAN** - Yes. But with regard to how we go about those compliance matters, I will ask Julian to answer that part of it.

**Mr TYPE** - Of the people who did not vote, we have already discovered, from the brochures that we send to the electors, that some of them are no longer living at their current address. We already know from the proprietors of nursing homes that some of them were incapable of voting on the day. We have already had some of those electors who have phoned us and said that they were sick on the day and unable to vote. We are going to remove many people in those categories from the lists. After that, yes, everyone else who has not voted will be asked to provide us either with a valid and sufficient reason for failing to vote or to pay a penalty of \$26.

**Mr DEAN** - On the same hand, minister, that would mean that many people had moved out but I suspect many of people moved in at the same time, who are not on the roll. What is happening to try to get those people onto the rolls?

**Mr TYPE** - The electoral roll in Tasmania is kept pursuant to a joint roll agreement with the commonwealth. The primary responsibility for maintenance of the roll and stimulation of electoral enrolment rests with the commonwealth. As a matter of fact, today I think everyone is going to get a postcard in their letterbox, reminding them that enrolment is compulsory and inviting them to check their enrolment on the internet and to update their enrolment. The currency of the electoral roll is a continuing problem. I am very pleased to report that Tasmania has the highest rate of enrolment of any of the eight Australian jurisdictions but this is something that clearly we need to exercise eternal vigilance over.

**Mr DEAN** - My last question, minister, is in relation to the Agfest issue on polling day as to what all the hype was about, the information that was not able to be identified and able to be publicly displayed -

**Mr WIGHTMAN** - Do you mean in regards to the Legislative Council's tent and Mr Hall?

**Mr DEAN** - Well, yes, and I believe there was some suggestion of the other outlets as well -

**Dr GOODWIN** - The Tasmanian Liberals had to not hand out anything -

**Mr DEAN** - Which did not even relate, I do not think, to that election.

**Dr GOODWIN** - No, we did not have a candidate but -

**Mr DEAN** - You did not have a candidate, of course you didn't.

I am wondering, minister, there seems to be a lot of concern about the legislation currently, the Electoral Act, and exactly what it means and how it should work. Are there any moves to review it again, to have a look at it?

**Mr WIGHTMAN** - The Electoral Act?

**Mr DEAN** - The Electoral Act.

**Mr WIGHTMAN** - We have a number of proposed amendments coming through, some of which are administrative amendments and then we also have amendments coming through about prohibiting tobacco companies from donating to political parties. Some of those are



administrative amendments to make the legislation run more smoothly, one might say, and the other part is, as I said, about tobacco donations.

Do you want a ruling on the Agfest matter or are you happy with what happened on that day?

**Mr DEAN** - No, I am not happy at all. It might mean I need to take that up in another way.

**Mr WIGHTMAN** - You can take that up in another forum.

**Mr DEAN** - If you want to talk to me privately about that it is fine.

**Mr WIGHTMAN** - Unless something can be added to it, minister.

**Dr GOODWIN** - It will come up again next year.

**Mr DEAN** - It will.

**Mr WIGHTMAN** - It will. Julian, do you have a view?

**Mr TYPE** - Agfest will coincide with the current Legislative Council polling day five years out of seven. At the moment the Electoral Act has a number of prohibitions in relation to conduct on polling day. One of them is contained in section 198, which reads that 'a person must not, on polling day ... distribute any advertisement, "how to vote" card, hand bill, pamphlet, poster or notice containing any electoral matter'. 'Electoral matter' itself is defined extraordinarily broadly in section 4 of the Electoral Act and I would personally argue that would include honourable members' business cards. That is the extent of the restriction of electoral activity on polling day as it currently stands and as I read the act.

**Mr DEAN** - I will take it up, minister, because some of the issues there seem quite absurd to me and there needs to be some review in relation to it.

**Mr WIGHTMAN** - I am happy to talk to you about that, honourable member.

**CHAIR** - Moving on from elections to output group 7 and it is in relation to the supervision of poppy and hemp crops.

## **Output group 7**

### **Other services**

#### **7.1 Supervision of poppy and hemp crops -**

**Mr DEAN** - Minister, my first question relates to the fact that the poppy control board is now being funded by the industry as of this year, the new financial year. However, I have noticed that there still remains in the budget a small amount of money, I think \$30 000, this financial year we are coming into and the following financial year, so what is that for if the industry is financing the poppy control board?

**Mr WIGHTMAN** - The decision of the government was to fund \$650 000 to the poppy control board and that just left \$50 000 in there.

**Mr DEAN** - So the industry is not going to pick up the total funding of the poppy control board, is that what -

**Mr WIGHTMAN** - Yes, they will.

[1.15 p.m.]

**Mr STEVENS** - As a general way, the money is distributed through the appropriation process. The overhead cost for corporate services is divided between the various output groups. It is not actually paid by the output groups, if you like, it is paid to the corporate services. Because we do not have a corporate service appropriation amount in the budget itself, it gets divvied up between the various outputs so that is that part. Even though they do not actually pay whatever the money to corporate services, it is money that is paid for corporate services people. That part of it is what actually appears in that process and obviously at some point we will have to revise that so the corporate service overhead is distributed amongst the remaining outputs but for the forward estimates process, it is as it has been.

**Mr DEAN** - Minister, my next question relates to the draft framework of the levy. You told us last year that that was to go out to all stakeholders and it would be going out within about four months, I think, of the estimates process of last year. Did it go out to all stakeholders, which would include, in my view, all growers because I have heard some say that they have not seen it?

**Mr WIGHTMAN** - That sounds like a loaded question.

**Mr DEAN** - No, it is not.

**Mr WIGHTMAN** - In that you must have some growers who have said they did not receive it.

**Mr DEAN** - I have information that some guy did not receive any of it. I can refer to it in the last *Hansard* where you said it would go out to all stakeholders.

**Mr WIGHTMAN** - It went out to the representative groups, Mr Dean. When we were looking at the Poppy Board funding model, it went out to those who were in representative groups of the industry, such as the growers' representative group whom I have met on a number of occasions.

**Mr DEAN** - A number of growers have not been involved and they are pretty disappointed in some of that.

**Mr WIGHTMAN** - But they do have two representative bodies, if they wish to express a view.

**Mr DEAN** - The next question relates to the cost - and I am taking it from the tables. There will be a cost to each grower to fund the Poppy Advisory Board and that has been calculated, I think, at so much per hectare of growth. My issue is that this year there is expected to be a much higher hectareage grown in this state.

**Mr WIGHTMAN** - Yes, a higher yield.

## UNCORRECTED PROOF ISSUE

**Mr DEAN** - One would think that the higher that is, the lower the rate would be; is that not the position, or what is the cost to a grower? I think it is about \$30 a hectare.

**Mr WIGHTMAN** - The process is that we will levy the three manufacturers and then they will make the decision about either passing on the cost. We will do it with the three growers and then they will make that call.

**Mr DEAN** - I was wondering how it was going to be done, but it comes from the industry. My next question relates to the board and I think you have said in your introduction that there would be two fewer members on the board, is that right?

**Mr WIGHTMAN** - Yes, I believe I did say that. That is not the board specifically, they were field work officers.

**Mr DEAN** - My question was going to be, and once again in *Hansard* of last year you did say that there would need to be, or there should be, a revision of the numbers in the board. Was there, and is there, going to be reduction in the board?

**Mr WIGHTMAN** - I committed to the growers in particular that there would be a review of the functions of the board and there certainly will be. In talking to them about the new funding model, I did speak to them at the time about how we would have in place a review of the functions of the board because there was some belief from the representative body that it needed to be looked at and I committed to them at that time that that would be done. That is where we are at with that matter. We will look at a new funding model but we will review the functions of the board.

**Mr DEAN** - When is that being done, when is it expected to be completed and what stage is it at?

**Mr WIGHTMAN** - Looking at the new model, it will happen in the next few weeks. I will receive some advice within the next few weeks. I am not trying to be coy; I just haven't had that advice yet, but it is not far away.

**Mr DEAN** - How many inspectors do we currently have in the system? It is on that list you gave us.

**Mr WIGHTMAN** - The one I tabled.

**Mr DEAN** - The board has

**Mr WILLIAMS** - There is a distinction between the board that sits as a strategic body and the employees of the board who are actually employees of the department, who are the inspectors. There are five inspectors - I think there are actually now four inspectors and one administrative assistant, who are actually paid for.

**Mr DEAN** - Madam Chair, I had other questions in that area but I will go away because I know you are watching the time so I will probably leave it open. Just one other question to conclude and it is to do with the hemp situation and the hemp industry in this state. Where is it at? What are you doing there? Does it look like we will get an industry? There will be more growers?

## UNCORRECTED PROOF ISSUE

**Mr WIGHTMAN** - With regard to hemp, your question should be directed to the Minister for Health in this matter, or Primary Industries.

**Mr DEAN** - I wondered because if it comes under this -

**Mr WIGHTMAN** - I have poppies under my role as Attorney-General, but if you are looking at a new crop coming in, and one you might call a restricted crop, you really would need to be asking the Minister for Primary Industries and/or the Minister for Health. There is no control function set up for a hemp industry in Tasmania; so unlike the poppy industry where I have oversight of that board, I do not have oversight of a hemp board.

**Mr DEAN** - So your responsibility for hemp at this stage is none; is that what you are saying?

**CHAIR** - There are no supervision requirements.

**Mr WIGHTMAN** - No supervision requirements. If you wanted to talk to Minister Green or Mr O'Byrne about that, that would be the place to go because as I said with poppies I have a supervisory role.

**Mr DEAN** - Thank you.

**Dr GOODWIN** - I think I am right, but just to clarify the new funding model - it is just the manufacturers who pay and then they recover it if they wish to from the growers?

**Mr WIGHTMAN** - Yes, correct, if they choose to pass it on.

**CHAIR** - Thank you, minister. That completes division 6 in relation to what we have been dealing with this morning. It will be 2.30 p.m. before we return and we have taken the liberty of calling the people who were coming at 2 o'clock that we were going to be half an hour behind time. Thank you very much gentlemen and Denise for your time. I expect Denise will be back after lunch, but maybe not Robert and Michael. Thank you. We will suspend.

**The committee suspended from 1.23 p.m. to 2.30 p.m.**