**Wednesday 27 June 2018 - Estimates Committee B (Archer)**

**LEGISLATIVE COUNCIL**

**ESTIMATES COMMITTEE B**

**Wednesday 27 June 2018**

**MEMBERS**

Mr Armstrong

Ms Armitage

Mr Dean

Mr Farrell

Ms Howlett

Ms Rattray (Chair)

Ms Siejka

**IN ATTENDANCE**

**Hon Elise Archer MP,** Attorney-General, Minister for Justice, Minister for Corrections, Minister for Arts, Minister for the Environment

**Ministerial Office**

**Ella Woods-Joyce**, Chief of Staff

**John Whittington**, Secretary

**Wes Ford**, Deputy Secretary

**Louise Wilson**, General Manager, Natural & Cultural Heritage

**Deidre Wilson**, Deputy Secretary Corporate, Heritage and Lands

**Justice**

**Kathrine Morgan-Wicks**, Secretary, Department of Justice

**Nick Evans**, Deputy Secretary, Department of Justice

**Kristy Bourne**, Deputy Secretary, Department of Justice

**Gavin Wailes**, Acting Director Finance, Department of Justice

**Julia Hickey**, Manager, Office of the Secretary, Department of Justice

**Jim Connolly**, Registrar, Supreme Court of Tasmania

**Penelope Ikedife**, Administrator, Magistrates Court of Tasmania

**Ann Owen**, Registrar, Births, Deaths and Marriages

**Catherine Edwards**, Manager, Victim Support Services

**Susanne Winters**, Acting Director, Legal Aid Commission of Tasmania

**Jarrod Bryan**, Acting Registrar, Guardianship and Adminisrration Board

**Kim Barker**, Public Guardian

**Vanessa Fenton**, Registrar, Mental Health Tribunal

**Sarah Bolt**, Anti-Discrimination Commissioner

**Andrew Hawkey**, Electoral Commissioner

**Michael Varney**, Director, Crown Law

**Brooke Craven**, Director, Strategic Legislation and Policy

**Wayne Johnson**, Director, Monetary Penalties Enforcemenet Services

**Amber Mignot**, Project Director, Royal Commission Response Unit

**Daryl Coates SC**, Director of Public Prosecutions

**Richard Bingham**, Chief Executive Officer, Integrity Commission

**Richard Connock**, Ombudsman

**Corrections**

**Nick Evans**, Deputy Secretary, Department of Justice

**Ian Thomas**, Director of Prisons Designate, Tasmania Prison Service, Department of Justice

**Neale Buchanan**, Director, Community Corrections, Department of Justice

**Julia Hickey**, Manager, Office of the Secretary, Department of Justice

**Climate Change**

**David Nicholson**, Deputy Secretary (Policy) DPAC

**Sophie Muller**, Director, Tasmanian Climate Change Office

**Arts**

**Kim Evans**, Secretary

**Jacqui Allen**, Deputy Secretary

**David Sudmalis**, Director Arts Tasmania

**Janet Carding**, Director Tasmanian Museum and Art Gallery

**Alex Sangston**, Executive Manager Screen

**Amanda Russell**, Deputy Secretary, Business Services

**The committee met at 8.57 a.m.**

**DIVISION 5**

(Department of Justice)

**1.1 Supreme Court Services -**

**CHAIR** (Ms Rattray) - Good morning, everyone and I welcome you, Attorney‑General, and your team here for the entire day.  You have an extensive area of portfolio responsibilities and all are very important - Justice, Corrections, Environment, and Arts, and they also include the Integrity Commission, the DPP and the Ombudsman.  We know you will have a myriad of information to share with the committee.  I invite you to give a brief overview.

**Ms ARCHER** - As I said informally before the start of the committee, I will give a brief overview which touches on a bit of Corrections but that is where there is only some slight cross-over, but then when we get to that portfolio area this afternoon, I will do another summary in relation to that portfolio, which is quite separate and distinct in a number of ways.

It is an honour and a privilege to appear before this committee as Attorney‑General and Minister for Justice.  I am proud to progress this Government's agenda in this regard.  We have had a significant agenda over the last 12 months in justice reform and I am looking forward to the further opportunities that lie ahead in this area.

I particularly want to acknowledge the dedication and vision of the former attorney‑general, the late Dr Vanessa Goodwin, in this portfolio area, as you are all very well aware of the work and the significant amount of dedication and time she put into these portfolio areas.  Her legacy is significant and I am honoured to continue a lot of the work that she started in a number of different areas.

The Justice portfolio is diverse and includes the courts, various tribunals, legislative reform and policy development, Crown Law, Births, Deaths and Marriages, the Monetary Penalties Enforcement Service and a number of independent agencies, which we will examine later as foreshadowed.  This is challenging work across a range of complex issues and I acknowledge the professionalism and dedication of the people working in all of these areas.  I particularly thank all of the Department of Justice employees for their dedication and professionalism.

Access to justice is a priority for this Government and I am pleased that the state Budget supports a number of key initiatives in this portfolio.  We have had a significant budget allocation for a number of different initiatives.

To that end, $15 million has been allocated over four years from 2019‑20 to upgrade the Burnie Magistrates and Supreme Court complex.  Not only will this enable both courts to continue to operate over the long term in Burnie, it will also improve safety and amenity generally as well as improve disability access and ensure the building is fit for purpose.

As previously announced, the Tasmanian Government has agreed to participate in the Australian Government's national redress scheme for institutional child sexual abuse.  This national scheme will operate for a period of 10 years, from 1 July this year to 30 June 2028.  The assessment of Tasmanian applications will be expected to be done early next year and I can detail this in the output; they can begin that process immediately on 1 July this year.  The department has been provided with funding for $70 million for compensation and administrative costs over the 10‑year life of the scheme.  This Budget deals with the initial expected amount of $40 million over the immediate forward Estimates, but as I have just said, the life of the scheme runs for 10 years.  Survivors will be eligible for payments of up to $150 000 as well as a substantial contribution toward counselling plus other associated support services.  I have also instructed my department to take the necessary steps to commence the Limitation Amendment Act from 1 July this year, being the date that the national redress scheme will commence.

We have a heavy legislative agenda and a lot of work is already underway.  The Department of Justice continues to work hard behind the scenes to progress a number of legislative reforms for the parliament to consider.  We always have a heavy legislative agenda in Justice and this term is no different.  Some of the priorities include:  legislation to ensure that violent offenders engaging in one‑punch incidents that cause the death of another will always be criminally responsible for the consequences of their actions; creating a new offence of persistent family violence; legislating for mandatory sentences of imprisonment for serious sexual offences against children and for serious assaults on frontline workers; reforming bail laws; and the prosecution of cyber bullies.  That is not an exhaustive list but is only a few examples.

There is funding of $4.3 million per annum for alternative sentencing options as part of the Government's commitment to progressively phase out the use of suspended sentences.  This funding will enable the department to develop and implement new sentencing options for offenders, in addition to new reintegration education and therapeutic support services to offenders and prisoners to reduce their chances of reoffending in the future.

Funding of $789 000 per annum has been provided as part of the Government's policy to remove police from court duties in Launceston, something that has attracted some attention.  It is incredibly important work that has been undertaken there.

**CHAIR** - Only about 10 years' worth of attention.

**Mr DEAN -** Eighteen years.

**CHAIR** - But it is appreciated.

**Ms ARCHER** - We can go into that.  The funding will meet the cost of additional correctional officers, who will assume the responsibility of court security and prisoner transport in the Launceston Supreme Court, and associated prisoner transport and security costs.

An allocation of $2.5 million in the 2018-19 year has been made to continue with the preparation of detailed requirements for the redevelopment of the department's key Justice ICT system, to be known as Justice Connect.  Further funding from the Digital Transformation Priority Expenditure Program will be provided in future years as the project progresses.

In the important area of family violence, this year's Budget includes an allocation of an additional $1.5 million over two years for Safe at Home - I will shorten it to Safe at Home; there is a long title - for which the Department of Justice received $534 000 to provide an additional court support and liaison officer for the south, administration staff for the Safe at Home Coordination Unit, and the Safe at Home legal practitioner for the north-west of the state.

I thank the department staff for their continued dedication and work on all of these important projects.

**CHAIR** - We are pleased to receive that information and we will be going into those areas in more detail as we go through the output groups.  I will invite Ms Siejka to commence the questioning.

**Ms SIEJKA** - I am interested in Supreme Court judges.  What was the backlog of cases at the time when you decided to fund the extra judge and what is the backlog now?

**Ms ARCHER** - In relation to backlogs generally, we are committed as a government to ensuring that everyone has access to justice and that we have effective criminal and civil justice systems which litigants are able to finalise within the court proceedings.  It should be noted in relation to backlogs - we are talking about the age of pending case loads - that Tasmania is in the mid range by national comparison.  We are below both New South Wales and Victoria.  The backlog figures, by age of case, can also be distorted by the unique preliminary proceedings we have in Tasmania.  We transfer cases to the Supreme Court earlier than interstate jurisdictions.  That elongates the age of the matter.  In systems like Victoria they have county courts and different processes than we do.  State by state it can vary.  Nevertheless, we always acknowledge that more can be done in relation to backlogs.  That is why we put on acting judges and that has been a court strategy adopted by the Chief Justice.

I don't interfere in those operational decisions of the Chief Justice.  I enjoy regular meetings with him and I appreciate his time to discuss these issues.  We work together where we can in relation to this, but strategies are a matter for the Chief Justice.  I can go through his strategies for addressing the backlog.  He has allocated additional judicial time to reduce the backlog of criminal cases.  We don't have a figure for backlog of civil cases.  If we deal with last financial year, 2016‑17, the total of pending caseloads was 448, which was at 100 per cent.

**Ms SIEJKA** - That was at 100 per cent?

**Ms ARCHER** - Yes.  I am referring to my secretary to interpret the table.  So, pending for a greater than 12 months is 130, so that is 29 per cent, and pending greater than 24 months, is 40.  That is 9 per cent as the total load.

In terms of civil for that same time in the financial year, 807 is the caseload, so the total amount of greater than 12 months pending is 213 or 26 per cent.  Pending greater than 24 months is 79 at 10 per cent of total load.

To manage the court backlog, the Chief Justice has allocated additional duties and time.  This is not easy because the court operates on set times.

**Ms SIEJKA** - What sort of backlog is there now?

**Ms ARCHER** - As of this financial year?  Our figures only take us up to last financial year.

**Ms SIEJKA** - There is not an at-this-point-in-time figure?

**Ms ARCHER** - At this stage, it would only be anecdotal.  If you are particularly interested in that figure, we could do out best, but cases are being filed every day.  It is fairly fluid in that regard.

We have a figure as at 31 March this year.  The number of pending criminal cases has increased further to 495.  The additional judicial time to reduce criminal backlog so we are also adopting more active case management focusing on older cases, for obvious reasons, and considering a review of jurisdictional boundaries between court levels.

The five acting judges were appointed in February 2017 for a period of two years; decisions required in both trials and appeals.  The availability of acting judges allows the court to respond to fluctuations in court flow in a flexible and cost-effective manner.

They have presided in both criminal and civil trials as well as in appeal sittings, and numerous criminal plea sentencing and bail matters.  I know they also are greatly appreciated in small jurisdictions should conflicts arise for any judges so we can insert some acting judges in that process, some coming from other jurisdictions interstate so that avoids any problems there.

**Ms SIEJKA** - Has there been any consideration at this point for appointing an extra judge?

**Ms ARCHER** - Currently we have six judges, including the Chief Justice.  They have been operating with six judges since 1998 and we are not currently considering the appointment of a seventh judge.

As you will appreciate, the caseload fluctuates, action has already been undertaken to address a range of issues affecting the court's business, and also the caseload and backlog.  I continue to work constructively with the Chief Justice to address timeliness issues in the Tasmanian judicial system.  I have every confidence the measures he has adopted will tackle that backlog issue.  It has the cooperation of the DPP and Legal Aid Commission, which we have funded additionally to deal with the additional workload that the extra hearing times have caused.

**Ms SIEJKA** - Is there a time frame it is expected the backlog will be managed by?

**CHAIR** - I would suggest no by the projections in the budget paper.

**Ms ARCHER** - It is probably a question the Chief Justice would be better able to answer but it is hoped this will make a significant dent in the backlog issue.  We will continue to assess and look at the issue of the backlog and how our acting judges have assisted with the process.  Already they have assisted greatly alongside case management initiatives in relation to addressing the higher number of bail applications, pre-trial directions hearings and remand date procedures.

These sorts of things cause much of the backlog in our system and those additional resources, from having acting judges, have greatly helped in that regard.  That initiative is going a long way to addressing that backlog and at the moment the blitz period, if you like, is this mid-year winter period.  This is when the high intensity additional caseload is occurring.  I will have a look at that and assess how that has gone afterwards but in conversation with the Chief Justice - and I enjoy a good dialogue with the Chief Justice - it is a matter for him and I would not like to interfere in that process other than work cooperatively with him.

**CHAIR** - Before I move to Mr Dean, I have a supplementary on the figures.

**Ms ARMITAGE** - On the figures you have on the pending cases, how many of those pending cases are people remanded in custody?

**Ms ARCHER** - I will try to get the remand figures up for you.  Okay, I think Mr Evans can answer that.

**Mr EVANS** - This will not be all people from the Supreme Court, in fact the majority will be Magistrates Court matters, more than likely.

**Ms ARMITAGE** - That is right.  It is just we have the amount of how many are pending and I wondered how many of those people are remanded while their cases are pending?

**Ms ARCHER** - We might not be able to separate the Supreme Court from Magistrates Court.  We would only be able to provide remandee figures.

**Mr EVANS** - There are 175 people remanded today.  As the Attorney-General said, we would have to do a bit more work and it is in fact quite difficult to split out the Magistrates Court and the Supreme Court figures and some may also be in both.

**Ms ARCHER** - Yes, that is a very good point because often there are multiple charges.  The challenge for us in this area is that no one case is the same and keeping the statistics is difficult.

**Ms ARMITAGE** - I appreciate that, but some cases have been pending for greater than 24 months but when someone at the end of the day is found innocent and has been remanded in custody, that is a civil liberty issue as well.

**Ms ARCHER** - Judges always take that into consideration on sentencing, I believe, and again, that is a matter for the judge or the magistrate but they do take that into consideration.

**Ms ARMITAGE** - But it does come down to the court or a jury for a decision as to guilt or innocence.  This is a question I ask every year.

**Mr DEAN** - So currently we have 495 criminal cases on the books.

**Ms ARCHER** - As at 31 March, yes.

**Mr DEAN** - During the Estimates last year, to take Mr Groom's answer, we had 465 cases on hand so there has been an increase of 30 cases.  We were also told last year that with the employment of these five extra judges on a part-time basis, we would see that list dropping so I ask the question:  with the increase, just what has been going on?

**Ms ARCHER** - On the causes of the backlog, it is important to know many factors contribute to court backlogs, some of which are beyond the court's control.  They include an increase in case lodgements so there is an increase -

**Mr DEAN** - Sorry, that brings me to another question and you might be able to answer it at the same time.  I asked questions last year around the extra staff who would be needed to support these extra judges.  We were given the answer then that one extra permanent position had been catered for within the Supreme Court system.  The preparation of cases was also raised and we were told that would not create any issues, we would be ready to proceed.

**Ms ARCHER** - Mr Dean, if I go through the causes of the backlog and I might then call the Registrar of the Supreme Court to explain the support provided in terms of staffing for acting judges, if that would help.  So, as I said, an increase in case lodgements, the availability of witnesses, the availability of Crown resources to prepare cases for trial, the availability of prosecution and defence counsel.  The pool of senior lawyers who practice in criminal law in the Supreme Court other than Legal Aid lawyers has diminished over recent years, I am told.  It was always a smaller pool in any event, and I believe it has decreased even more.  Of course when we appoint new judges and magistrates, we lose senior people from that pool again.

Trial listings need to accommodate the availability of counsel.  The availability of Legal Aid funding to the private defence Bar can also restrict the ability of counsel to prepare matters for trial.  Legal Aid funding, as you are all aware, is not unlimited and the funds need to be managed in a cost-effective manner.

**CHAIR** - But they did receive additional funding in last year's budget to address the backlog.

**Ms ARCHER** - Yes, they did.

**CHAIR** - As well as the DPP's office?

**Ms ARCHER** - As well as the DPP's, yes.

**CHAIR** - So effectively it did not work?

**Ms ARCHER** - No, I would not say it has not worked.  I am attempting to demonstrate that there is no one cause of a backlog in accumulation - all of these together have created an increase in cases. I was also about to say that there are longer and more complex criminal trials.

If you think of a case that relies on a lot of technical evidence - computer evidence, bank transactions and those sorts of things - traditionally those cases go on for months so that significantly impacts the courts.  There is also a greater reliance by the Crown on coincidence and tendency evidence, resulting in lengthy disputes as to the admissibility of such evidence so more matters are being argued in that regard in terms of evidence.  There is also an increased amount of surveillance device evidence and forensic accountant analysis of financial records, which is what I referred to before.  Evidentiary rules relating to consent in sexual offence matters with the requirement to seek leave to cross examine on certain issues again will elongate a trial.

More applications are made during the course of trial.  For example, applications to have a witness declared unfavourable and also the introduction of special hearings to prove accord evidence of witnesses declared as special witnesses under the Evidence Children's Special Witnesses Act 2001 and applications for children to give evidence in court in some cases rather than remotely from the protected witness room.

There has also been an increase in miscellaneous applications in some areas so, for example, the number of bail applications has increased significantly.  That is a large part of why the Government has an agenda for bail reform as well to have a statutory framework around bail applications.  All those impact on the number of cases and the caseload we have before the court.

I might get Mr Connolly, the Registrar of the Supreme Court, to address the issue of the support provided to acting judges.

**Mr DEAN** - My question is still:  what value have we had from the five extra part-time judges with the extra moneys we have had to pay with the backlog increasing?  Back in November last year, the Chief Justice came out punching in relation to the backlog, saying he was ordering a blitz on that backlog and there would be a decrease in that backlog.  That has not happened.

**Ms ARCHER** - The blitz is occurring, Mr Dean.

**Mr DEAN** - It might be occurring, but this was stated in November last year.  It is now into June this year.  One might have thought we would have seen some inroads into it, but we are not.  We are seeing a blowout.

**Ms ARCHER** - Can I just explain -

**Mr DEAN** - I want an explanation.

**Ms ARCHER** - Yes.  Before I go to any sort of resourcing questions, there are many policy matters there.  The Chief Justice has not been able to address these things overnight.  He has had to consult with the profession relating to when would be the best time for the blitz to occur.

It is not easy within the diaries of all practitioners involved to have a blitz, not least, of all the judges and that sort of thing, so a blitz is occurring outside the normal court days and times.  We know when we are trying to list extra sitting days for parliament, it is not easy.  It is even more difficult in the court system, which runs with fairly intense sittings as it is.

**Mr DEAN** - It relies on so many others areas - the lawyers, the DPP.

**Ms ARCHER** - Absolutely.  That is why the acting judges were brought in.  There is still a significant backlog.  There are two blitzes - in Launceston in September 2017, two judges conducted a concentrated trial period sitting continuously in the Criminal Court for a five-week period to intensively manage and progress criminal matters in that region.  A similar concentrated trial period has been undertaken in Hobart over continuous - will be, because it is continuing - an 11-week period between April and July this year.  We are currently in June and that is what I was referring to particularly in relation to the Hobart jurisdiction and how that blitz period will impact on that significant backlog.

I do not want to leave that question unanswered in terms of support, but I am in your hands.

**Mr DEAN** - Maybe I could just add to the question then.  It is very obvious the new incoming cases are outdoing, by far, the cases that are concluded and completed.  Is that not a -

**Ms ARCHER** - I would have to look at what the total would be at the end of this financial year to compare it with last financial year's total.  As I said, I remain hopeful this blitz period in the Hobart court will have an impact.  We are constantly also looking at legislative reform in relation to creating efficiencies.  I had a good dialogue with the Director of Public Prosecutions in relation to what might make or streamline processes.

What I have demonstrated particularly are our changes relating to the giving of evidence by child witnesses.  I do not resile from the fact at all that those were incredibly valuable and necessary to protect the most vulnerable witnesses - arguably the most vulnerable witnesses, our children - and have contributed to the backlog as well.  We are going on age and it does lengthen a trial when we need to take evidence from a child witness.  Arguably that might impact further with lifting the limitation on child sexual abuse cases.  If those who do not wish to go down the redress scheme avenue, but wish to take civil proceedings for damages as well, all those evidentiary matters could actually lengthen those sorts of trials.  I do not resile from the fact that those changes to the legislation were necessary.

**CHAIR** - Can we have the answer to the resource question?  Then I have a supplementary question about the acting judges, and then I will come back to Mr Dean.

**Mr DEAN** - I just want to add to that line of questioning.  First we were told that with the technology that can now be used we would see more pleas of guilty through the courts.  When answering that question, maybe that could be addressed as well.  It is reasonable to assume that with all these extra police coming into the organisations, we could expect more cases than are now coming into the court, because crime is being committed and we know that many are not being caught.  One can assume with the extra police that extra matters will come into the courts.  Aren't we reaching the stage where there has to be some changes in strategy and some strong action taken to get on top of this?

**Ms ARCHER** - That is what our Justice Connect and other ICT programs are aiming to tackle.  Perhaps if we go to Mr Connolly on staffing support for acting judges around that issue and also perhaps any technological advancement in the court.

**Mr CONNOLLY** - In relation to the support staff for acting judges, which Mr Dean was asking about before, last year we were provided with funding, along with Legal Aid and the DPP as you mentioned.  Support funding was for an associate for the acting judges, extra funding for an attendant as well as an associate and transcribers who are needed with extra judges sitting, so there are all these add-on costs that occur.  From memory, I think last year something in the nature of about $270 000 was provided.

To answer the other issue the Attorney‑General mentioned, about the other support we provide for judges to perform their duties is in the nature of IT.  We have recently upgraded the Criminal Case Management System in the Supreme Court to give us better management data to be able to monitor fluctuations in the caseload, and to get the statistics that Mr Dean has often asked for about who is in our caseload, how many may be pleading guilty and how many trials are proceeding, and that sort of thing.  I am pleased to say we are in a better position to answer those questions.

The larger issue of the backlog itself is a very vexed issue.  As the Attorney‑General mentioned, so many different causes contribute to it that we can't put our finger exactly on a single cause and say, 'We need to fix that' - it is a far more complex question than that.

Unfortunately, the reality is that the backlog has increased since I sat at this table last year.  I could put the question in the reverse and say that if we did not have five acting judges, we would be in a much worse position than we are now.  They have been able to assist us in maintaining the throughput of cases in the court, but unfortunately have not been able to drive the backlog figure down.

Whether that is due to each trial or plea as a unit of work being more complex and taking a longer time, I think that is a big part of the situation.  We can't identify the single cause, but over the last 12 to 18 months the Chief Justice has implemented quite a wide number of strategies to address this issue.  He continues to consider ways to do that in consultation with the judges.  That is the situation we are in at the moment.

**Mr DEAN -** What is the number of new cases that have come into the court since the last Estimates period, in the last 12-month period, and the number of new cases coming in and the number of cases completed in that same period of time?

**Ms ARCHER** - We only have figures for the financial year, and obviously we have not completed the current financial year.  I don't know if Mr Connolly has any figures he might be able to assist with.  I am quite happy to go to Mr Connolly if he can shed any light on that.

**Mr DEAN -** And what are the projections over the next 12 months for the -

**Ms ARCHER -** I am not sure if Mr Connolly can give the projections, but he can do his best.

**Mr CONNOLLY** - As far as lodgements coming into the court's caseload, they have increased from the last financial year.  They increased by 14 per cent, from 449 to 512 matters committed to the Supreme Court.

**Mr DEAN** - New cases?

**Mr CONNOLLY** - Yes.  That amounts to a 14 per cent increase.  Interestingly, of that increase, there is a significant increase in the number of illicit drug trafficking cases.  They increased from 58 cases to 94 in that year.  Sometimes these figures can be a bit misleading, but that is an increase of 62 per cent on drugs only.  In the year to the end of May this year, we had received 523 cases, with still three months to run in the current financial year.  Our projection on that is we will land somewhere around 570 cases in total for the year.  That will be an 11 per cent increase on the previous year.

We have more coming in.  They are quite complex matters so as a unit of work they take longer to deal with, and there are all these other factors.  As far as the projections go, with more police officers funded in the Budget, no doubt some of those will be engaged in apprehending criminals.  Others will be doing other roles.  We would expect that there will be a further increase.

**Ms ARCHER** - Mr Dean, I will add to that to give you an idea of the additional criminal sittings.  Each Friday, through trial sittings in Hobart, a third criminal court sits to deal with pleas of guilty, directions hearings, preliminary proceedings, orders and bail applications.  Trial sittings were increased from four weeks to five weeks to enable more trials to be conducted.  That wasn't able to be sustained because it didn't leave sufficient time for the Crown to prepare for subsequent trials and appeals.  I have already gone through the two blitz periods.

There is no easy solution, even when you have additional judges like five acting judges, when there are only so many hours in the day that a court can sit.  We have this increase in crime due to a number of different factors, none of which we are all experts on.  I stress that Tasmania is not alone - this is a national trend.  This is not as a result of any one thing we have all done as a community or the Government has done.  It is something we are experiencing across the country.

**CHAIR** - Would you consider that harsher penalties would be a deterrent if we continue to see these increases?

**Ms ARCHER** - Again, it takes a number of different things.  From a government policy perspective, we have a strong agenda on mandatory minimums.  That is in response to community expectations.  It is one way of deterring individuals from committing crimes.  It is not one of those things where any one thing is a solution to any one particular problem.  One aspect of sentencing is deterrence and a number of other factors a court will take into account upon sentencing.  One of the important factors a judge or magistrate needs to consider is whether there is a general deterrent in the community from committing similar crimes.

There needs to be specific deterrents as well to deter particular individuals from committing that type of offence.  Then there is a whole range of other factors.  Yes, we take a strong stance on deterrence.

**Ms ARMITAGE** - A follow-up question on the sentencing and deterrence, you mentioned mandatory sentencing.  When it comes to the Chamber, I tend to take those on their merit.  Many people in legal circles seem to feel that mandatory sentencing increases the number of people in the courts because who will plead guilty when they know they are automatically going to jail?  Do you see that mandatory sentencing increases the number in the courts?  Some of them may have taken an early plea and hope for a suspended sentence.  With the mandatory sentence the defendant will automatically go to jail, so why would you plead?

**Ms ARCHER** - They won't automatically go to jail if -

**Ms ARMITAGE** - It is mandatory jail.

**Ms ARCHER** - there are extenuating circumstances.  As I said, there is never one factor alone that either causes someone to commit crime or deters.  There is a range of reasons as to how a trial progresses as well as whether somebody enters a plea of guilty.  We don't resile from being tough on crime.  There should be a strong deterrence factor in our community for committing a crime.

There needs to be a strong stance to say that we have zero tolerance for those who commit serious sexual offences against our children, for example.  It needs to be an appropriate tool and we believe we have the right balance.  I will get a list of the four serious offences we are talking about with child sexual abuse in relation to mandatory sentencing.  We are talking about serious cases.

**Ms ARMITAGE** - I wasn't referring to that one.

**Ms ARCHER** - It is an example.  I am using that example to demonstrate the need is not out of step with community expectations.

**Ms ARMITAGE** - That is rather an emotive one.  I was thinking of some of the others that had been raised.

**Ms ARCHER** - Well, some of the others relate to protecting off-duty police officers.  At the moment we have mandatory minimum penalties for those who assault our police officers while they are on duty.  In a small jurisdiction like ours there is no secret who our police officers are and if someone is targeted by reason of their work while they are off duty, they should be afforded the same protection.  So we have an awful anomaly there we want to fix and we want to see that one through.

Mandatory penalties for those who assault our frontline workers in my area, Corrections officers.  Corrections officers have an incredibly difficult job to perform in difficult circumstances and they should be protected from assault while they carry out their duties.

There needs to be a strong message on those types of offences:  we have zero tolerance for anyone who assaults people working on the front line to protect our community.

**Ms ARMITAGE** - I understand that.  It is just that many in legal circles believe the justice system or the judges are the people who should make those decisions.

**Ms ARCHER** - Well, the judges still make the decision.  What the Legislature aims to do in those cases is set a minimum benchmark on what is acceptable in the circumstances.  I know you said it was emotive, but I think it is really important to outline, for example, with serious sexual crimes against children - we are talking about rape where the complainant is under 17, maintaining a sexual relationship with a young person in circumstances of aggravation.

**Ms ARMITAGE** - I don't have an issue. I supported that one in the Chamber.

**Ms ARCHER** - Yes, and I'm not aiming that at you in particular.  I am trying to demonstrate where a mandatory minimum penalty is something that should not be seen as highly unusual, but should be accepted as being necessary.  We are talking about sexual intercourse with a young person in circumstances of aggravation and aggravated sexual assault in circumstances of -

**Ms ARMITAGE** - With respect, Attorney-General, I am talking about the numbers in the courts and just questioning whether you think the mandatory sentencing perhaps increases the numbers in the courts with people not prepared -

**Ms ARCHER** - Well, there are a number of factors -

**CHAIR** - I have a supplementary on that, and then I will come back to acting judges.  I remind everyone that we ask questions and we receive answers.  It is not an opportunity to have a discussion.  That's for another place.

**Mr DEAN** - So my question is:  have there been any, and if there have been any, the number of mandatory sentencing matters where the law has been changed that have come before the criminal court, ever?  I don't know of any, that's why I'm asking the question.

**Ms ARCHER** - I'd have to take that on notice.

**Ms ARMITAGE** - Just a quick question on acting judges.  I notice we have five.  Did we have the same five acting judges?  Have there been any changes?  Are they on contract?

**Ms ARCHER** - Yes, that's operational so I will hand that to the Registrar, Mr Connolly, again.

**Mr CONNOLLY** - Five acting judges were appointed for a period of two years.  They were appointed in February 2017.

**Ms ARMITAGE** - How many were from interstate?

**Mr CONNOLLY** - Three of the five.

**Ms ARMITAGE** - Does that make it more difficult, the fact that they working in with their time frames?

**Mr CONNOLLY** - They were all retired or semiretired, so we just negotiate their availability.  But they can provide the benefit - for example, if all the local judges have a conflict of interest because of parties appearing before them, an interstate judge is an ideal solution to that.

**Ms ARMITAGE** - I wasn't sure whether we may have had a change, whether some of them had dropped out and come in that might have delayed the court system.

**Mr CONNOLLY** - No, it’s a fixed two-year appointment.

**CHAIR** - The KPMG report had 13 recommendations and eight observations, including one about consolidating the Burnie and Devonport court houses.  Why has the Government decided that is not an appropriate path to follow?  Is it more about one area, that Devonport or Burnie might miss out, or is it for other reasons?  I am interested to understand that.

**Ms ARCHER** - That KPMG report was considered by Cabinet in May 2017.  As you have identified, there was one recommendation that was not accepted by the Government, and that was to consolidate the Burnie and Devonport court houses.

**CHAIR** - I note in the budget papers there is a significant amount of funding for the Burnie Court Complex over the next four years.  Do you think you will change your mind and upgrade Burnie and get rid of Devonport?

**Ms ARCHER** - No, we are committed to maintaining access to the courts or justice for those in both cities of the north-west region.  The Burnie Court Complex - I am not quite sure if any of the members sitting opposite have visited it.  It is in dire need of an upgrade for reasons I identified in my opening statement, not least of all for amenities for occupational health and safety and for a raft of other reasons.  The $15 million allocated to it is highly necessary.  Devonport is a newer complex and it forms part of the Devonport City Living Project, so we made a decision to maintain both those areas.  That is why we did not accept that one recommendation, because we would like to see both Burnie and Devonport serviced.

**CHAIR** - In regard to the -

**Ms ARCHER** - Plus that will help with workload issues.

**CHAIR** - Still a number of resources sharing, I guess.

**Ms ARCHER** - Sometimes it is the availability of court houses that is an issue.  The more court houses you have, the greater number of cases you can hear for obvious practical reasons.  If we were to take away one of the complexes, that would have a significant impact on the caseload.

**CHAIR** - In light of that response, are you considering using more facilities around the state to operate courts?

**Ms ARCHER** - Not at this stage, no.  That is not built into these budget papers, but we are continuing to keep a watching brief on this, if you like.  I want to see how successful the blitz period has been in relation to tackling the backlog issue, and I continue to have an open dialogue with the Chief Justice in that regard.

**CHAIR** - Number 11 of the recommendations was to implement whole-of-court performance reporting.  Can you give me an update on where you are with that?  I am assuming that means that you are not isolating any particular area, rather you report as an entirety, if you like.

**Ms ARCHER** - Yes, that has been addressed.

**CHAIR** - I am interested in what it means.

**Ms ARCHER** - We have introduced a holistic performance management framework to identify training requirements and promote leadership and cultural change.  Within the revised structure there is now capacity to standardise processes and procedures, and further unify registries and resources.

**CHAIR** - So there was a problem with culture amongst the areas?

**Ms ARCHER** - That is one issue we also constantly look at across departments.  However, as part of staff training requirements, it is a necessary part of that, as well as promoting leadership and ensuring everybody receives the training they need and deserve, and part of that is always looking at organisation's culture.

**CHAIR** - Do we have any more questions on the Supreme Court?

**Mr DEAN** - I have a huge number of questions but I will be asking them in another forum because this is a very important area.

You've talked about the dearth of criminal court lawyers - what are you doing in relation to that?  Are you having discussions with the university?  Are you having discussions with the Tasmanian Bar?  What are you doing to try to get more lawyers into criminal work?

**Ms ARCHER** - Obviously, it is an area of criminal litigation.  Predominately I have discussions around a whole range of issues with the Tasmanian Bar; the current president is Chris Gunson SC, whom I enjoy a very good dialogue with on a number of issues.

As you have identified, on issue is that the Tasmanian Bar is doing quite a bit of work in relation to supporting junior barristers.  We have also provided some DPP resources for Crown training of lawyers.  We are bringing more up through the ranks in terms of the State Service but in relation to private practice, all I can do is have a dialogue with them.  I know a key focus is getting is getting more young practitioners into practicing criminal law.  Typically, it is attracting more females.  I have a statistic here, but not off the top of my head for fear of getting the percentage wrong, but we have a really high rate of females lawyers attracted to criminal law.  I think it's only the state side of the service under the DPP.

**Mr DEAN** - My statistics are - in the criminal jurisdiction - what is the percentage of female/male lawyers.  That's what my question is - it fits into this area in the criminal court area.

**Ms ARCHER** - I can get you that for the State Service when either we get to that output or we find it.  Quite a high proportion of females are attracted to that area.

The issue is working with private practice to encourage lawyers coming up through the ranks, and we seem to be doing that quite successfully with support.  There was a recent scholarship, funded through the Solicitors' Guarantee Fund, for a junior barrister to attend conference training and the successful recipient was a female from an Indigenous background.

We also have the Duty Lawyer Scheme which is paid for out of the Solicitors' Guarantee Fund and also funding from the commission.

**Mr DEAN** - The second question is on the pleas of guilty in the Supreme Court.  Have you taken that on notice?

**Ms ARCHER** - Yes.

**Mr DEAN** - Last year, Mr Groom did exactly the same thing.  He took that same question on notice.

**CHAIR** - It's a heads up for next year; have it ready.

**Mr DEAN** - If I can get that on notice, it would be good.

**Output group 1**

**1.2 Magistrates Court Services**

**Ms SIEJKA** - In your opening statement you talked about the budget commitment to getting police out of the courts in Launceston and the work being taken over by Tasmanian Prison Service.  What is the time frame for this recur?  Have you also considered removing police officers from the north-west courts in Burnie and Devonport?

**Ms ARCHER** - This is actually the Supreme Court.  Getting police out of courts is the Supreme Court.  I am in Madam Chair's hands in that regard.

**CHAIR** - Please answer the question.

**Ms ARCHER** - As members kindly interjected throughout the opening statement, it has taken some time to get to this point.  I know Mr Dean has a longstanding interest in this - probably longer than myself when I came on the scene with this issue with this issue as shadow minister for Police and Emergency Management, as it was then known.

We have promised this for quite a while - prior to the 2014 election - but much work has been undertaken to get us to this point.  Yes, we actively looking at it for the north-west region.  Slightly different circumstances exist for the north-west, otherwise we would have done it in one hit.  Going back to the Launceston Court, we have five fully trained Corrections officers who will be starting next week.  It will be in the *Examiner* today.  The Police Association has referred to it as babysitting criminals; I prefer to call it as overseeing defendants and it is in relation to court security and prisoner transport.

A different situation exists in the north compared to the north-west because, of course, in the north we have the Northern Reception Prison, a prison facility at which those Corrections officers can be based.  If the court is not sitting, they can be carrying out duties elsewhere.  The north-west is slightly different because we don’t have a facility in the same vein as we do in the north with the northern prison.  We will cover no doubt that at some stage today but that makes a difference to that operation as well.

In the meantime we are doing all the preparatory work necessary to ensure we get our police out of the north-west court as well.  The allocation for the Launceston is $789 000 which covers the Corrections officers who already been trained and also some capital work that needed to be done.

We are deeply committed to the north-west; it is just a different set of circumstances for practical reasons which often escape the public commentary.  Understandably we need to consider a range of issues before we put Corrections officers in courts in that region.  It is not going to have the same blueprint as it is for the north, if I can describe it that way.

**Mr DEAN** - Did you give the date it would commence in Launceston?

**Ms ARCHER** - It will be 1 July, the new financial year.  I am quite happy for the deputy secretary to respond; she knows the answers

**Ms BOURNE** - Thank you, Attorney.  I believe technically 6 July will be the official handover.  I understand that the new Corrections officers are currently shadowing the Tasmania Police officers as we speak.  Police have been very generous in their time in allowing for a well-planned transition but the technical handover date is 6 July.

**Ms ARCHER** - I take this opportunity to thank the Police Association for its continued support, albeit through a lot of lobbying, of course, but they have also been very supportive of this move over a number of years.  I also thank Tasmania Police for its work in the courts over a number of years and of course their cooperation during this transitional period.  It is not an easy thing for any service to take over but I am confident of a very smooth transition.

**Mr DEAN** - I was a member of that union.  That is where I first started lobbying and then I became a commander, and then this place.

**CHAIR** - So the moral is never give up.

**Mr DEAN** - That why I am often referred to as a little puppy dog that never gives up.

**CHAIR** - No, a terrier

**Mr DEAN** - There is a decrease in the funding here that reflects the reallocation of overheads.  What is that reallocation of overheads?

**Ms ARCHER** - I might hand that question to the secretary of the department, Ms Morgan‑Wicks.

**Ms MORGAN-WICKS** - The department each year will do a review of its overhead allocations as per outputs.  You will notice through the budget papers it will often appear as a footnote against some decreases and often some increases.  We always will review actuals because that will then help us in estimating budgets for overhead allocations in the coming financial year.  It is just a review of our overhead allocation that has been made, and that accounts for the decrease.

**Mr DEAN** - It will not have any detrimental impact on the Magistrates Court in any way?

**Ms MORGAN-WICKS** - We monitor the budget of the Magistrates Court and we do that, if not at executive level, on a monthly basis.  It is also at year's end and you will often see, for example, transfers between outputs.  We watch the appropriation but also the additional revenue collected in fines and fees et cetera that are coming through.  We monitor that to make sure they have sufficient funding to undertake their service.

**Mr DEAN** - This court is not unlike the Criminal Court or the Supreme Court with caseload backlog.  That is my next question.  Pending cases older than six months went from 30.4 per cent to 34.6 per cent in 2016-17, and the target for 2017-18 is 30 per cent.  Are you on target?  Where is it at?  If I could be given the number of actual cases as well, it would help.  We talk about percentages but it doesn't mean a lot to us, really.

**Ms ARCHER** - Yes, I am just looking through the output percentages here for the Magistrates Court.  I don't know if we can do better than the percentages.  I had percentages as well but I have just found a table -

**Mr DEAN** - Page 158 of budget paper 2, volume 1.

**Ms ARCHER** - We are talking about criminal adult lodgements.

**Mr DEAN** - Criminal jurisdiction, the first part of it.

**Ms ARCHER** - You have probably already identified this.  I will start with the percentages, then I can tell you what those figures relate to criminal lodgements.

It increased by 2.2 per cent in 2016-17.  Overall in the last five years there has been a 13.8 per cent increase.  For the figures, I can go back as far as lodgements from 2012-13.  I am not quite sure what years you are interested in, but in the 2016-17 year, it was 18 061; the year before that, 2015-16, was 17 664.

**Mr DEAN** - In 2016-17, it was how many?

**Ms ARCHER** - Eighteen thousand and sixty-one.

**Mr DEAN** - What is it this year to date?

**Ms ARCHER** - For pending caseload, we only have figures to 30 June 2017, so anything beyond that we would need to take on notice.

**Mr DEAN** - If you could because you have set a target for 2017-18 of 30 per cent, which it is a significant decrease when we look at that number.  I want to know what the actual numbers are in that regard and whether you are going to reach that target, or whether it is going to be over and what the number of currently pending cases is.  Of the 18 061 lodgements in 2016-17, what is the number of cases currently pending in the Magistrates Court older than six months, and what are the oldest cases?

**Ms ARCHER** - As at 30 June 2017, in that 2016-17 year, less than six months old was 5204.

**Mr DEAN** - Less than six months, yes.

**Ms ARCHER** - Greater than six months but less than 12 months was 1748; greater than 12 months was 1000 exactly.

**Mr DEAN** - I am not sure and that is why I need to look at some statistics to see if that figure is blowing out.

**Ms ARCHER** - There is only 2.2 per cent increase between the financial years ending 2016 and 2017.

**Mr DEAN** - So there is an increase.  What are we doing in the Magistrates Court to try to get on top of this backload?  As Magistrate Tamara Jago said the other day, and she is right, and as Michael Hodgman used to always say, justice delayed is justice denied.  It is very important.  What are you doing to relieve that backlog?

**Ms ARCHER** - The backlog issue is largely attributed to the Youth Justice Division.  I oversee the courts but Youth Justice itself doesn't come under it.

**Mr DEAN** - Sorry to cut you off, but the figures I was asking for were in the criminal jurisdiction.  I was going to get to the Youth Justice Division later.

**Ms ARCHER** - Okay.  A number of strategies are being used to deal with the demand overall.  There is continued widespread use of mediation in general civil restraint and some family violence order matters, so there is a criminal connection to that.  The appointment of Magistrate Stanton, who commenced in June 2017, brings the total to 14.8 magistrates; that filled the vacancy created 12 months earlier by the appointment of Justice Brett, who was formerly the chief magistrate.  He became a judge to the Supreme Court.  Before Magistrate Stanton's appointment, the three-month appointment of a temporary magistrate, Mr Peter Dixon, a former magistrate, occurred to assist with workload in the north.

The continuation of the Duty Lawyer Scheme in the Magistrates Court is providing legal assistance to defendants who would otherwise be unrepresented.  That is designed to assist with the efficiency of the court.  You can imagine if people are not represented, that creates inefficiencies.  In the development of new legislation designed to modernise and streamline the processes of the Magistrates Court's criminal and general division, I hope to table that later this year.  It will have a significant impact on the better operations of the court.  Also, there is the implementation of the recommendations that we have discussed in the review of the Magistrates Court carried out by KPMG, with particular reference to improving finalisations, clearance rates, attendances and backlog indicators. There is also a focus on improvements to information technology through Justice Connect, which I referred to, funded from the Government's Digital Transformation Strategy.  That is going to have a significant impact on the operations and streamlining of the Magistrates Court and how we operate our procedures.  That work, unfortunately, can't happen overnight.  It has been ongoing, but I have recently had a view of where we have got to so far and the types of information able to be kept by that system.  I hope it will streamline our processes and get these sorts of issues under control.

Again, it is not attempting any one particular thing.  We have to look at the whole of the court system.  As I also outlined earlier, Youth Justice is a division which has a heavy caseload and needs special attention.

**Ms ARMITAGE** - Is it more a lack of courts or a lack of magistrates?

**Ms ARCHER** - I don't think there is any one thing.  There can be similar reasons to those I outlined in the Supreme Court as well.  It is across practitioners' courts.  There are a number of different factors.

**Ms ARMITAGE** - Many years ago we had some rural courts.  Now we have the four - Devonport, Burnie, Launceston and Hobart - does the Government have any thought of opening or reopening some of the rural courts?

**Ms ARCHER** - Not at this stage outside of the current court process.  Listing of matters remains a matter for the Chief Magistrate when we are talking about the Magistrates Court.  We have regional locations at Queenstown, Smithton, St Helens, Scottsdale, Currie, Whitemark and Huonville.

**CHAIR** - You always know when it is court day.

**Ms ARCHER** - I could not make that judgment.

**CHAIR** - I do; I see them outside.

**Ms ARCHER** - So there are those sorts of regional sittings.  A number of years back, there was a decrease in how many of those were carried out but as I have identified, these are areas where we take justice to the people.  Again, the court listings for those remain a matter for the Chief Magistrate.

**Ms ARMITAGE** - Do we have enough magistrates to cover them adequately?

**Ms ARCHER** - It is always a watching brief but currently we have 14.8; I mentioned that figure.  It is always interesting when we have point-something, but that is because it is the full-time equivalent.  We are doing quite well with our per capita rate in that regard.  Again, as to the placement of magistrates, it is an issue for the Chief Magistrate as to where they are based.

**CHAIR** - You could provide some gentle advice, though?

**Ms ARCHER** - I have meetings with the Chief Justice and with the Chief Magistrate.  We discuss a whole range of reasons.  I certainly do not tell the Chief Magistrate what she should do but we have an open dialogue in relation to what remain challenges for the court and what improvements have occurred.  It is always nice to hear good figures when we have improvements.

**Ms ARMITAGE** - Are there staffing issues with the rural courts?  I assume that people would not be staffed there on a permanent basis?  Do part-time staff come in?

**Ms ARCHER** - It is also important to highlight that we have to look at the issue of transporting defendants if they are in custody, so it is not an easy matter of just taking a magistrate to a courtroom and opening the door.  Obviously there is all the support around that so that is working with the TPS as well.  We do not want to create more inefficiencies when attempting to create efficiencies so all those things would need to be carefully considered before we deviate.

**Ms ARMITAGE** - I probably was not thinking of the people who were remanded, more the people who may live in those areas and I was just wondering whether the court staff are part-time because they would not be staffed all the time, or would they come from one of the major centres?

**Ms ARCHER** - We do not have permanent staff at these other locations.  The clerks would travel with the magistrate so there are all sorts of on-costs that surround it in terms of travel and accommodation so sometimes you are thinking we might create efficiencies, but there are greater inefficiencies because of the cost of taking a court or opening a court.  We need to take that into consideration holistically across the budget.

**Ms HOWLETT** - Attorney-General, would you outline how the courts have been using the new sentencing option of deferred sentencing?

**Ms ARCHER** - Yes.  Deferred sentencing first occurred with amendments to the Sentencing Act 1997.  Members will recall that came into operation on 8 February 2017 and made provision for the deferring of sentencing for adult offenders.  Its introduction forms part of our reforms to provide the courts with a greater number of sentencing options, including home detention and electronic monitoring, which are provided for in the phasing out of Suspended Sentencing Act 2017 that passed this parliament on the 20 December last year.  It has not yet been proclaimed and that is why we are looking at home detention and electronic monitoring, which is very well advanced, I might say; I will cover that in a moment.

These amendments empower the court to adjourn proceedings, grant bail and defer sentencing to a date set in the order.  The maximum period a court can defer that is two years and proceedings are not finalised until the imposition of sentence after the period of deferral.  It is utilised in programs.  To use an example:  court mandated diversion.  I have attended a graduation ceremony in the court conducted by the Chief Magistrate herself when she was hearing these matters.  At the end of that program this order is dealt with at the same time if the person involved has successfully completed the program and got their life back on track.  The statistics of success in this regard are very high.  It is one of the success stories we have in relation to a fantastic program, which we have increased from 80 to 120 places to fill across the state.

I must say it is wonderful to see the success of not needing to impose that sentence at the end because people have been successful not only in getting their lives back on track, but in getting off drugs and/or alcohol and, in many cases, getting their families back as well.

Between 8 February 2017 and 21 May, 137 defendants received deferred sentence orders in the Magistrates Court.  They have been used in all regions of the state.  As at 21 May this year, 47 individuals had outstanding deferred sentences.  Most of the deferred sentences were deferred for periods of between three and six months.  The minimum deferred sentence between conviction and the imposition of sentence was one week, while the longest was two years, which as I said is the maximum.

Where sentences are deferred for a longer period, there are often multiple appearances between the date of conviction or a plea of guilty in the final sentence date.  The court must give reasons for deferring the sentence of an offender and these are set out in section 57A(2) of the act.

The reason most often given for a deferred sentence is for the defendant to demonstrate rehabilitation, which can be combined with an assessment and completion of programs or other.  Although I would like to see it utilised more often by the courts, deferred sentences are being used in relation to our alternative sentencing.  I would keep encouraging the courts to look at these alternative sentencing options.  Again, later this year when we have the option of home detention and electronic monitoring, alternative sentences are there to avoid imprisonment.  They are successful in that regard.

**Mr DEAN** - I asked this last year and I just ask it again now:  do we have any figures in relation to the family violence issues coming into the Petty Sessions for this year?  I know last year's are in the annual report, but do we have the figures for this year so far?  Unfortunately the Estimates this year are June so we are just about at the end of the year.

**Ms ARCHER** - If I could just qualify these figures because they have been flagged by the police in relation to being family violence matters.  It is not an official record keeping, but the police have advised us these are family violence matters.  That would be just to date - the 2017-18 figure is 3140 to yesterday.  In the last financial year, it was 3068.  That could also be because more are being reported.

**Mr DEAN** - That is not necessarily the numbers getting into the court, I take it, because some would be -

**Ms ARCHER** - They are the number of complaints or matters lodged in the Magistrates Court with a family violence flag.  The family violence flag would mean an aspect of the charge relates to family violence.  It might not be exclusively a charge of family violence.  There would be other things maybe and other charges.

**Mr DEAN** - It identifies with an increase, which is not good.

**Ms ARCHER** - It is not good but it can also be because of public awareness being raised about the issue and stigma being reduced in workplaces, particularly through our State Service with the White Ribbon program.  I expect there are higher numbers now because there is greater awareness.

**Mr DEAN** - I am shaking my head because you have been relying on that for the last 10 years.  Not just you, the other government as well, the previous government as well.  Ten years - there comes a time when you have got to say, well, no, there is an increase.  You are only getting the tip of the iceberg, I suggest, being reported.  I would say many still are not being reported.

**Ms ARCHER** - I suppose none of us will be able to know that for sure, Mr Dean.

**CHAIR** - We will take both those as comments and we will continue to ask for questions and answers.

**Mr DEAN** - The expenditure for the caseload in relation to the Youth Justice Division is much higher than in criminal cases and I wonder why.  I would have thought that there would not have been the same climate or the same number of services in that area.  Why do you have a difference in the caseload cost for youth?  Is there any explanation for that?  There has been a decrease here in the backlog.  That is worth noting.

**Ms ARCHER -** It is a specialised area so there is a smaller number of cases, but there are fixed costs.  The court overhead costs are still the same but there is a smaller number of cases than across the larger adult matters.

**Mr DEAN** - The cost has to be apportioned to a fewer number of cases.  The Civil Division, the cases for six months and older is 41 per cent in 2016-17, the target was 35 per cent 2017-18.  Are we on track to meeting that target?  If you look at the graph on page 158, again, there is an increase.  In the Coronial Division too.  There seems to be a blowout there as well.

**Ms ARCHER** - I am looking at the pending caseload for civil matters, and this has continued to decrease.  In 2015-16, there were 3557; in 2016 to 2017, 3477, which is a continuation of the six-year trend of decreasing civil pending caseload, reflecting the decrease in civil lodgements.

**Mr DEAN** - What is the decrease then?

**Ms ARCHER** - There is a decrease in civil lodgements.

**Mr DEAN** - Civil lodgings, I am talking about the backload.

**Ms ARCHER** - The pending case load has decreased accordingly.

**Mr DEAN** - I am taking statistics from that graph on page 158, which says 40 per cent in 2015-16 and it went out to 41 per cent in 2016-17 actual and this year; you are saying a decrease as in this year to date so far?

**Ms ARCHER** - No, the figures I was just relying on were for the last financial year.

**Mr DEAN** - Are they wrong in this?

**Ms ARCHER** - Perhaps, Mr Dean, if you identify what you are looking at there.

**Mr DEAN** - Page 158, Civil Division, pending cases older than six months:  in 2015-16 there was 40 per cent so I ask:  what is the number of cases, not a percentage?  In 2016-17, there was a minor increase on the older cases, which went out to 41 per cent.  This year the target, and that was my question, was 35 per cent.  Are you on target, to meet the 35 per cent?  Where are you?

**Ms ARCHER** - Our problem is we do not have the figures for this year because we do it in financial years.

**Mr DEAN** - If you are saying that there is a decrease, why are all these figures wrong?

**Ms ARCHER** - I do not know if the secretary can enlighten us on that figure.

**Ms MORGAN-WICKS -** It has been fairly stable between 40 per cent and 41 per cent from 2015-16 and 2016-17.  I do not have the percentages yet for 2017-18.

**Mr DEAN** - Yes, but you told us there was a decrease in pending cases older than six months.  Didn't you just say that?

**Ms ARCHER -** I did, because I am looking at figures that delve into the detail from what you have in front of you.  These are the figures I have in front of me and I can go through the civil pending case load of less than six months, between six to 12 months.

**Mr DEAN** - I am talking about older than six months.

**Ms ARCHER** - Yes, and I can go through that figure with you.  What I am saying is that the pending caseload has decreased in civil matters.  I can go through it as I did with criminal for the sake of consistency with the figures.

**Mr DEAN** - I will ask the question simply.  What are the figures telling us on page 158 of budget paper 2, where it says in 2015-16, it was 40 per cent, and in 2016-17, it was 41 per cent.  That identifies an increase of pending cases older than six months.

**Ms ARCHER** - The numbers have dropped, but the percentages have remained the same.  Again I can go through the figures which might shed some light -

**Mr DEAN** - How many cases are there?

**Ms ARCHER** - I can give you the pending caseload for the year to 30 June 2017.  I will go through as I did with the criminal cases:  less than six months old, 2052; greater than six months but less than 12 months, 994; greater than 12 months, 431.

There is a difference from the previous financial year, it is less.  In total, to 30 June 2017, it is 3477.  For the previous year ending 30 June 2016, it is 3557.  You can see the numbers are less but when we look at Output Performance table 6.3, the percentage figure is reported as being virtually the same as the previous year.  I am not a statistician, I am not sure how it works out that way.

**Mr DEAN** - I am not a statistician too, but I thought that I could work out number.  I would have thought that 40 and 41 would be obvious.

**Ms MORGAN-WICKS -** The actual physical numbers of the matters, in terms of civil pending caseload:  we have a lower amount as at 30 June 2017 in comparison to 2016.  The percentage reported in the budget papers are the two figures added up - the greater than six months but less than 12 months and over 12 months old.  It is still sitting at around that 40 per cent.  What we have is a lower number of actual matters for civil pending as at 30 June 2017.

**CHAIR -** The question is:  are you on target to have that percentage reduced by 6 per cent at the end of June this year?

**Ms ARCHER** - It is certainly reducing, but as to reaching the target, I am being told we would have to take that on notice.

**Mr DEAN** - The Coroners Court, once again, Attorney-General.  Pending cases older than 12 months.  There was a significant increase from 2015-16 to 2016-17.  The target for this year is 30 per cent.  Have we decreased the number of pending cases older than 12 months?

**Ms ARCHER** - The coronial caseload for the first 10 months of 2017‑18 has increased slightly.  This year to 30 April there have been 50.6 deaths per calendar month, compared to 48.2 deaths in the last financial year.

The increase in the Coronial Division's caseload for the year has been more than matched by the increase in cases finalised per month at 49.7 cases, which have been closed per month over this financial year, compared with 48.5 cases in the previous financial year.

At 30 April this year, the clearance rate of the Coronial Division was at 98.2 per cent, which is a good clearance rate.

**Mr DEAN** - It is an area of great concern to the people involved.  The older cases are troubling to people.

**CHAIR** - It is all about closure.

**Mr DEAN** - It is.  Thanks.

**1.3 Births, Deaths and Marriages -**

**CHAIR** - Nothing much changes in this area, but on behalf of the Tasmanian community we are interested to know whether there has been a big spike in marriages considering same-sex marriage is now legal in our country.  Has that increased the number of transactions in this area?

**Ms ARCHER** - While we are getting the total figure, I can give you the same‑sex marriage figure.  Registered at 25 June 2018 - very up to date - the total is 69 same-sex marriages.  Out of that, male‑male marriages are 23 and female‑female are 46, which makes up the figure of 69.

As for total marriages, the figure I can only get for that takes us up to 30 April 2018, which is 1181 marriages.  At that date, there were 60 same-sex marriages registered, so from 30 April 2018 to 25 June 2018 another nine were registered.

**CHAIR** - There is virtually no movement in the unit cost per transaction, so registration within seven days of receipt is constant and -

**Ms ARCHER** - There is no cost for registration of births, deaths or marriages.

**CHAIR** - No, but there is a percentage within seven days - that is the table we have.  We are now starting to record the registration error rate.

**Ms ARCHER** - Which is less than 2 per cent.

**CHAIR** - We will be interested in looking at that as it comes.

**Ms ARMITAGE** - It has probably been happening for some time, but we are talking about costs of marriage certificates and marriages.  This was brought to my attention some time ago.

**CHAIR** - By yourself?

**Ms ARMITAGE** - No, it wasn't. It was previous to that.  I had no wish to change my name.

It was brought to my attention that in previous marriages when people were married, they could change to their husband's name without an additional cost.  I am not sure if this is true or not, that is why I am asking the question.  I was told that currently when a couple get married, for the wife to change her name to her husband's name there is an additional cost which there wasn't previously.

In my first marriage many years ago, I could change my name and there was no extra cost.  I am told, to do that now, there is an additional cost if you wish to change your name to your husband's surname.  Is that a fact and if so, is that a money-making arrangement?

**Ms ARCHER** - I will get the secretary to introduce the appropriate officer because it is an operational question.

**Ms OWEN** - It is really down to the particular organisation's - such as the passport office or drivers licence agency - policies regarding evidence of change of name.  We don't compel someone to do it, but often they don't accept an overseas marriage certificate as evidence of change of name, and as a result, individuals come to the registry to officially register a change of name and to get a change of name certificate, which is then accepted as evidence for identity purposes.

**Ms ARMITAGE** - There is no actual cost through your agency?

**Ms OWEN** - There is to register a change of name, yes.

**Ms ARMITAGE** - There is, but there wasn't previously - is that right?

**Ms OWEN** - No, there has always been under the current legislation.

**Ms ARMITAGE** - Even for the marriage certificate?

**Ms OWEN** - There is a fee for marriage certificates and a fee to register a change of name.  Those fees have been in place since the implementation of the current legislation in 2000.

**Ms ARMITAGE** - I guess I don't know because my first marriage was before that.

**CHAIR** - I will provide some information to the member at the end of the day.  I have a full understanding of how all this works.

**Ms ARMITAGE** - You have had lots of marriages.

**CHAIR** - Not lots.

**Mr DEAN** - I just have a quick question.  I think I know the answer.  For same‑sex relationships, the registration I take it is for a wife and wife, and for a husband and husband - is that the way it is done?

**Ms ARCHER** - Yes.  That is certainly the statistical breakup I was able to give as well.

**Ms SIEJKA** - I am wondering about changes to the Births, Deaths and Marriages Registration Act and other legislation to comply with the recent changes to the Marriage Act.

**Ms ARCHER** - Obviously, since 9 December last year all Australians, regardless of their sex or gender, have the right to be married in Australia.  As a result, there were amendments to the Marriage Act 1961.  Following the changes to that act to provide for marriage equality in Australia, Births, Deaths and Marriages has made the necessary changes to local systems, forms and processes to register same-sex marriages that occur in Tasmania.

Additional resources have been made available to cope with the increased workload and to minimise processing delays.  The staff at Births, Deaths and Marriages provide information and ongoing support to stakeholders, including Service Tasmania, marriage celebrants and marrying couples.  The Government, in responding to that question, intends to make the necessary amendments to ensure that the Tasmanian legislation is consistent with the amended Commonwealth act.  One amendment that needs to be made is to section 28A(1)(c) of the Births, Deaths and Marriages Registration Act in this state.

**CHAIR** - Ann is only person who would know what that is.

**Ms ARCHER** - I can tell you.  It currently requires that a person applying for an alteration of the record of that person's sex not be married.  The amendment will remove this requirement known as 'forced divorce' as it is now legal for persons of the same sex to marry.  A significant number of consequential amendments are required to a number of Tasmanian acts to bring them into line with the Commonwealth.  Given the timing, the bill will make these amendments first.  The state and territories were given 12 months, given the enormous amount of work that needs to be done in investigating all the legislation that needs amending.  We have until 9 December this year to change our own laws to ensure they are consistent with the Commonwealth legislation.  We hope to be doing that well before that date, though.

I am aware some are calling for broader amendments to be made.  We want to deal with the first amendments first and carry out the necessary consultation, for which I have already had a number of appointments made with interested stakeholders, to put their case forward in relation to a number of subsequent amendments that might need to occur as well.

**1.4 Support and Compensation for Victims of Crime -**

**Mr ARMSTRONG** - Attorney‑General, can you tell me how many staff members are in this area?

**Ms ARCHER -** As at 27 April this year, the full-time equivalent is 13.8, a head count of 16, however.

**Mr ARMSTRONG** - Can you tell me how many claims have been made in this financial year compared to last financial year?  I think there were 371?  Could you tell me how many claims have been made this year and how many of those claims have been successful?

**Ms ARCHER** - I will just get that figure for you.  The number of claims or applications received as at June 2017 was 450 and from 1 July 2017 to 30 April 2018, the number of applications received was 268.  We are dealing with criminal injuries compensation.  I can give you the total number of awards finalised with respect to each.  With the first figure there 247 and with the period for the last financial year up to 30 April, it is 240.  We are tracking quite well in comparison to the previous year.  In relation to clearance, that is.

**CHAIR** - Attorney-General, last year I came across an issue where someone had been waiting an extended time.  Is there a time frame for when matters are settled once they lodge their claim or application?  I assume this gentleman was successful, or I would have heard from him.

**Ms ARCHER** - No, there is not a time limit, but it is a high-volume environment, as you can appreciate.  In any one year there can be approximately 400 victims of crime assistance applications.  Throughout the course of an application, the Criminal Injuries Compensation Commissioner may require further information, so there can be a bit of toing and froing to request substantiating information.  As a result, that can delay the provision of clearance, but it is also necessary.  For example, medical reports - things like that - in relation to the impact it has had on a victim.  Sometimes there can be a delay beyond anyone's control because it may well be that there is a delay from the treating practitioner in relation to providing that report on the full extent of the impact it has had on a victim. It is in everyone's interests to wait for that but it can cause delays.

**CHAIR** - What about accessing funds from the perpetrator?

**Ms ARCHER** - I am not sure if we have a figure breakdown if there is a difficulty with getting figures.  No, this is a scheme where the money does not come from the perpetrator, so this is not required.

**CHAIR** - They do have to pay money?

**Ms ARCHER** - There is a levy, yes.  As to the payment of that levy, that is something that we might need to take on notice and, of course, it goes into a consolidated fund.

**CHAIR** - It goes into a consolidated fund and then it is allocated out, if ever paid.

**Mr ARMSTRONG** - Is there a maximum amount that can be paid out?

**Ms ARCHER** - There is.  I know what it used to be when I practised.

**CHAIR** - Take a stab, Attorney-General.

**Ms ARCHER** - I would not like to - it was a while ago now.  So $50 000 is the maximum for a serious offence and there are several tiers, so that has changed.  I invite Catherine Edwards, the Manager of Victim Support Services, to the table so that she can give the accurate information with respect to each tier, because that has changed.

**Ms EDWARDS** - There is a maximum cap for $50 000 where there is a series of offences.  There is a cap of $30 000 in respect of a single offence, also a cap of $20 000 for secondary victims who have witnessed an offence and a cap of $10 000 for related victims.

**1.5 Legal Aid**

**Ms ARMITAGE** - I noticed the decrease to Legal Aid after the completion of the additional funding by the Australian Government National Partnership Scheme.  I imagine that will add extra pressure to the Legal Aid system.  How many family violence lawyers are currently appointed to Legal Aid?

**Ms ARCHER** - First, the state Government is pleased to continue the commitment we made in last year's Budget to provide record state funding of $2.5 million over two years to support the legal assistance sector in Tasmania.  Our additional funding ensures that the Legal Aid Commission and the Tasmanian Community Legal Centres do not lose staff or funding as a result of any reduced Commonwealth funding.

As to the figure of family violence, we have three family violence lawyers.

**Ms ARMITAGE** - Would that be the area of greatest need in Legal Aid, family violence?  Or would elder abuse be that now?  I notice that is actually -

**Ms ARCHER** - I invite the acting director of Legal Aid, Susanne Winters, to add to that.

**Ms WINTERS** - Yes, we currently have three family violence lawyers across the state.  One operates in the north and north-west currently, one in Hobart, and one as an outreach lawyer as a result of an additional $100 000 funding from the Safe Homes, Safe Families.

**Ms ARMITAGE** - Is that for elder abuse, the outreach lawyer?

**Ms WINTERS** - No, this is for Safe at Home.

**Ms ARMITAGE** - Just for that, okay.

**Ms WINTERS** - We have just been advised the Government has provided an additional $135 000, which the minister spoke about, for an additional lawyer in the north-west because there is an increase in demand.

**Ms ARCHER** - On top of that, Ms Armitage, it might be worth noting that we also provide funding to the Women's Legal Service Tasmania for that particular service in the north-west of the state, in addition to what Ms Winters just outlined for Legal Aid.  The Women's Legal Service Tasmania forms part of the Community Legal Services that I referred to, so it is not just Legal Aid alone.

**Ms ARMITAGE** - I notice, too, in the performance output group 1, Duty Lawyer Services, the target for 2017-18 was 3000 and the target for 2018-19 is 4000, but in 2016-17 the actual was fairly close to the target of 2018-19.  Why the lower target in 2017-18, the lack of funding?  Why it is 1000 lower in the duty lawyer services?

**Ms WINTERS** - It may be in relation to the funding, but at the beginning -

**Ms ARMITAGE** - There is no footnote there.

**Ms WINTERS** - At the beginning of this calendar year we received Solicitor's Guarantee Fund to continue the duty lawyer services.  Because of the nature of the funding, it goes across a calendar year rather than a financial year, and in terms of projections that may be the reason the amount had decreased.

**Ms ARMITAGE** - Are we able to just find out for certain?  Can you take it on notice?

**Ms WINTERS** - We had some vacancies across that time relating to those duty lawyers so the positions were funded, but we have had some staff turnover, with four lawyers already working within the commission not in those positions having to take that up.  I suspect it is in that period.

**Ms ARMITAGE** - It just seemed unusual, seeing as the actual was almost 4000 and the target for the next year was 3000 and then back up to 4000, given the need there would be in Legal Aid.

**Ms WINTERS** - I anticipate that -

**Ms ARCHER** - As Ms Winters identified, we fully funded all the duty lawyer services that are required.  I will throw that to the secretary, who might be able to shed some light on that figure.

**Ms MORGAN-WICKS** - The 3000 target has been in the budget papers for some time.  The 2014-15 actual was sitting at around 2973 for duty lawyer services, so I imagine the 2017‑18 target in the previous budget paper was set with reference to that number.  Certainly the 2018-19 target has increased, and that is what we are targeting.

**Ms ARMITAGE** - I also notice we are estimating probably 3000 to 10 000 Tasmanians suffering from elder abuse.  We had the Elder Abuse Forum a couple of weeks ago.

I see there is one elder abuse outreach lawyer in the state; are we planning to have more than one?  Are they located -

**Ms WINTERS** - The elder abuse lawyer is located in Hobart and that was as a result of an application to the Solicitors' Guarantee Fund.  They were allocated that for a 12‑month period.

**Ms ARCHER** - Is that set at $75 000?

**Ms WINTERS** - Yes.  Within this year we have been able to build on alliances in relation to elder abuse and we will no doubt seek to continue that.  There has been funding from the Commonwealth, and we are anticipating working with the department in relation to how it may be able to continue those services.

**Ms ARCHER** - It is also worth noting that it remains a priority of the Council of Attorneys‑General as well.  I recently had a meeting with all my colleagues in the states and territories and the federal Attorney-General as well.  Elder abuse is on that national agenda for tackling.

**Ms ARMITAGE** - It is certainly difficult.  The member for Windermere and I had a gentleman who came to see us last week who has been trying to get legal aid who is in an absolutely terrible state.  It wasn't about family violence; it was purely a custody situation.  Having been to many the Legal Aid functions and talked to lawyers who work in Legal Aid, the difficulties of this for them is having enough people and resources to cater for the people there.  Are there any plans to increase the funding?  Is there any possibility of increasing the funding in the future?

**Ms ARCHER** - That is what the $75 000 is for.

**Ms ARMITAGE** - But even over and above -

**Ms ARCHER** - We will see how we track with the difference that makes.  Legal Aid received that in February this year as a result of the Solicitors' Guarantee Fund, which I signed off.  We will see how we track with that.  To date, 15 referrals have been received by the Elder Abuse Coordinator directly from the Advocacy Tasmania Elder Abuse helpline since the creation of the Elder Abuse Unit.  It seems those referrals are coming through from the hotline.  This is a whole-of-government approach to an issue and propping up Legal Aid should make a difference.

**Ms ARMITAGE** - I think Legal Aid, in its entirety, apart from looking at different areas, whether we look at family violence or elder abuse, the fact that more and more people are seeking legal aid indicates that.  The gentleman Mr Dean and I saw couldn't access it because he his wife had accessed it already.  I would have thought that perhaps they may have been able to assign him a different lawyer, but if there are limited funds, they may not have those available.

**CHAIR** - The member might like to contact the Attorney-General and speak directly in regard to an individual matter.

**Ms ARMITAGE** - That is right, but might there be further funding for the whole legal aid system as opposed to particular areas?

**Ms ARCHER** - We will see how goes.  I am sure the Legal Aid Commission will report to me on that as well.

**Mr DEAN** - Where we have a family violence situation, a husband and wife situation, and the one party is able to get legal aid, I wouldn't think that would stop the second party getting legal aid also, would it?

**Ms ARCHER** - No, because Legal Aid doesn't have to use a lawyer within Legal Aid.  Any member in private practice who accepts Legal Aid work can apply to Legal Aid on behalf of their client.

**Mr DEAN** - I thought that might be the case, thank you.

**Mr FARRELL** - Attorney-General, I notice there were some 22 000 calls, which is a huge number.  How does that system work?  How many calls would result in face‑to‑face contact?  How many are resolved by telephone?  I am gauging whether it is an effective way to triage what comes in to Legal Aid.

**Ms ARCHER** - I might throw to the acting director on that because it is operational.  She will have personal experience and knowledge in this area.

**Ms WINTERS -** We have a large volume of calls.  Some of those calls result in face‑to‑face services but a lot of those calls can be resolved over the phone.  It is very often a question of referral and information for people.  We may direct them to come in to our service.  We may direct them to apply for Legal Aid in relation to that matter through a private lawyer.  We also have an online legal talk service that is assisting in dealing with the volume of calls.  There are significantly more calls to the actual number that don't get dealt with in the sense that they may call but they may not get through, so they will use our online service.  There is quite a significant volume.  We have staffing in Hobart and Launceston to enable us to answer those calls.  They are often a triage process, working out whether that person needs legal assistance or needs to be referred to a non-legal service provider, or can get assistance in some other way through the commission's other services, such as Family Court Duty Services, that exist.

**Mr FARRELL** - It mentions it goes through a call centre.  Is that direct to an operator or is it 'press button 1 for elder abuse'?

**Ms WINTERS -** No, that is directly to a solicitor, a fully qualified legal practitioner, not a paralegal.

**Mr DEAN** - So you are not talking to a button?

**Ms WINTERS -** No.  You may have to hold the line.  We have an option to leave a message and we call back.  Our policy is a 24-hour call back.  It is usually within the same day.

**Ms ARCHER** - And it is accessible via the website.  The figure I have is an average of 20 chats per day.  I imagine that reduces the need for a face‑to‑face appointment in a lot of cases.

**CHAIR** - Applications of Legal Aid approved in 2016-17 is 4556.  How many applications did we receive in total, approved and declined?  I don't mind if you take it on notice.

**Ms ARCHER** - We might need to take that one on notice.

**Ms ARMITAGE** - Video phones - I don't think that was mentioned, was it?  I believe that video phones are being rolling out in Tasmania.  Has the rollout concluded, and in which towns or suburbs were the phones installed?

**Ms ARCHER** - Yes, I will give you a general overview and then Ms Winters might have something to add to that.  In October last year, Legal Aid launched its video telephone network with video phones located in remote and regional community centres around the state.  This is to enable Tasmanians living in these areas to be face‑to‑face with Legal Aid lawyers for advice through technology.  Currently, there are video phones located in New Norfolk, Nubeena, Geeveston, Triabunna, Flinders Island and Cygnet.

**CHAIR** - It is hardly all over Tasmania.

**Ms ARCHER** - No, it is a start.  Anything to add?

**Ms ARMITAGE** - I wonder how many calls have been taken from it statewide - do you have those figures?

**Ms WINTERS -** Quite a low number at the moment.  We did have some significant technical issues in relation to the rollout.  When we first installed the phones, our telco made changes to its system, which meant we had some difficulty with the virtual meeting room link - it is not like a normal phone call.

**Ms ARMITAGE** - Is that the online chat?

**Ms WINTERS -** No, it is completely separate.  It was an interesting technological solution to get people to be able to talk to us without having to come in to our service.

**Mr ARMSTRONG** - Where are they positioned in those buildings?

**Ms WINTERS -** They are positioned within a confidential room of a community organisation.  For example, in Geeveston, it is within the Community House.  They have a room they make available for the person to sit and be confidentially spoken to.  The idea of that was to ensure the linkage with the community and promote referrals of people who may be dealing with that organisation in the first instance.  We have had some significant issues that we have finally resolved and we are in the process of trying to push the LINCs.  Some of that is related to the NBN - for example, we cannot get our service into Queenstown at the moment because they simply do not have the NBN - but we have issues we are working on to try to push it further out and into the north-east of the state.

**Ms ARMITAGE** - The online chat is another service?

**Ms WINTERS** - Online chat is simply a service whereby a person will make contact with us by going through a little icon on our website.

**Ms ARMITAGE** - Do you know how many hits we have had?

**Ms WINTERS** - Yes for the last three months, we have 451 so an average of 20 a day.

**Ms ARMITAGE** - It is going quite well?

**Ms WINTERS -** It is going very well.  It is increasing.

**Ms ARMITAGE** - One last follow up on the budget we were talking about.  How much does the Launceston Community Legal Centre receive in this Budget?  I believe last year they ended up getting $23 000 less than they were originally stated and that the service provision may have suffered somewhat.  Is it accurate they ended up getting $23 000 less than originally stated last year?

**Ms ARCHER** - They currently get part of the National Partnership Agreement fund; they do not get core state funding, but, as I said in my opening statement, we have provided $2.5 million over two years to support the legal assistance sector in Tasmania and that was as a result of last year's commitment.

**Ms ARMITAGE** - Do we know how much the Launceston Community Legal Centre received of that?

**Ms ARCHER** - The NPA funding takes them up until 2018-19.  There is a review of that and we are also conducting our own review of community legal centres so the total amount that Launceston receives - can I just get the deputy secretary to interpret that graph for me?

**Ms BOURNE** - The Launceston Community Legal Centre, as with many of our community legal centres, is primarily funded through the National Partnership Agreement which is topped up, so to speak, by the state Government in light of the reductions in that funding.  In 2018-19 Launceston Community Legal Centre is set to receive $524 424.11 in total.  That includes Commonwealth funding under the NPA and state shortfall funding.

**Ms ARMITAGE** - Do we know whether they ended up getting less than they were originally supposed to get last year, whether there was a $23 000 shortfall?

**Ms BOURNE** - I was not in the agency at that time but I understand that amount reference was related to an additional allocation from the Commonwealth called defined funding for family violence.

**Ms ARMITAGE** - So that was cut back because they received funding from the Commonwealth?

**Ms BOURNE** - No, there was an additional allocation from the Commonwealth around some further funding for family violence-specific services, which was allocated based on historical evidence of delivery of services in the family violence space and the assessment made at the time, the share received by Launceston, was $23 000 less than they had anticipated.

**Ms ARMITAGE** - So it was more anticipated rather than granted?  I thank you for that.

**Ms SIEJKA** - Has that impacted the core work then?  If it has moved to the family violence delivery, has the funding not been available for core work?

**Ms BOURNE** - I do not believe it has.  In 2017 the service made the decision to reduce its office hours from five to four days a week, but normal office hours have now been reinstated so they are delivering services as per usual.

**Ms SIEJKA** - For core work as well as the additional?

**Ms ARCHER** - They also received guaranteed funding of $154 000 to continue legal literacy volunteer programs; that has been signed off in addition to their other core funding.  Various programs have been funded through a number of different means.

**Mr DEAN** - Just an add-on to the Chair's question; of those applications that were refused, were any of them refused on the basis of insufficient funding?

**Ms ARCHER** - This is back to Legal Aid?

**Mr DEAN** - Yes, Legal Aid.

**Ms ARCHER** - That is a detailed question we would have to look into.  I do not know if we keep that record.

**Ms WINTERS -** We have information relating to refusals, but that would be in terms of the funding priorities.

**Mr DEAN** - Were they refused on the basis of insufficient funding?

**Ms WINTERS -** They would have been refused on the basis of lack of merit, or because they were not a funding priority.  We have a limited funding allocation and we have priorities set within our guidelines.  If they do not meet that level of priority, they may be refused on the basis they do not fall within those funding priorities.

**Mr DEAN** - When you run out of funding, is that it?

**Ms WINTERS -** We removed the daily limit last year.  At one point we had a daily limit of funding; that is not the case anymore.  We have more certainty of funding for solicitors; they are aware of the levels of priorities in terms of funding we have set in our guidelines.

**CHAIR** - We are going to do Protective Jurisdictions, then we are going to go for morning tea.  I estimate one hour behind time.  We either sharpen our questions or answers, or else we are here for a dinner break and then back after that tonight.  This is everybody's choice.

**Mr DEAN** - Table 6.3 refers to the percentages of matters commenced on time but does not identify the actual number.  I am asking the question that we ask every year:  how many cases in actual numbers?

**Ms ARCHER** - Are you talking about guardianship?

**Mr DEAN** - Yes and the administration board.

**Ms ARCHER** - Key figures.  As at 30 April this year, there were 1446 total applications.  Emergency applications the board received and determined, 392.  There has been a decrease in the number of emergency orders made.  Enduring Guardian Instrument registrations: they have received 2399 registrations to 30 April this year.  I can go through all the instruments registered but you may not be interested in that.  There were two appeals to the Supreme Court this year, one of which was subsequently withdrawn.

**Mr DEAN** - Emergency applications last year were on the increase:  is that an increase?

**Ms ARCHER** - No, a decrease.

**Mr DEAN** - That's good.  Under the Guardianship Administration Act, hearings are to commence within 45 days.  I understand this is a statutory requirement under the act.  Compliance has been low from the table here.  It was 36 per cent and it increased to 50 per cent by 30 April 2017.  What is it now?  Because compliance cannot be met, what is the strategy moving forward?  I ask that question because if it is a statutory requirement, how can we continue to ignore a statutory requirement in this area without doing something about it?  It is an obligation.

**Ms ARCHER** - The rate of compliance has increased.  We are talking about section 72 of the act requiring the hearing 45 days after the application is received.  From 1 July 2017 to 30 April 2018, the rate of compliance increased to 97.6 per cent.

**Mr DEAN** - If you can't meet your obligations under the act 100 per cent, does there not need to be an amendment to the act?

**Ms ARCHER** - These matters fluctuate between any given years.  I don't think we would be at the point where we would be amending legislation.  If there were a significant difference in percentage over a long time, you might start taking that measure.  As a government we are aware of the growing demand for many of the activities the board conducts.  One thing that has had an impact is the rollout of the NDIS, for obvious reasons.  We also have an ageing population, as we are all well aware - not casting aspersions on anyone around this table of course - but as members of parliament we know that we are an ageing population.

**CHAIR** - That is the third time this week we have been had a go at because of our age; we are starting to get a complex.

**Ms ARCHER** - We are all feeling our age, Chair.  We are actively working with Tasmania's protective jurisdictions to address immediate budget pressures and, where appropriate, to address constraints that can be remedied through legislative amendments.  It is something we will keep a close eye on.  You are not wrong to suggest it is something that could be looked at.  Currently, the Tasmanian Law Reform Institute is considering a review of the Guardianship and Administration Act 1995 and as part of that review as well as a number of other functions of the board, the board it will be looking at that issue as well.  The TLRI reports are very valuable to the Government with the work they produce.

**The committee suspended from 11.12 a.m. to 11.29 a.m.**

**1.7  Equal Opportunity Tasmania -**

**Ms SIEJKA** - Attorney-General, it has been 10 years since the Tasmanian Law Reform Institute recommended we should establish a human rights act in Tasmania.  There are a number of reasons it is considered a good option, including the protection of people with disabilities, support for homeless people and a whole range of other reasons.  In other jurisdictions they have moved to introduce human rights legislation as well.

Is that something you would consider in the future - to introduce a human rights act or even just looking at that area?

**Ms ARCHER** - The Government, as members would be aware, is committed to the fundamental freedoms of parliamentary democracy - freedom of thought, worship, speech and association.  While the Government is continuing to work towards a fairer, more accepting and inclusive Tasmania, we currently have no plans to introduce a charter of human rights because we are firmly of the view that there are sufficient robust protections in place that protect and promote human rights in Tasmania.  I can give you some examples because it is important to explain our position.  I know there is significant public interest in this matter.

These are enshrined in a range of legislative regimes.  Those bodies are set up under such frameworks at international, Commonwealth and state levels across multiple jurisdictions.  In Tasmania, these protections are extensively reflected in statute and in the numerous independent statutory authorities established under the same, including the Office of the Public Guardian, the Commissioner for Children and Young People, the Ombudsman, the Custodial Inspector, the Anti‑Discrimination Commissioner under Equal Opportunities Tasmania, the Guardianship and Administration Board, the Mental Health Tribunal and the Integrity Commission.

Beyond the Tasmania context, we are obligated to comply with international human rights law, including under the seven core international human rights treaties to which Australia is a party, and those optional protocols to these treaties to which Australia is a party.  I mention this because it is against these treaties that human rights scrutiny processes under the Human Rights (Parliamentary Scrutiny) Act 2011 of the Commonwealth are undertaken.  Australia also has periodic reporting obligations under these treaties.

We are also, as a country, a participant in a universal periodic review process which provides an in-depth analysis of Australia's compliance with our international human rights obligations.  The Tasmanian Government regularly participates and supports the human rights processes by providing reports to the Australian Government on actions and initiatives to support the treaties.  A key example of this is the Tasmanian Government's initiatives under our nation-leading Family Violence Action Plan.

Though well intentioned, the calls for a human rights charter ignore the risks it also carries with it.  Many hold the concern that such a charter could act as a lightning rod for vexatious litigation, which would have the effect of tying up valuable court time and delaying other court matters.  The legislation that enshrines all our rights and principles, to name a few, includes the Anti‑Discrimination Act, the Victims of Crime Assistance Act, the Family Violence Act, the Guardianship -

**Ms SIEJKA** - I understand it is not likely that at this moment it is an intention of the Government, but given that Queensland is moving in that direction and Victoria and the ACT already have their own, if that is the trend in other jurisdictions to move toward that, is that something that would be considered if legislation in those jurisdictions looks to be a success?

**Ms ARCHER** - I don't see that it is a national trend.  We only have the Australian Capital Territory and Victoria.

**Ms SIEJKA** - And Queensland is about to -

**Ms ARCHER** - And Queensland is about to but hasn't.  The Department of Justice routinely considers the effects of its proposed legislation in other jurisdictions on human rights.  Legal advice is frequently sought to understand the impact of proposed legislative reforms on fundamental rights and freedoms.  It is not a national issue of priority of the Council of Attorneys-General, hence the reason for me saying I don’t believe there is a national trend towards this.

Impacts on human rights are regularly raised in consultation on legislative reforms with agencies and stakeholders, including the courts, the Law Society of Tasmania, civil liberties groups and Aboriginal groups.  Enshrined in our existing legislation and legal framework are our principles of human rights.  To go to the extent of having a charter, we don’t see that as necessary in our jurisdiction.

**Ms SIEJKA** - Tasmania often leads in the way of terms of commemorating errors we have made in the past as a community.  What are your thoughts around commemorating the arrests of LGBTI people?  I know Rodney Croome has called on the government to do something around that.  What are your thoughts on that?

**Ms ARCHER** - I am not actually aware of a specific request in that regard; it has not come to me as Attorney-General.  I know the Hobart City Council has a commemoration on the walkway to the exit of Parliament; it is not part of Parliament, but it is part of Salamanca.  In fact I was on the Hobart City Council when that was installed.  I can't shed any light on it from a government perspective because I am not quite sure of the specific request being made.

**1.8  Elections and Referendums**

**Mr FARRELL -** Just on a legislation theme to start with, Attorney-General.  You recently announced a review into the Electoral Act, and no doubt we will get to see that at some stage in the Legislative Council.

Will the review consider issues such as spending caps for candidates and parties, real-time disclosure of donations of $1500 or more, prohibition of anonymous donations, the issue around donations from tobacco companies, gambling companies and foreign investors, and the current laws around electoral donation disclosure and third parties?

**Ms ARCHER** - On 3 May this year, the Premier announced there will be a review of the Electoral Act and associated election laws.  That is being jointly conducted by the Department of Justice and the Department of Premier and Cabinet.  The election highlighted some provisions had failed to keep pace with rapid changes in technology, social media and community expectations so the review will ensure the Tasmania's election laws are contemporary and reflect community expectations.

In doing that there are two governing principles:  protecting freedom of speech, with note to constitutional implications as we always must, and minimal costs to the taxpayer.  There are three terms of reference for the review.  The first is modernising the current Tasmanian Electoral Act with specific examinations of sections 191, 191B 196(1), 198 (1) and 198 (1b).  The second is whether the state-based disclosure rules should be introduced and, if so, what they should include.  The third is the level of regulation of third parties, including unions during election campaigns and other third parties.  I think that addresses the terms of reference and addresses the issues you have raised.

An interim report will be delivered by the Government by the end of this year, followed by further targeted and public consultation, with a final report due mid-next year.  The reason for that is because some things can be dealt with swiftly in terms of modernising the legislation, I am sure, but others might take longer to consult on.

To ensure this is a wholesale review of those issues, it is felt best to get some things that can be dealt with swiftly, prior to the next Legislative Council election in May next year which might be of interest to you all.  Ensuring that the modernisation of those provisions occurs before that next election is advantageous in this place.

**Mr FARRELL -** So there is no set time frame for when we may look at that as a piece of legislation?

**Ms ARCHER** - I expect two lots, so hopefully we can deal with the first tranche this year or early next year.  I am thinking of the massive legislative workload we have but also trying to get that done before that next election is due.  Then subsequently thereafter in relation to a second tranche that may require extensive consultation that needs to occur.  The public consultation period commenced on 9 June so we have called for public submissions and targeted stakeholder consultation on the terms of reference.  The submissions are due by 20 July this year, so we are out at consultation, as we speak.

**Mr ARMSTRONG** - Attorney-General, does that review also cover local government?

**Ms ARCHER** - Local government is subject to the Electoral Act, yes.

**Mr DEAN** - Will the modernising part also cover -

**Ms ARCHER** - Sorry, I have just been corrected on that.  In relation to local government, their elections are covered by their Local Government Act.  Sorry, that was my error.  I have been corrected by the Electoral Commissioner.

**Mr DEAN** - Will the first part of the modernising of this act look at the construction of the operations of the Electoral Commission?  I am looking at the issue that has arisen and the major concerns about those making the decisions then also in the greater majority sit on an appeals board.  If you are not happy with that decision, you then take your case to the board, but you find the same people sitting there as made the former decision.  Will the modernising of this act look at that very closely?

**Ms ARCHER** - I imagine it will.  All provisions of the act are being looked at and particularly if that is raised in a submission and highlighted -

**Mr DEAN** - It will be because I'll be raising it as long as I can meet the time frame.  It is a preposterous situation - that is the way I see it, and a number of others as well.  Will it also cover the other position the Don Wing raised on a number of occasions - the inconsistency of the wording?  It is an amendment to the act, it can't just be changed by anybody; it's got to be a part of this.  I will be referring to that as well:  at the beginning it makes a statement in relation to how many you should vote for and later, down at the bottom, it says you only have to vote for five, or whatever it is.

**Ms ARCHER** - I am aware of that particular issue and I don't want to verbal the Electoral Commissioner.  I know he has his view on that, but any issue raised in relation to the operation of the act will be looked at in this review.  I'll receive recommendations and will take it from there.  I encourage anyone who has had any interaction with the act that they are either pleased or displeased about to mention it in a submission, and it will be considered with all the issues.

**Mr DEAN** - Another issue raised will be the actual power and authority the Electoral Commission really has over this place.  It can really control what we do - we don't have too much say in it - so I will be raising issues there as well as part of the ongoing review of the act.  That is just not a case we should be having.

**Ms ARCHER** - I will take that as a statement, Chair.

**CHAIR -** Obviously the review is timely in the minds of a number of members.

Attorney-General, there has been a small increase in the participation rate in Legislative Council elections, which we are particularly pleased of at this table.  It's still lower than the House of Assembly participation rate.  There has also been a decrease in the number of informal votes for the Legislative Council, but it remains quite constant for the House of Assembly.

Is there any information on how we might increase the rate of participation in Legislative Council elections to get us to the same rate as the House of Assembly's?  Is any work being done on that?

**Ms ARCHER** - I can throw to the electoral commissioner, Mr Andrew Hawkey, for the answer to that question, because that operational matter is largely in his area.

**Mr HAWKEY -** Historically, we have had a lower turnout for Legislative Council elections.

**CHAIR** - But a slight increase?

**Mr HAWKEY** - Yes, we have had a slight increase.  Part of that is because in the last two years we have included our pop-up pre-poll centres in places like Scottsdale, Smithton, Queenstown and St Helens to try to engage people locally and give them more flexibility of access.  As I mentioned 12 months ago in Estimates, Australia Post is an area that is declining and we are all aware of this.  We are trying different ways to give people access to voting in Legislative Council elections.

**CHAIR** - The House of Assembly elections have a higher participation rate, but informal votes are still constant.  As an organisation, you see the informal votes.  Do you think they continue to be deliberate or is it just that people don't understand 1 to 10 or 1 to 5, or whatever?  Can we have some idea of what the informal vote looks like for the House Assembly?

**Mr HAWKEY** - We haven't yet finalised our informal ballot paper survey, which is being undertaken at the moment.  We are seeing that the majority of them are what we call 'apparent intentional', which is where someone leaves it blank, writes an aggressive word or an image.  In that sense I think there is a difference between those that don't comprehend or make a simple error compared to those who are effectively saying 'Yes, I'll turn up and vote, which is my requirement for compulsory voting, but I choose not to give a preference'.

**CHAIR** - None of the candidates appeal.

**Ms ARCHER** - It's education as well, I think.  I know the Electoral Commission advertises before election day to encourage people to vote and vote accurately, but, again, it's one of those things where we are constantly educating the public about casting a valid vote.

**Ms SIEJKA** - I imagine in by-elections, it is more challenging to get people to vote and send in postal votes.

**Mr HAWKEY** - The great advantage of a state election is that it's statewide and it dominates the media in Tasmania.  It is determining the government of the day so it gets that higher profile whereas the Legislative Council elections are periodic.  This year, there were none; Campbell Town was as far north as we got.  Next year, there will be one in other regions of the state.  It's not as broad-reaching for the Legislative Council.

**Ms SIEJKA** - I know with elderly people and postal votes, it's quite a challenge sometimes to get those to people in time.

**Ms ARCHER** - That's something the review will be looking at well - methods of voting because of that very fact that Australia Post is less frequent than it previously was.

**CHAIR** - I think 'less efficient' would be the word.

**Ms ARMITAGE** - As a follow up, do you believe the lower turnout in Legislative Council elections is because of the name - because it is called Legislative Council as opposed to the House of Assembly?  Council elections are not compulsory.

In my electorate, many people still believe I am part of the Launceston City Council.  It does have that word 'council'; many of the other states call it Legislative Assembly so you have House of Assembly -

**Ms ARCHER** - No, I will correct you there; Legislative Assembly is the equivalent of the House of Assembly.  We are one of the only jurisdictions that call the lower House the House of Assembly, it is normally Legislative Assembly.  Most other states have Legislative Councils.  It is just a disadvantage that it has the word 'council' in it, maybe, but other states largely have Legislative Councils for their upper Houses.

**Ms ARMITAGE** - I wondered about the factor of the name, whether it is confusing to people - they see 'council' and many people say, 'I thought it was council, it's not compulsory to vote in council'.  I wondered whether there was a possibility of that.

**Ms ARCHER** - As I said, it probably is a factor.  As to the accuracy of how weighted that factor is, I am not quite sure how to measure it.  I am sure it causes some confusion, as does the fact that only two or three members are up each year rather than half: half as for other upper Houses in other states.  We have a unique system here which, I am sure, has benefits and disadvantages to it as those in other jurisdictions have as well.

**Ms ARMITAGE** - Perhaps if local council elections were compulsory, it might take away that confusion because all elections were then compulsory.

**Mr ARMSTRONG** - Attorney-General, do we ever review the names of the Legislative Council electorates?  When I was campaigning, mine being Huon, when I got over into the Kingborough region, I had so many people come to me and say, 'No, I am not in the Huon electorate, I am in Kingborough'.  I was just wondering if there was a review of the names at any stage.

**Ms ARCHER** - Yes, I might throw to the Electoral Commissioner on that because he will know about the reviews.

**Mr HAWKEY** - Yes, we do, and we have effectively finished one of those recently.  When the redistribution of the Legislative Council takes place, it has two key stages:  the first is looking at the boundaries and the names associated with those boundaries, and the second is the allocation.  Under the act in 1998 there was a change to 15 members and the issue of Launceston and Hobart was raised at that time and different names were given to Hobart and Launceston, being Wellington and Patterson, because of the argument raised in regard to the confusion of names between Launceston City Council and Rowallan and Western Tiers.

There was another redistribution in 2006-07 and people raised the opposite.  They said, 'No, we like these names and we want to have these names', so the tribunal then went with that and changed it back.  Again, at this recent one we had the two new names for the two new divisions.  As a part of that process, anyone can put forward a reason for a name change.  That is the current process.  Whether the Government wishes to choose a different process would be up to the parliament and it probably has the power to do that.

**Output group 2 - Legal Services**

**2.1  Crown Law -**

**Ms SIEJKA** - What is the head count of staff within Crown Law?  Is there a sufficient number of staff to deal with the caseload?  What is the average time to deal with these cases at the moment?

**Ms ARCHER** - As at 30 April this year, Crown Law had 39.1 FTEs, with a head count of 41.  I am not sure if you are interested in diversity, but we did refer to this earlier so I will mention it.

**Ms SIEJKA** - I like a bit of diversity, yes.

**Ms ARCHER** - Crown Law has 37 per cent men and 63 per cent women - woo hoo! - currently employed.  Of the six senior positions, five are occupied by males and one by a female - a bit of work to do there.  I also stress that if there is expertise in an area required, we do brief it out to private law firms as and when required.  We can't expect everybody to be across all areas of law and that is determined on a case-by-case basis.

**Ms SIEJKA** - Is it sufficient for the workload or is that where you go outside if required?

**Ms ARCHER** - Yes.  Secretary?

**Ms MORGAN-WICKS** - In terms of the caseload, it can be quite variable particularly with large commercial transactions coming into Crown Law from several of the major projects you will see across the budget papers, particularly the Royal Hobart Hospital and, for example, various transactions of the Department of State Growth and the Department of Treasury and Finance.

On a case-by-case basis new transactions coming into Crown Law are triaged to determine whether they have the specialist resource within the team and knowledge, or whether they might need to go out to a particular law firm.  We conduct procurements under the Treasurer's Instructions to do that.

**Ms SIEJKA** - What is the average time to deal with a case that comes on, or is that a challenge?

**Ms ARCHER** - We have the disposal rates.  We probably have it for the DPP, but in terms of Crown Law going from a civil case management perspective there can be lengthy transactions but if it is mitigation, it can be longer.  There are shorter contractual advices in matters like that with shorter time frames so there a number of factors would impact on that.

**Ms MORGAN-WICKS** - For example, the Parliament Square commercial transaction has been going on for over seven years so the file would probably take up this table in terms of the work the Crown Solicitor and solicitors in the Crown Law team have done on that matter.  On very large commercial matters, they will go on for several years so we do not have to handle a common disposal rate.

**Ms SIEJKA** - An average is not going to represent that.  Thank you.

**2.2  Legislation Development and Review**

**CHAIR** - You have already explained to the committee that the significant increase in funding in this line item is to do with the redress scheme, so I do not think we need to go over that unless there is anything you did not advise us of at an earlier time.  You also indicated that there is a heavy legislative agenda for your department this year so the question is:  are there adequate resources to cover on that heavy legislative agenda?

**Ms ARCHER** - Absolutely, we have a fabulous team that works incredibly hard in relation to law reform agenda.

The staffing as at 27 April 2018 is 10 full-time equivalents with a head count of 11.  The gender split is two men and nine females.  In Justice we carry a significant legislative workload, but in my short time in this role, I have been impressed with the speed at which matters get to me in terms both of advice and from the Office of Parliamentary Counsel.  I have no complaints in that regard relating to any delays.

In Justice alone, already this year, as at 21 June 2018 we have tabled the Sentencing Amendment (Mandatory Sentencing for Serious Sexual Offences Against Children) Bill, Sentencing Amendment (Assaults on Off-Duty Police) Bill, Corrections Amendment (Prisoner Remission) Bill, Justices of the Peace Bill and the Terrorism (Restrictions on Bail and Parole) Bill.  In addition to that we have nine more intended for this year, plus of course what throws with redress.  Just in this year alone, there is a significant Justice agenda.

**CHAIR** - I know this is not a question so I am going against what I ask everyone else to do, that there is also the work in regard to the regulations for the Subordinate Legislation Committee.  The detail and the timely manner that we receive those into the Subordinate Legislation Committee is absolutely fantastic now.  The former attorney-general must have had a talk to someone, because she received a letter, it has been exceptional.  It is a model department.  We've advised other departments to see how Justice does it because they do it well.  Please pass on that it is greatly appreciated.

**Ms ARCHER** - Thank you.  I am sure the secretary will pass that on.  It is great feedback.

**Mr DEAN -** You have said you are working on a lot of other legislation.  What is that?  You have mentioned a lot in your lead-in.

**Ms ARCHER** - I can if you like, it was just for brevity that I did not.  One, for example - and it comes from an election commitment - is the Corrections Parole Board amendment bill, which will provide someone with policing experience on the Parole Board - there needs to be an amendment to that act.  The mental health amendment bill will provide clarity around a hearing by the tribunal that is not required within three days of admission where an order has been complied with.  That needs to occur for efficiency reasons so there are no delays.  The long-awaited Supreme Court civil procedure amendment bill will make provisions to allow for class actions, amend the powers of an associate judge and make other changes to update civil procedures.  That is a really good operational amendment.  The justice miscellaneous amendment bill will contain a number of different amendments, technical and non-controversial, but they need to occur.  They occur quite frequently - even once or twice a year.  The legal profession amendment bill will make technical amendments, again to ensure the act operates as intended.  The crime (confiscation of profits) amendment bill will implement recommendations from a statutory review into the principal act conducted by Damian Bugg QC, an eminent former DPP.  The births, deaths and marriages amendment Bill, as we discussed today.  There is also the magistrates court (criminal and. general division) bill, again as we discussed today.  There is the justice of the peace bill, the restraint orders bill and the Magistrates Court consequential amendments bill - a package of four bills to replace the outdated Justice Act.

There is also the family violence reforms bill, which will introduce the new persistent family violence offence to the Criminal Code, which is an election commitment as well.  Other law reform projects will be the review of the Electoral Act and the reform of bail law.  That has gone out to consultation - we continue to look at that and will hopefully introduce something.  There is a whole range of bills on the agenda for this year alone.

**Mr DEAN -** I think you mentioned the police powers bill - is that going to be incorporated into one act?

**Ms ARCHER** - I did not mention police powers because that is the matter for the Police minister.

**Mr DEAN** - So there is other legislation?

**Ms ARCHER** - Yes, as the first law officer, I might have oversight over some of those things, but for legislation and the administrative arrangements that would be the Police minister, Mr Ferguson.

**3.3 Enforcement of Monetary Penalties**

**Mr ARMSTRONG** - How much is outstanding for this financial year and is that up or down on last year's figures?

**Ms ARCHER** - For the purpose of that, I invite Wayne Johnson, Director of Monetary Penalties Enforcement Services, to the table.

**CHAIR** - I guess you were up at midnight last night getting the final figure before today?

**Mr JOHNSON** - Yes, I can give the figure as at last night.

**CHAIR** - It has been a consistent area that has been provided to this committee over many years, so thank you.

**Mr JOHNSON** - As at last night, $69 719 941.  Of that, I should add $12 316 203 is not yet due.  It is a large figure, but part of it is not yet due and some $19 483 405 has been outstanding for more than five years.  There is a lot of old debt there, and there is some very recent debt there.  A lot of the very old debt came over after MPS was established.

**Mr ARMSTRONG** - How much of that debt is from overseas from people?

**CHAIR** - Flown the coop; that we are never going to get.

**Mr ARMSTRONG** - That's right, flown the coop and gone overseas.  Do you know how much of that debt is from overseas people?

**Mr JOHNSON -** No, I do not know exactly.  It is hard to say whether it is increasing or not.  I suspect it is because of the tourism, that we would see an increase in overseas addresses.

**Mr DEAN -** Is there much of it from interstate?

**Mr JOHNSON -** Yes, it is about $12 million.  Around $4 million in Queensland, about $4 million in Victoria, and the rest is spread around the other jurisdictions.

**Mr ARMSTRONG -** To recover that money from interstate, does that go through the same process as it does here in Tasmania?  It obviously could not.

**Mr JOHNSON -** The same process.  We have a number of enforcement options though that we can use.  If it is a Tasmanian debtor and they have a Tasmanian address, a Tasmanian licence, one of the options for us is to consider suspending their Tasmanian licence.  Some people who move interstate after they offend here still drive on their Tasmanian licence or still have a motor vehicle registered in Tasmania, so that option is still available to us.  Others might apply for a licence interstate so then we would not have that licence option available to us.  What options we have for enforcement depends upon the type of offender.

**Mr ARMSTRONG** - How long does that infringement stay relevant?  You were saying some people could be in Tasmania and move out of the state.  They might come back in 10 years or 15 years.  Does this actually let go of that infringement at some time?

**CHAIR** - When do you write it off?

**Mr JOHNSON -** That is a good question.  Under section 109 of the MPES Act and under regulation 7 of the MPES regulations, there are provisions which allow me as collector to consider deeming certain fines uncollectible.  The reasons for that can be many and varied.  They include if the person is bankrupt, deceased, or unable to be found.  That is not an exhaustive list but if I deem that uncollectible then it can not be reinstated later.

The circumstance you mentioned is a good one.  Someone might offend then leave the jurisdiction, they evade us or we have trouble finding them.  Then they return later on and start up their offending again.  I have to exercise my mind and discretion carefully in whether I deem it uncollectible.  We do have instances of people disappearing, then reappearing and re-offending.  The old debt that is still sitting on our books can still be collected.

**Mr ARMSTRONG** - A follow up to that one, I might be out of line and it might be out of your jurisdiction, but we have a lot of backpackers coming into Tasmania.  They buy a car for so much money, say four of them.  They then have infringements and then they pack up and leave the state.  Is there any way that when they have an infringement put on them for whatever it might be, that when they go to leave the state there can be a check on them?  They either have to go out through the airport or through the *Spirit*.  Can there be a check on them that they have no infringements?  People have suggested to me that it should be linked to their passport but we are talking about Tasmania.  It has been raised with me.

**Ms ARCHER** - We don't have border control from state to state.  As you have identified, it is difficult for a state like Tasmania when we don't have at this point even international flights to even monitor that.  I don't know if Mr Johnson has anything to add to that.  We don't have that border control.

**Mr ARMSTRONG** - It has been raised with me because backpackers, in particular, come in for a short period.  They get parking infringements, they get whatever it may be and then they are gone.  You don't have much chance of collecting that money.

**Mr JOHNSON -** We do chase that money and many of them do pay.  In answer to your question though, no, the Attorney-General is right.  We don't have border control.  I believe New Zealand may do that.  You can't leave the country if you have an outstanding debt.  They don't have the Commonwealth/state separation.  Even if we were able to roster at the borders, they probably would not have received the fine or debt yet.  For a short space of time councils issue the parking fines or the police have issued speeding tickets - 28 days to pay - in a short or even a medium holiday, they are gone before it is overdue to be collected.

**CHAIR** - Is there any opportunity through the COAG process to address this matter?  Other states would have the same issue of people moving interstate where there is an opportunity to work cooperatively to address this matter.  That is significant funds.  Millions and millions of dollars of outstanding fines.

**Ms ARCHER** - It mightn't be seen as something appropriate to raise at Council of Attorneys-General, but it would not stop ministers from communicating with each other trying to advance something between states.

I have here a federal budget imitative from the Department of Social Services encouraging lawful behaviour of income support recipients.  As part of that announcement by the federal government from 1 March 2019, the federal government intends to introduce new measures that encourage welfare recipients defaulting on their court-imposed fines to pay their debt and for welfare recipients to clear outstanding arrest warrants for serious criminal offences or face payment suspension.  It is touching on that area but probably not addressing the issue raised before by Mr Armstrong.  In terms of collecting some of these debts, that would go some way to addressing that by taking a federal approach on things that can be done federally.  Between jurisdictions it is something we can communicate with our counterparts.  Whether it reaches a national agenda of Council of Attorneys-General - it is usually matters of national security and high level things that reach that agenda but it doesn't stop us from communicating by correspondence on all matters.

**Ms ARMITAGE** - Thank you.  I notice it is a similar amount to last year.  Last year was around the $70 million mark.  It hasn't altered much.  Can you tell me out of those fines what proportion will be local council fines?  Is that one of the higher proportions of that amount of money?

**Mr JOHNSON -** The total amount outstanding for local government as at 30 April this year is $9 754 448.  It might be helpful overall, we collect nearly $20 million every year.

**Ms ARMITAGE** - Local councils?

**Mr JOHNSON -** No.  Overall - $20 million.

**Ms ARMITAGE** - We are not making much of a dent with what is coming in when you look at last year and we look at this year.  I notice it had gone down significantly in 2016-17.

**Mr JOHNSON -** If it is helpful, there are two key performance indicators we look at and we use.  They are mentioned in the budget papers - the collection rate and the debt finalisation rate.  The collection rate is the value of debt collected as a percentage of the value of the debt for a period.  So the collection rate for deferred debt in 2017-18 to 30 April was 99.5 per cent.   That was higher than the corresponding period in 2016-17 when it was 87.7 per cent.

**Ms ARMITAGE** - How many people are in that department?  Did you answer that question - how many people do you have in that area?

**Mr JOHNSON** -Last head count was 22.3.

**Ms ARCHER** - I think it is higher.  I can assist.  As at 27 April this year, head count 26, full time equivalents 25; 12 males and 14 females.

**Ms ARMITAGE** - Do you have a costing for your department?

**Ms ARCHER** - Do you mean just an allocation?

**Ms ARMITAGE** - Yes.  Would that be the total cost?

**Ms ARCHER** - The budgeted operating expenditure for MPES for 2017-18 is $2 432 527.  The expenditure up to 30 April this year was $85 754 less than budget.

**CHAIR** - In our Budget papers we have $4 000 068.

**Ms ARCHER** - Overheads and corporate and the like.  Sorry, the $2 million I said was only a portion, I did not include the overheads.  You are quite right, the budget papers are not wrong.

**CHAIR** - I was about to say they are doing an excellent job on an annual allocation of $2 million.  I was going to put every department on the same budget.

**Ms ARCHER** - We should have cross referenced back to the budget papers.

**Ms ARMITAGE** - With the amounts that we have, and I know you bring from overstate and overseas, is there a state that would feature more significantly with debtors, apart from Tasmania?

**Mr JOHNSON** - Looking at last year's figures, $4.2 million were in to debt in Queensland and that is 2275 debtors.  Victoria nearly $4.3 million and 3445 debtors.  People who commit offences in Tasmania appear to either go mostly to Victoria or Queensland.

**Ms ARMITAGE** - Would they be locals that have relocated to those states, or would they be tourists who have come down, committed the offences and gone back?  Do we know if they are someone who has lived here, had the debts and never paid them, then relocated to Queensland or Victoria?

**Mr JOHNSON** -It would be a bit of both.  I cannot give you a breakdown.

**Ms ARMITAGE** - Would they be mainly traffic offences?

**Mr JOHNSON** - It would be all types of offences.

**Ms ARMITAGE** - There is such a large number you would think that there would be a group.  When there are so many you wonder whether they would be more speeding fines and parking fines because of the large number.

**Mr JOHNSON** - It would be across the board, court fines and traffic fines, parking infringements; they would be tourists, they would be people who have relocated -

**Ms ARMITAGE** - Do we pursue traffic fines?  I am not sure the local councils pursue them interstate.

**Mr JOHNSON** - From my understanding, councils make a decision as to whether they refer matters to MPES to be collected.  Some councils refer most of the matters; some might be judicious and say, 'We are only going to refer those which are going to be collected'.

**Ms ARMITAGE** - From memory, from the council I was on, it was unlikely that we did the interstate parking fines.

**Ms ARCHER** - The councils often write it off at that stage if they think there is no -

**Ms ARMITAGE** - The cost of pursuing is more than the cost of recovery.

**Ms ARCHER** - That is a judgment for them.

**Ms ARMITAGE** - The cost of recovery that you charge a percentage for collecting to the councils that we -

**Mr JOHNSON** - If there is a referral from the council, I think it is $47 and that is paid whether it is collected or not.  That is what councils pay.

**Ms ARMITAGE** - With the referrals you have, you cover the cost in your department?

**Mr JOHNSON** - No, all the referral fees go into consolidated revenue.

**Ms ARMITAGE** - Yes, I appreciate that.  Thank you.

**Mr ARMSTRONG** - The referral fee is $47, but then is there a percentage of the fine that you take on top of that, or is it just that?

**Mr JOHNSON** - The short answer is no.  If we collect the fine, all that money goes back to council.  If we do not collect the fine, councils wear that.  There are additional fees that we may apply if we have to take enforcement action.  If it is paid straight up by us sending a statement out, there is no additional fee and there is no interest on the fines.  If we have to impose an enforcement order, there is currently an additional fee of $79.50.  If we need to, say, suspend someone's licence or someone's registration, or publish their name, there is an additional $47.70 added to the debt that the people owe.

**Ms ARMITAGE** - There would be a lot of your penalties that would come through the hire care companies.  If a person hires a car, do you go through the hire car company to get the details of that driver?  Is that how it works?

**Mr JOHNSON** - The details are provided by the issuing authority.  If the council issues the parking fine, for example, they are responsible for providing details to us.  We do not deal through the hire car company.

**Mr DEAN** - Just a couple.  What is the largest outstanding debt or debts?

**Mr JOHNSON** - The largest is owed by David We Ming Lee; it is a fisheries-related matter, as are many of the large amounts.

**Mr DEAN** - Is that the same one that was on the books last year?

**Mr JOHNSON** - Yes, and the year before that, and probably the year before that.

**Mr DEAN** - Are you able to make any progress there, or has it gotten to a stage where it has really petered out?  What is the position?

**Mr JOHNSON** - We have not recovered the debt.  We have not given up on it.  We have had others make inquiries.  We have made inquiries ourselves and others have on our behalf to try to locate him.  Our belief is that he has left the jurisdiction and may be in Singapore.

**Ms SIEJKA** - What was the amount of that one?

**Mr JOHNSON** - $1 226 356.20.  That is by far the largest amount that is owed by any of the debtors.

**Mr DEAN** - Underneath that?

**Mr JOHNSON** - The next one, the top 20?

**Mr DEAN** - Not the top 20, but the top five, yes.  Because I want to know if any progress has been made in the top five.

**Mr JOHNSON** - This one is Patrick Simon Mitchell.  That was a fraud-related matter.  He is serving a prison sentence.  He owes $550 697.  The next one?

**Mr DEAN** - He is still in jail.  I take it when that gentleman is released that there will then be a pursuing of that claim?

**Mr JOHNSON** - Many who are in prison at the moment are already entering into voluntary arrangements to pay a small amount.  If it is helpful, rather than go through the top 20, I can tell you that of the top 20, 14 of those are on payment arrangements.  They are paying by instalments.  One is in custody.  Two are appealing or disputing their conviction.  Three out of the 20, we do not know where they are, despite making inquiries.

**Mr DEAN** - Thank you for that.  How many registrations and licence disqualifications, have we had, say, in this last financial year?

**Mr JOHNSON** - To 30 April this year there were 15 223 licences suspended.  I should add, if that sounds like a lot, during that same period, 12 698 licence suspensions were lifted.  There are not 15 000 people out there with suspended licences.  All those have been lifted because people have contacted us and entered into arrangements to pay or have paid in full.

**Mr DEAN** - And registrations?

**Mr JOHNSON** - Registrations, 2056.

**Mr DEAN** - Relating to court fines, where you finish up having to collect that money, are you able to take into account or consider hardship cases?  If a person is being pursued, are they able to plead a hardship case to your area or is there some other course for them?  Do they need to go back to a court?

**Ms ARCHER** - I think it is the repayment option isn't it, Mr Johnson?

**Mr JOHNSON** - Yes.  Hardship as far as giving their licence or hardship as far as having the debt withdrawn?

**Mr DEAN** - No, where a person has a family, they are not employed, they struggle, they are in rented accommodation or whatever it might be, in housing accommodation or whatever -

**Ms ARCHER** - Fixed income do you mean?  That type of thing.  Fixed income and this is a burden on top.

**Mr DEAN** - Yes, or no income.  Where they are on Centrelink payments perhaps.  Are they able to plead that to you?  You can make that discretion?

**Mr JOHNSON** - Yes.  They can apply to us to pay by instalments.  A lot of people do that.  We take into account their circumstances, what their income is, what their expenses are and we will make an assessment based on that as to what a reasonable amount is they can pay.

**Ms ARCHER** - Generally speaking they are encouraged to enter into a payment plan because then the debt does not remain outstanding and they are making an effort to repay.

**Mr DEAN** - My last question is:  have you had to sell up anybody?

**Mr JOHNSON** - No, it has not got to that stage.  No, we have not sold up anybody.  We have had to put them on notice that is an option and that has resulted in them paying.  So, no, we have not sold up houses.

**Ms ARCHER** - You have certainly issued notices with that threat, haven't you?

**CHAIR** - The website only goes to K.  Is there a reason?

**Ms ARMITAGE** - I think that was last year too from memory.

**Mr JOHNSON** - It certainly goes further than that.

**Ms ARMITAGE** - I recall having the same issue last year.

**Mr JOHNSON** - If it is helpful, every name is not on that website.

**Ms ARMITAGE** - There must be a lot after K.

**Mr JOHNSON** - There is.

**Ms ARCHER** - That is an IT issue.

**Ms ARMITAGE** - I recall it was the same last year.

**CHAIR** - Thank you very much, Mr Johnson.

Capital investment, just one question from me.  In regard to the upgrade at the Burnie Court Complex, the estimated total cost is $15 million and the forward budget is $8000.  Has some money already been spent or is there some to be put into the forward Estimates in regard to the Capital Investment Program?

**Ms MORGAN-WICKS** - The estimated total cost for the project is $15 million and it commences in 2019-20 with $1 million; $3 million, 2020-21; and $4 million, 2021-22.  So we have $8 million in the current forward Estimates.  The project will then continue beyond the forward Estimates.

**CHAIR** - That is what I expected it would be.

**Output group 1 - Integrity Commission**

**1.1 Integrity Commission**

**Ms ARCHER** - I invite the Integrity Commission to join me.  I have Richard Bingham, the Chief Executive Officer of the Integrity Commission, with me.

**CHAIR** - In regard to the Integrity Commission, we know there are ongoing works there.  There is an ever-so-slight increase in the budget so can we have some idea of whether the budget allocation is meeting the needs of the Integrity Commission and the work they are doing?  What increase has there has been in the workload for the commission?

**Ms ARCHER** - I will let Mr Bingham refer to their workload.

**Mr BINGHAM -** We will fully report on the workload of the commission over the last year in the annual report but we have had a significant increase in the number of complaints from the previous year.  As at 1 June this year we had received 172 complaints, compared to 126 for the whole of last financial year.

**CHAIR** - That is a significant increase.

**Mr BINGHAM -** Yes, it is.

**Ms SIEJKA** - This year to date?

**Mr BINGHAM -** That is until1 June of the current financial year; it is 172 compared to 126 for the last full financial year.  We have had similar increases in terms of our misconduct prevention education research function where we have, for example, seen our online education completion numbers go from 1409 courses completed to 1787; that is online.  Similarly for face-to-face education, we have gone from 347 people present at face-to-face engagements to 926 so that is a significant workload increase on both parts of the commission.

**CHAIR** - Have the types of complaints changed or are there similar types of complaints?

**Mr BINGHAM -** They are broadly similar.  We are very pleased to get larger numbers of complaints.  We like to know what the community thinks is going on in the public sector in Tasmania.  What it means is that we need to be rigorous in the way we triage the complaints and whether we determine to assess or investigate them.  We have been putting more complaints into the next stage of that process, which is assessment.

**CHAIR** - If you can separate them, how many of the complaints are there between public servants and members of parliament?

**Mr BINGHAM -** It is probably good news for me to say that members of parliament are a very small proportion in terms of numbers, but it is nonetheless a significant part of the commission's workload where we do have that responsibility.  It is not in respect of any proceedings in parliament, which the act excludes from our jurisdiction, making it quite properly the responsibility of the parliament.

**Ms SIEJKA** - Following up on your comment about the increase, is that an increase in awareness of the processes?  You said some education awareness had been going on.  Is there a particular reason why they have been increasing, in your mind?

**Mr BINGHAM -** It is always very difficult to ascribe a particular reason or cause for that sort of -

**Ms SIEJKA** - There is that significant increase, though?

**Mr BINGHAM -** Yes, it is, and if I had to suggest a likely reason, it is because of some of the reports the commission has done over the last little while.  They have had some public profile and people have -

**Ms SIEJKA** - Any particular ones you would attribute that to?

**Mr BINGHAM -** The ones which the commission did before I started in July last year; the one in relation to TasTAFE has been significant.  There have been a number of others since then as well, both broadly in terms of how misconduct is dealt with across the whole of the public sector in terms of the Fox Taskforce, which I know you, Mr Deputy Chair, would know about.

**Mr DEAN** - Sorry, just on that point:  if you are going to discuss that, I will leave the room because I think it would be a conflict of interest for me to stay here.

**Ms ARCHER** - That was a passing reference, I think.

**Mr BINGHAM -** It was very much.

**Mr DEAN** - Okay.

**Mr BINGHAM** - It was in response to the question about which ones have had some publicity.  The other ones have been in relation to Glenorchy City Council; most recently we published a report in relation to the misuse of information within Tasmania Police, where we did an own-motion investigation.

**CHAIR** - From the significant increase in complaints to the commission, has the level of severity risen?  In the past, there have been those perhaps because of not really understanding the role of the Integrity Commission and what a member of the community might consider is inappropriate behaviour or misuse of information or whatever.  Has there been an increase in what is considered to be serious allegations?

**Mr BINGHAM** - I hesitate before generalising about the nature of the complaints; they do cover a range of matters.  We have seen some complaints to the commission which are what most people would consider more serious matters.  We also have seen some which are relatively less serious misconduct allegations.  For those, the legislation makes it clear we should focus on the more serious matters, and that is what we do.  For the matters we should refer to other bodies, we have been doing an increasing amount of that.  Obviously the larger number means there are more being referred as well.

**Ms SIEJKA** - Has the staffing capacity led to increased time in order to deal with complaints, or is it manageable within the current staffing numbers?

**Mr BINGHAM** - We would always want to deal with complaints more quickly than we do.  There are a couple of constraints for us in the legislation, which sets out the process we need to go through and sets out the procedural fairness steps.  The very nature of having a board, which deals with the more serious complaints, means we have to get through the board process.  Those are factors that will always tend to make investigations go for longer than we would hope.

That said, the commission now has a full complement of staff, which it didn't have for nearly two years before July last year.  We are now making good progress and working through a backlog of some more significant complaints, plus we are staying in front of the game with the matters that come to us.  We have a target following from the five-year review undertaken by former chief justice and governor Bill Cox, of 40 days for us to do the assessment, which is the initial cut at whether a matter ought to be dealt with.  We are close to that target in most cases.  We are pleased with the way that is going.

**Ms SIEJKA** - At the moment it is not a major issue, but I suppose if the trend continues to increase, it would need to be re-evaluated?

**Mr BINGHAM** - I would say to the Attorney-General about these sorts of issues that we will cross those bridges when we come to them.  There is a provision in our act which says if we set up an integrity tribunal, which is the most significant stage and which hasn't occurred yet, the costs of the tribunal are appropriated without any further appropriations.  That is, if you like, a backstop for us.  If it gets to the point where we are not able to turn things around within a reasonable time, I will ask for assistance from the Attorney-General.

**CHAIR** - There is to be a parliamentary code of misconduct.  Can you tell us where that is?

**Mr BINGHAM** - I am aware that the Joint Standing Committee on Integrity has been doing some work on that, following some recommendations from the commission quite some time ago now.  I understand that the joint standing committee has indicated its support for a code but that hasn't yet translated into action on behalf of the Houses.  I take the opportunity to say we would encourage both Houses to think seriously about the possible benefits a code might have.

**CHAIR** - Thank you, we will wait and see.

**Mr DEAN** - There was going to be a second tranche of amendments to the Integrity Commission Act.  We dealt with one lot last year, but there is a second tranche coming through.  Where are we at with that second tranche of amendments?

**Ms ARCHER** - I will have to get some further advice on that.  You are quite right, we have been through the first tranche.  I referred to the heavy legislative agenda relating to what we are doing this year.  That is still being considered, but being put slightly on the backburner so we can deal with some more urgent matters such as the national redress scheme and the legislation that needs to occur with that.  What we get to is a matter of prioritising this year.  It is still in the mix but as to timing, I would need to get back to you in relation to our full legislative agenda beyond the scope of this year I have outlined.

**Mr DEAN** - If you could, because it was deemed to be fairly urgent to update that act.

**Ms ARCHER** - I am not suggesting they are not a priority or that they are not urgent; it is just that we have a number of things we are dealing with and we can't deal with absolutely everything in one year of a four-year term so we have to space it out.

**Output group 1 - The Office of the Director of Public Prosecutions**

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

**Ms HOWLETT** - Attorney-General, I understand the DPP has had success through the confiscation of profits.  Are you able to provide any details to the committee?

**Ms ARCHER** - Yes, the Office of the Director of Public Prosecutions Confiscation of Profits Unit is a specialist unit established to resource prosecutions arising from unexplained wealth investigations.

That unit provides another means of deterring and disrupting criminal activity by reducing the profitability of crime and removing the financial means to commit crime from criminals and their associates.

A primary focus of the unit is organised criminal entities, such as outlaw motorcycle gangs and drug syndicates.  The Department of Police, Fire and Emergency Management supports the work of the office of the DPP in that regard very well, working together.  As you can imagine, investigations are very complex and time-consuming because in many cases we are dealing with financial records.  In some instances, it may take several years of investigation before a recovery can be successfully achieved.  At the moment, the unit has finalised six unexplained wealth matters totalling $560 000 as at 30 April 2018.  The unit has also issued restraining orders in 2017‑18 period in relation to six matters, with an estimated value of $650 000.

There are also three properties restrained under proceeds of crime from previous financial years that are yet to be finalised.  In addition, forfeiture and pecuniary penalty orders have been issued totalling $302 000 as at 30 April 2018.  I did make reference, when I was talking about our legislative agenda for this year, to dealing with some recommendations that have been made by Mr Damian Bugg QC in relation to the operation of the legislation, much of which has risen from feedback from the office of the deportee about how this area can better operate.  As you can see it is already in such a short time producing results.

**CHAIR** - I have a question in the budget.  There is a just under $200 000 increase in the budget for 2018-19, but then it drops back in 2019-20.  Do you think that the work for the DPP is going to be lightened in some respects?

**Ms ARCHER** - No, as the budget highlights at the footnote, the decrease in 2019-20 reflects the cessation of temporary funding of the backlog of criminal cases at the moment.

**CHAIR** - We actually do not have a reduction in the backlog.  That is the problem.

**Ms ARCHER** - That is what the figure represents.  As I said it is a bit of a watching brief to see how successful this lot of clearing the backlog is.

**CHAIR** - So we could see that forward estimate change?

**Ms ARCHER** - Forward estimates can always change.  I am not necessarily suggesting that they will in every case.  As you know forward estimates is an estimate.  If that needs to be adjusted then I will be knocking on the Treasurer's door.

**CHAIR** - What sort of percentage in reduction of backlog would you as the Attorney-General and minister responsible be looking for to reduce that allocation - 5 per cent, 6 per cent, 10 per cent?  Do you have something in mind that might convince you that this department, this really important area, does not need to be funded at the same level?

**Ms ARCHER** - It is a very good question.  I would be reluctant at this stage to put any percentage on how you rate success.  I would like to see an improvement and to assess that holistically across a number of different initiatives that are being provided for in this budget, some of which we have mentioned today in relation to capital expenditure and other mechanisms to hopefully put downward pressure on this particular area.

There are a number of factors at play which I have run through, which I need not reiterate, but also the number of practitioners practising in this area.  I am not sure if Mr Coates was here to hear my reference to that earlier today.  There has to be ongoing work with the private profession to getting practitioners to practice in this area so that we have an availability of a resource there.  It is not just about bricks and mortar; it is about people.  We have identified the impact with five acting judges.  There is no one thing that I am looking for.  I want to see success across the board.  I will assess how successful this has been and what we need to do to move forward.

**CHAIR** - You mentioned earlier that there was a lack of expertise in criminal law -

**Ms ARCHER** - I would not say there is a lack of expertise.

**CHAIR** - Okay, a lack of numbers.

**Ms ARCHER** - I would like to see more people practising in this area.

**CHAIR** - So does the DPP's office, or for that matter you go out to the university and talk to the Law students to encourage that area.  I know there is a great number that want to do conveyancing.  I know that is not a terribly specialised area.  I do not know a lot about the law in that regard and how you get there.

**Ms ARCHER** - As I said earlier today, there is the private sector and then there is the public sector.  I have covered the private sector regarding ongoing discussions with the Tasmanian Bar.  In in relation to the State Service, I can go to the Director of Public Prosecutions to ask how he has been tackling resources.

**Mr COATES** - Our senior people lecture at the Legal Practice Course.  We have -

**CHAIR** - A couple of scholarships.

**Mr COATES** - No, not scholarships, but we have very good take-up through our level one, the junior lawyers.  In our latest recruitment we had people with First Class Honours apply and I suppose the difficulty is recruiting - because prosecuting is a pretty specialist field - senior people.  So if we have a senior vacancy it is generally - not always - filled within, so that person's position is filled by somebody lower.  So we might have a level three or level four vacancy but the extra person will be a level one person.  We feel that's the problem.

**CHAIR** - You've lost that expertise at that level to cover this level and the gap is not being met quick enough.

**Mr COATES** - That's right.  Of course people learn quickly.

**CHAIR** - It's not going to happen quickly then.

**Ms ARCHER** - No.  It's one of those things for people to be of a certain standard.  There is a certain amount of crime experience that's required, but the work I've seen undertaken in this area, particularly by offices of the DPP, with enormous support for their junior practitioners of viewing more senior practitioners.  Then they are let loose I imagine to have their first cases in a matter that is commensurate to their experience.  Then they take on matters as they grow in seniority I imagine.  I don't want to take words out of the Director's mouth.

**CHAIR** - They would be mentored along the way.

**Mr COATES** - Certainly.  Each junior counsel is given somebody in the office to mentor so we have divided the prosecutors into teams so there are people looking after their workloads and somebody to go to if they have a problem.

**Ms ARCHER** - You have another SC that's been appointed, Linda Mason.

**Mr COATES** - Who we are very proud of and it's very well deserved.  We have a lot of our own in-house training.  A couple of months ago we had a two-day session just before [inaudible] started and we will have another two-day session in late August.

**CHAIR** - Around team building and personal development?

**Mr COATES** - Team building, personal development, resilience training and advocacy training.

**Ms ARCHER** - Resilience because some of the matters they deal with are quite difficult and horrifying.  There needs to be that great team support environment and from what I have witnessed there is a really good culture in the office of DPP.

**Mr DEAN** - The increases in the cases coming before the court, and we have talked about that this morning, the Supreme Court, so that comes through the DPP's office.  What is the position in the DPP's office to be able to manage and handle the extra workload that's coming into the office?  I think it was the Chief Justice who made some criticism recently of the inability of, I think police and others, to get their cases prepared to come before the courts and that was causing some problems within the courts.

**Ms ARCHER** - If I can give you a bit of an overview and then I can throw to the DPP.

**CHAIR** - We are pushing along.

**Ms ARCHER** - I'll be quick. Obviously the office of the DPP can't control demand for its services by the very nature of the matters it deals with.  Instead it has to react to changing demands and workloads.  Obviously, demand for services in the criminal area is driven by the level of offending in the community and police to detect crime and, ultimately, charge an offender with crime.

Also, demand for child protection legal services is driven by a number of orders and the DPP does provide services in that regard.  Against the background of demand being driven by external forces, the ODPP continues to provide high level efficient and effective legal services.

They have experienced an increase in the number of committed defendants.  The bail applications continues to be higher, again, a reason for looking at bail reform.

The office also provided in the last financial year advice to the police on 96 criminal matters and so that is increasing, I understand.  The office has also provided witness assistance services and despite increasing demand, it’s been able to increase the number of matters it finalises by 10 per cent.  I am very confident with their rate of service and ability to dispose of matter.  Obviously, it continues to be challenged by increased demand and is doing what it can with the available resources.

**Mr DEAN** - With the additional work-load, and last year we were told by the DPP, that you will also be extending your services to family violence issues.  With sexual issues you have to have a contact within 48 hours and you then mentioned that you're extending that to family violence.  I take it that was this year.  With the increased workload coming in and with all these extra duties in the DPP office, is the DPP able to manage and handle that in accordance with the office's requirements, and the frustration that we've heard the Court recently make in relation to prepared cases coming in to the Court?

**Ms ARCHER** - We have talked this morning about the additional resources that were provided to Legal Aid and the Office of the DPP - that's in response to the Chief Justice's annual report which covered the period 2016-17.

The amount that the DPP received is $570 000 over two years.  What we need to also look at is the Acting Judge has only started sitting towards the end of that period that that the annual report covered.

The comments are slightly out of date in that regard.

Do you have anything to add to that Mr Coates?

**Mr COATES** - Yes.  The Chief Justice made comments that we couldn't service in courts but that was that was the previous financial year we got the extra funding last on the 1 July.  In September we serviced extra courts in Launceston for seven weeks.  We have now just about finished the period in Hobart for 11 weeks.  At some stages, we have been servicing six courts in Tasmania where we normally only service four - we have increased our efforts there.

With the numbers, we have made a real target to looking at some of the older, bigger cases.  Although it may not decrease the numbers by much, it increases the impact on the long-term list.  For example, we did a drug trial that went for eight to 10 weeks in September last year.  In February we did a murder trial and then a manslaughter trial.  Unfortunately, the jury didn't reach a verdict in a manslaughter trial so that was one court tied up for four weeks and we only dealt with one matter.  They have to be dealt with at some stage.

You can't just look at the individual statistics.  I have commented on this in our annual report - we have had a change in the makeup of our offences.  Sexual assault is, and I am not sure for this financial year, but for the last three financial years, has increased from 9 per cent to 16 per cent.  I am not saying sexual assaults have increased by that amount but our rate has.  Most of those are historical ones, possibly because of the publicity of the royal commission.  They are complex and take a long time.  We have a large number of drug matters.  Drug cases, when I first started, you’re a police officer, Mr Dean, they were our simplest matters.  Two or three police officers would find some cannabis plants.  That would be the case.  Now it is all methamphetamine, cocaine.  The evidence is technical:  telephone intercepts, financials.  We get a low plea rate out of those complex cases.  When we do get a plea rate they are right at the end.  We have to do everything to put the case together, put it on trial and then we might get a plea the day before.  They are some of the difficulties that we face.

**Mr DEAN** - We have been told for a long time now that the way technology has gone and with recording of interviews, we would see more pleas of guilty going through the Supreme Court and the Magistrates Courts as well.  My question is are you able to answer that question as to whether they are seeing more pleas of guilty going through the Supreme Court.

**Ms ARCHER** - I am happy for the DPP to address that.  He is going to have more experience on the practical response.

**Mr COATES -** The percentage of our pleas have remained about the same.  Over the years although our number of committals have stayed the same or gone up slightly, the area of our work has changed.  For example, we used to get a lot of burglaries and stealings in the Supreme Court.  They are the ones that get a high plea of guilty because of the recorded video interviews.  We do not see them anymore.  They are dealt mainly in the Magistrates Court.  The plea rate is about the same.  It would be good to do something to encourage earlier pleas.

**Ms ARCHER** - The crimes can be, I suppose, quite sophisticated and therefore that is reflected in this.

**Mr DEAN** - I have other questions.  I can put them on the notice paper and do it another way.

**CHAIR** - Thank you.  We always have a lot of questions.  We appreciate your time, Mr Coates.  We know how valuable it is.

We will suspend now and we will return to scrutinise the Office of the Ombudsman at 2pm.

**The committee suspended from 1.04 p.m. to 2.00 p.m.**

**Output group 1**

**The Office of the Ombudsman**

**1.1  Office of the Ombudsman - Decisions on Complaints referred to the Ombudsman and Health Complaints Commissioner and Right to Information -**

**Ms ARCHER** - I welcome Mr Connock.  We are very fortunate to have him in this role.  I have every confidence in the enormous capacity he and his office have to manage his workload and resources.  I acknowledge the depth of skill and knowledge in that office, particularly headed by Mr Connock himself.  He has recently been extended to the role of Custodial Inspector as well, which is an incredibly important role.  It shows his skill and expertise.  I thank him for his dedication to that work as well.

**CHAIR** - Thank you.  My first question is:  considering that another role has been added, I would like to understand how an increase of $15 000 can adequately cover the additional time and resources needed for that additional role.  If the Attorney-General could provide me with that answer, that will get us started.

**Ms ARCHER** - We appreciate there are always demands in this area.  The workload does fluctuate from year to year, much like in some of our other outputs.  It is a constant watch at this but, as I said in the outset, I have every faith in the Office of the Ombudsman to carry out the duties and functions required and, in doing so, the work they are able to do.  The office has no control over the workload, the number of reviews that comes through, and it fluctuates.

**CHAIR** - The number of complaints to the office certainly has fluctuated and it appears it has risen considerably in 2016‑17.  Then our notes tell us that the 2017‑18 target is expected to increase by approximately 5 per cent.  Do we have an update on where that target is sitting at the moment for this financial year?

**Ms ARCHER** - Do we have target figure that we could provide?

**Mr CONNOCK** - I am sorry, I don't have the target figure.  I will say upfront that my business manager was unfortunately on unexpected leave all last week and has only returned today, so I am not armed with my usual set of terrific figures that she produces.  I apologise in advance for that.  I have some more data though and I am happy to take any questions about these matters on notice and will report back later.  Unfortunately, Leanne is the only one who can extract it from the system, we have discovered.

**CHAIR** - How very fortunate to be the only person who can undertake a role.

**Mr DEAN** - You could talk about succession planning.  If you don't have the staff, it is difficult to have succession planning.

**Mr CONNOCK** - This is a skilled position and not a cheap one.

**CHAIR** - Attorney-General, if we can have that data at a later time, it would be very useful.  It is very close to the end of the financial year anyway, year to date, so I am sure it will be available within the next week, rather than having to wait for the annual report.

Can I go to the timeliness of providing information to people who make representation and put in a complaint?  I have been informed that some the RTIs, for instance, have been in the system for 12 months.  That concerns me because that is a failure of democracy.  Do you have some comment to make in regard to that?

**Ms ARCHER** - I will refer the time frames to Mr Connock and maybe some reasons why some things get delayed and some don't.

**Mr CONNOCK** - Unfortunately nearly all get delayed.  We have had to adopt a system where if somebody wants their application expedited, they have to apply for that and satisfy us there is a need for that to be pushed to the front of the queue.  The problem we have is a historical backlog we just cannot clear.  You mentioned the larger numbers last year; I actually had a second officer for 12 months and we had hoped we would clear that backlog so that when it went down to one officer again we would be better placed, but unfortunately we have received almost exactly double the number of applications for review - they went from 40-something to 73, so we were again only able to maintain the status quo, not to advance.  The backlog has traditionally sat around 40 to 50 cases.  Having said that, I only have one officer doing these things and I have an arrangement with Justice if I am conflicted or my officer is conflicted, there is somebody else in there who can do those.  My officer does have some conflicts because he was a former RTI delegated officer in one of the larger departments, so he can't do those decisions.

We received 43 applications for review this year, which is more in line with what we traditionally have and we managed to close 49, so we are keeping up with what is coming in but it is this backlog I just can't get rid of.

**Ms SIEJKA** - With the backlog, you would have had extra staff to try to assist with that year -

**Mr CONNOCK** - That was only because we hadn't filled a position elsewhere in the office so we had a saving and I was able to -

**Ms SIEJKA** - Going forward, you still have the backlog -

**Mr CONNOCK -** But I'm not funded for a second officer.

**Ms SIEJKA** - You're not funded to do it, so what is the strategy to deal with that now?

**Mr CONNOCK** - What I have been trying to do now because I don't have the funding and we are only just keeping up with the stuff that is coming in, we are dealing with the older ones first but we are closing out as many as we get in and we are not clearing that backlog.

I have been approaching other agencies for secondments and we have just had the first one of those.  One of the things I am supposed to be doing in RTI as well is providing training.  We do some of that, but not as much as I would like.  We see the secondment as working two ways:  one, it is a training opportunity for the delegated officer from an agency to come in and see how we work, which is different to the way an application is processed at agency level, and two, it also assists us.  I have had some discussions with SSMO about this, which supports the idea, and we are just trying to organise a second secondment now.

**Ms SIEJKA** - So there is a strategy in place, it is just a matter of time.

**Mr CONNOCK** - There is a strategy.  I would really like one other officer for at least 12 months to try to clear that backlog but, failing that, we are looking at a secondment as the next best thing.

**CHAIR** - Is there an issue with the skills required to undertake this work, or is it purely a budgetary decision by the Government not to adequately resource this department?

**Ms ARCHER** - I would not say we are not adequately resourcing.  As I said, it fluctuates.  We have no control over how many applications are made - and nor should we - over MPs, the media, private citizens.  I suppose in more recent times, RTI has become the subject of a lot of media attention and that raises public awareness of their use and that can cause an increase in the number of applications.

The number of external review applications made in any one year is also difficult to forecast, which makes it difficult to accurately predict resourcing requirements.  I would not like to say that there is a shortage of necessary skills, but as Mr Connock has identified, there are some in the public service who may benefit from the training that a secondment, for example, might provide.  So, again, that type of idea as to filling any vacancies is, on the face of it, quite a welcome one.

I delegate all the RTIs to an independent RTI officer in the department - my office does not deal with them - the same with all other ministers.  So for consistency across decision-making as well, it would be perhaps a useful exercise moving into the future.  But it is difficult to forecast future resourcing requirements, and so it is a matter of watching the resourcing.  I have every confidence in the ability of the Office of the Ombudsman to carry out the work required.

**CHAIR** - My questions were not questioning the role of the Ombudsman in any way, shape or form.  It was just about that without having timely responses to RTIs and the other issues that are dealt with, it seems to me that we are not providing the appropriate level of democracy.

**Ms ARCHER** - I think it is important to look at the reason for some of the delays.  Some matters are voluminous; they are complex.  I am sure Mr Connock would be able to point to some examples without revealing the nature of them, but there can be some incredibly detailed work that has to be carried out, and that takes up time.  I know that every department tries to stay within the time limit set by the legislation, but sometimes that is impossible as well.  I am not sure if Mr Connock would like to add to that.

**Mr CONNOCK** -  I think there are still some agencies that do not fully understand their responsibilities under the act, and we are left to do a lot of the work that perhaps they should have done in the first instance.  This is something we see could be perhaps remedied by some more detailed training.  There are some incredibly complex ones.  If you look on the website, we have actually published quite a few.  But there was a spate of applications in relation to aquaculture, which you probably all remember, and they were incredibly complex, huge amounts of information - a lot to process and a lot to determine.  When we come to it, we do a full merit review, so we are not just sitting there saying, 'Did they do this right?' We conduct our own review on that material.

It is an intensive process.  The thing is that numbers of politician and journalist applicants are going down, for the moment, but legitimately those two groups of people use the process to find information.  As I have said to previous committees, politicians and journalists know there is something there, but they do not know precisely what it is because they have not been given access to it.

**CHAIR** - That is why there is a lot of fishing in related areas.

**Ms ARCHER** - They are quite wide and broad in their application.  Is that what we are saying?

**Mr CONNOCK** - They are reluctant to narrow the scope of the application for fear they might miss some vital piece of information that has not otherwise been identified.

**CHAIR** - So they are the very complex ones.

**Mr CONNOCK** - That is not an illegitimate thing to do.  I am not criticising anybody.  I would be the same.  If I did not know exactly what it was, I would be very loathe to give up on potentially important information.  But that makes life difficult.  It means you cannot case conference things; you have to conduct a full review.  Hence the time frames on those are necessarily long.  There is a lot of toing and froing.  You need to give both parties procedural fairness.  There are comments sought and obtained all along the way, so it is not just like getting it and saying, okay, off we go, here is the decision.

**Ms ARCHER** - Case conferencing, which you just referred to, can be very useful in private citizen cases, for members of the public.  It may well be you can narrow down what exactly they want and deal with it a lot faster so that is a tool that can be utilised once it gets to that stage of the Ombudsman.

**Mr CONNOCK** - Indeed the only problem you have with that is depending on the nature of the application, only having one delegate.  If that delegate conducts a case conference and his concession has been made by various people and it does not resolve, there is a potential difficulty with his impartiality going forward with the balance of the review, so I just flag that.  It has not happened yet but there is potential for that.  I would like to see a lot more being resolved at that sort of level, rather than going on to a formal review.

**CHAIR** - Before I hand over to Mr Dean, other areas of community interest, if you like, community education.  I know it is a resource issue again, Attorney-General, and the problem is there are not enough resources, but is that something you would consider so people understand what can be put in as a complaint or a request?

**Ms ARCHER** - Yes, I think the act is quite clear what you can put in as a request, as Mr Connock identified -

**CHAIR** - Not all members of the community read legislation.

**Ms ARCHER** - No, that is true, but I think not all applicants want to narrow down the focus of their RTI application either.  It may not be that education resolves the problem in most the cases.  It is nice in theory, but I am not quite sure that would assist overall.

**Mr CONNOCK** - I was going to say in terms of members of the public, it is often more difficult to get them to focus on refining their applications.

**CHAIR** - Hence the education process.

**Mr CONNOCK -** It would be probably of more value with the information custodians rather than the applicants.  If they understood and if they could communicate with applicants at an early stage without compromising the process that would probably be better, if they could assist applicants.  If an application comes in and it is not in an acceptable form, the agency has an obligation to assist the applicant to put it in an acceptable form so if there was more of that going on it would be better.  I think we are in a good position to be providing the training at agency level, systemic stuff, and again if we do that well, the decision-making improves and we get fewer reviews so that would be useful.

**Ms SIEJKA** - Your thoughts on the reason there has been an increase in requests?

**Mr CONNOCK** - It has not been this year, it is back to normal but -

**Ms SIEJKA** - But there was an increase in the past year?

**Mr CONNOCK** - Doubled in the previous year.

**Ms SIEJKA** - Doubled.  Is there a particular reason?

**Mr CONNOCK** - Nothing readily springing to mind.  It was the same group of applicants, not incredibly dissimilar percentages to previous years, just a lot more traffic.

**Ms SIEJKA** - Just much more active.

**Mr CONNOCK** - I suppose a few very big things in the public domain were attracting media attention and public attention, but nothing leaps to mind.  We were very disappointed because we were looking forward to getting rid of the backlog.  No, cannot really explain.

**Ms ARCHER** - And that was the disappointing thing about the year where there was extra resourcing -

**Mr CONNOCK** - The one opportunity we got.

**Ms SIEJKA** - Perhaps related to the same increase we have seen earlier in the Integrity Commission?

**Mr DEAN** - The RTI position I raised during the Budget session here last week spoke on it, saying it is really a bit of nonsense at the present time that our RTI appeals to the Ombudsman's office are taking so long.  Under the act, I understand the Ombudsman has 12 months in which to answer that appeal.  I have to use my case - I wanted to steer away from it as much as I could - but in my own personal position of an appeal, it has now been 10 months, going on 11 months, with no response as yet other than to tell me it is being looked at, it is being considered and there is only one person there able to do this.

I am not criticising the office at all, but in that case really it is of no value to me.  The question here is if an idea of the time could be given, others might say there is no point in continuing with the appeal because it is not going to help them now; the matter has long gone.  The Ombudsman is saying he is after a secondment, so will you as the minister responsible for this area ensure there is a secondment, there is something that will happen in that office to allow the Ombudsman to do his work?

**Ms ARCHER** - It is not for me to direct that something like that should occur.  You mentioned SSMO so those discussions are occurring and, as Mr Connock put it, they have been welcomed.  That is not something I particularly have control over although I can see how that would have its advantages.  As you have been saying and you just talked about a 10-month process in your particular case, there are factors that are unavoidable that cause delays as well and we will never be able to fix that.  It would not even matter if you tightened up the legislation to a shortened period, there would always need to be extensions of time granted in certain cases to allow for situations that arise.

**Mr DEAN** - Have any of these cases, minister, gone beyond the 12 months?  It is a statutory requirement as I understand it, for these appeals to be determined.

**Ms ARCHER** - That is a question for Mr Connock.  He will be able to assist.

**Mr DEAN** - As soon as practicable it says.  So there is no time frame.

**Mr CONNOCK** - Yes, but 12 months is not good.  It does not bring me any joy to have to say that there are cases that long.  I would much rather be doing them in a shorter time frame.  I take the member's point:  people want the information when they want it and often it is for a use and if they do not get it, there is no utility in it after a while.

**Mr DEAN** - I think what happens here is that when you appeal to the Ombudsman, you have got 20 days to appeal to the Ombudsman from the second decision being made that you are not going to get what you want.  There is a restriction of 20 days on the member on the first [inaudible] and then of course it is open from there.  The other issue I raised during the budget stage was that if the Ombudsman is having difficulty, shouldn't some consideration be given to removing some of the other functions from the office?  If there is not sufficient staff or ability to either carry out all the work and the functions, should not you consider looking at some of those other functions?

**Ms ARCHER** - I do not accept the premise of the question that there is not sufficient staff or ability.  I think -

**Mr DEAN** - Well what is the reason for it?

**Ms ARCHER** - I think the people we have working in this area are great at what they do, particularly Mr Connock himself.  The reason he has been given the duties he has, particularly with the Custodial Inspector, are by reason of his skills and expertise and he has been delivering on that work in a timely fashion.  I do not accept the premise of your question.

**Mr DEAN** - There is not sufficient staff.  You do not accept that but yet we have been told a lot of these matters are going on for long times because of the capacity to undertake all of that work.  Minister, how can you make that statement?

**Ms ARCHER** - As I said at the outset, matters fluctuate and Mr Connock has identified that they have gone back down this year and there is no reason why the other peak period happened.  If we could predict that, you would be in a different situation but there is a fluctuation of matters and you cannot just react to one year being a peak of matters.  That is not good budget management.

**Mr DEAN** - I have been at these Estimates now, minister, for 15 years and I think this question comes up about every year of the capacity of the Ombudsman to undertake its functions in the right way.  It is not new.  Go back to last year and the year before and the year before.

**Ms ARCHER** - What I am disagreeing with you about is the premise that the Ombudsman cannot possibly carry out the work of Health Complaints Commissioner, of which there are not that many matters, and Custodial Inspector.  He is doing a terrific job in that area and is responding to prisoners' reports and requests.  I can't agree with the premise of your question.

**CHAIR** - We will agree to disagree in that case and members will have opportunity on the floor of the House to progress this matter.  Members, are there any other questions in this area?  If not, then we thank you very much.

We will now look forward to the scrutiny of your area as Minister for Arts.  Thank you, Attorney-General.

**Ms ARCHER** - I thought we were onto Corrections next.  We have all of my corrections people here.  Is that all right?

**Mr DEAN** - What are we doing now?

**CHAIR -** Corrections.

**Mr DEAN** - That is well away.

**CHAIR** - Corrections.  That will be fine.  The agenda was Corrections.

**Ms ARCHER** - Can someone confirm that we are?

**CHAIR** - I was going under the yellow pages.

**Ms ARCHER** - That is what I meant by Corrections portfolio, not the Arts.  Are we on the same page?  Excellent.

**Output group 3.1**

**Prison services**

**Ms ARCHER -** At the table to my right I have the Deputy Secretary, Nick Evans, who is specifically in this area.  I have Mr Ian Thomas, Director of Prisons-Designate, Tasmania Prison Service, and Neale Buchanan, Director of Community Corrections, also in the department.  That is all I have at the table so far.  We can call up people as and when required.

As Minister for Corrections, I am pleased this Budget continues with our commitment to strengthening the Corrections system and implementing a broad program of cultural change.  We have a major infrastructure spend in this portfolio area, in fact the northern prison will be our biggest infrastructure spend in the north of the state.

**CHAIR** - There will probably be an announcement about that today.

**Ms ARCHER** - No, it is well known that it is $270 million for the northern prison, so that is what I was specifically referring to.  I want to acknowledge again the dedication and vision of the former minister for Corrections, the late Dr Vanessa Goodwin, in leading this change program over a number of different years.  I have already announced the establishment of the mother and baby unit at the Mary Hutchinson Women's Prison, a fitting tribute to Vanessa's longstanding commitment to prisoner rehabilitation and helping prisoners to get their lives back on track.  The mother and baby unit is one of those initiatives that will help to drive change and it is an important initiative carrying Vanessa's name and honouring her legacy.

I also wish to thank the outgoing Director of Prisons, Mr Brian Edwards OBE for his outstanding leadership.  We have a succession plan in place to ensure that the positive changes and reforms commenced by Mr Edwards will continue beyond his retirement.  He retires Wednesday, 27 June, which is today, so farewell and thank you to Mr Edwards.

Mr Ian Thomas commenced in the role of Director of Prisons-Designate on 9 January 2017.  He has been working closely with Mr Edwards to ensure a seamless transition in the leadership and management of Tasmania Prison Service.

This Budget includes a broad range of funding commitments to respond to the changing and increasing demand on the Corrections system and the national trends taking place in that regard.

Rather than just providing funding to address some of the existing and short-term issues, we have embarked on the Strategic Prison Infrastructure Program, namely over 10 years, when we talk about the northern prison project, but also funding initiatives in the Budget will allow our Corrections system to respond more flexibly to the changing demand and also futureproof it, which is very important, particularly in relation to the mother and baby unit and the northern prison.

In this Budget, $45 million of the $270 million commitment for the northern prison has been committed.  The first stage allocates $150 million for completion within five years.  The second stage allocates the further $120 million.  This Budget only covers the budget and forward Estimates but it is our long-term project to deliver that within 10 years and certainly that first stage within five years.

Construction of stage 1 is expected to commence in the 2019-20 financial year.  That northern prison will provide accommodation for a variety of security classifications as well as remand facilities and a women's prison.

The northern prison will not only relieve pressure on the Risdon facility in the south, but it will be designed to create increased opportunities for prisoners to find meaningful work on release and, importantly, provide improved family connections or attachments for northern prisoners.

I am sure I will be corrected if I am wrong because I am going off the top of my head, but I am pretty sure 46 per cent of our prisoners hail from the north of the state, so we can see that it will have a significant impact if they are closer to their family.  It will have an enormous impact on their rehabilitation prospects and reintegration into the community.

Additional funding of $4 million, which is $16 million in total over the forward Estimates, is being provided to the TPS to assist with cost pressures resulting from increased prisoner numbers.  This funding will address increased costs related to staffing, court, hospital and other escorts, energy, water, food, clothing, bedding and other prisoner-related consumables.  Increased demand for prisoner reintegration activities, education and therapeutic support services will also be funded.

I mention this specifically because it is a matter that was an election commitment, for which I am responsible:  the funding of $150 000 for the pilot program Chatter Matters Tasmania by Rosalie Martin, the 2017 Tasmanian Australian of the Year.  It is a program to assist prisoners to strengthen vital bonds with their families and to improve their rehabilitation with the aim of reducing their likelihood of reoffending after release.

Seventy million dollars over three years will be provided to build a new remand facility this term on the Risdon Prison Complex site.  I am confident the measures we are putting in place will continue to ensure our Corrections system is able to respond to the many challenges it faces and plays its role in keeping our community safe.  I am happy to take questions.

**Mr DEAN** - Minister, when is it likely a location will be identified for the northern prison?  What stage are we at now?

**Ms ARCHER** - This is a long-term plan.  At the moment we are doing the siting for the prison, the principles surrounding that and then the planning and design phase.  All of this is being carried out by the department.  Siting principles have been developed and a multidisciplinary panel is being formed to guide identification of a suitable site.  As you would imagine, we need to apply the United Nations rules for the treatment of prisoners to ensure the new prison is sited with good access to facilities and services that will contribute to the Breaking the Cycle vision for the Tasmanian Corrections system, which is what we are focused on with throughcare.

The Breaking the Cycle vision for the Tasmanian Corrections system is a reduction in reoffending and an increase in the ongoing safety of the Tasmanian community by providing a safe, secure, humane and effective correctional system with opportunities for rehabilitation, personal development, reintegration and community engagement.

At the moment the department is working with local government areas in the north and north‑west of the state and landowners to assess potential sites.  We have indicated a site will be identified in the first quarter of 2019.  That work is continuing.  We not need to only ensure that we are near to services but we need to consider staffing, transport and other issues like that.  There are a whole range of issues as to why time needs to be spent on the siting so that it is appropriate, and then looking at planning, whether something needs to be rezoned.  We are looking at greenfield sites.

**Mr DEAN** - Will the prison provide the whole range of prison services, in other words high‑risk, low-risk, right across the whole spectrum, or is it going to be a prison that will only offer some -

**Ms ARCHER** - No, it will allow for all classifications.  It will allow for remand separately as well, as well as a women's prison.  Then there will be opportunities for an industry facility, an educational facility, as well as a sporting facility.  One thing we identified on the Risdon site, when upgrades occurred there, is that we don't have a separate exercise facility.

The southern remand centre provides us with an opportunity for a sporting facility as well as a separate visitor centre and access to legal representation.  You can imagine there is a greater need for that when you are on remand because you haven't yet been through your court process and tried and sentenced.  These new facilities will give us an opportunity to design for current and future needs - more to the point, futureproofing our system and identifying what we don't currently facilitate adequately, which is exercise and sport - things that help with rehabilitation.

**CHAIR** - What will be the number of capacity?

**Ms ARCHER** - Of the northern prison?  Around about 270.

**Mr DEAN** - Do you have any idea at this stage, as you know the capacity of the prison, what the staffing requirements might be and how you are going to tackle that issue with the training and things that are necessary?

**Ms ARCHER** - It is important at the outset.  I may, on that operational question, throw to one of the gentlemen, probably Ian Thomas, in relation to staffing because that is what he oversees.  Generally, it is important to highlight we have delivered more Corrections staff since coming into government.  Late last year and in April two recruitment courses successfully graduated, so we have new Corrections officers on duty now.

We are currently at the rate where with every extra prisoner we have had in recent times, that is commensurate with - it has been exponential - an extra Corrections officer coming online.  We are dealing with the staffing issue and providing more staff for the Tasmania Prison Service.

**Mr DEAN** - I suspect that if you get the inmates into the prison up there, there will be obviously be a decrease in those here in Risdon.  I guess staffing arrangements may well change in Risdon as a result of lesser occupancy of the prison.  That is why I asked the question.  Is that work being done?  What sort of work has been done on that at this stage?

**Ms ARCHER** - Mr Thomas can address that in relation to staff across the board in that case.  We are dealing with hypotheticals.

**Mr DEAN** - You ought to have some reasonable idea, I would have thought.  The size of prisons and what is happening.

**Mr THOMAS -** With regard to the northern prison and how we run it, we have an opportunity to look at contemporary prisons practices and learn from some of the mistakes that have been made before.  First and foremost, the design of the prison will dictate to a degree how it operates.  We then need to look at the different aspects of the prison - the remand element needs to operate differently to sentence.  As you know, we are trying to create separate areas for remand; we want the remandees to have access to their lawyers and families for greater periods.  That is the first stage of it, to really understand as we design the prison what the operating model will be.  That will then dictate the staffing model.

We need to look at the staff we already have in the north with the Launceston facility, which I have already touched on.  There may be staff in the south who would like to relocate to the north.  As the Attorney-General outlined, we need to understand the southern remand in the south, the staffing model for that, and the implications more broadly for staffing across TPS.

We will develop in advance of the new prison opening an effective recruitment strategy, broadly based in the north as a real opportunity to recruit more Corrections staff in the north, which we have struggled to do in the past because of the distance and the logistics.

**Mr DEAN** - The remand centre in Launceston obviously would be affected as well.  It is already there.

**Ms ARCHER -** Do you mean the northern reception prison?

**Mr DEAN** - In the police station there.

**Ms ARCHER -**  Once we have the northern prison up and running, that facility will not be used as a correctional facility, it will revert back to a police watch house facility, which is the purpose it was built.

**Mr DEAN** - That is what it was, you are absolutely right.  I have no more on the prison.

**Ms HOWLETT -** Minister, I know you briefly touched on it before, but in relation to the southern remand facility, are you able to provide any more detail?

**Ms ARCHER** - On southern remand?  Yes, it is more advanced in the south, being on the Risdon site itself.  We have a Department of Justice Strategic Infrastructure and Projects team which has developed a holistic, integrated and contemporary strategic infrastructure framework for custodial corrections in Tasmania in order to address the much-needed prison infrastructure across the state, which I will refer to as the framework.

As I have referred to previously, $17 million has been committed and allocated to construct a new southern remand centre on the Risdon site.  That will provide a secure, standalone prison and accommodation for remandees from the south of the state, noting the average remand population has progressively risen from 19 per cent to 31 per cent of the total prison population in 2017.  Can I stress, though, this rise in figures is consistent with national trends; in fact in Tasmania, our increase in prisoner numbers and remandees is lower than in other states in comparison.  It is something we are addressing.

We know something needs to be done and this is why we have embarked on this infrastructure program.  It is an opportunity for us to provide other facilities that are much needed.  Stage 1 of the remand centre will comprise two accommodation units that will house more than double what we initially predicted.  On projections, we initially predicted we would be able to house approximately 70 remandees; now we estimate around 140, so double that.  That is more than sufficient and it is very pleasing that because of design principles, we can allow for a greater number of remandees on that site.  It does not change the cost of the project at all, but we can house a larger number of remandees.  Once the northern prison has been built and we have northern remandees up north, this is about futureproofing and ensuring we can house our remandees separately from the rest of the prison population.

Stage 2 will include upgrades to a number of shared central facilities, which I referred to within the prison complex - the Risdon Prison Complex, that is - and that will be the gatehouse, prisoner processes, health centre and visits centre to account for the additional numbers of remandees accommodated in, and moving through, the facility.

A key focus of the department's planning efforts has been the development of a more effective prison design philosophy, and the design of the new southern remand centre will provide a positive environmental experience for staff and remandees, as well as supporting effective and efficient prison operation.  I mention the staff, because, as we have seen in recent times as well, the safety of our staff and their conditions at work are really important.  These new facilities will give us an opportunity not to only take care of our remandees and our prison population, but also, importantly, our hardworking staff.

I take this opportunity to thank them for their efforts and their professionalism in recent weeks, and particularly Mr Thomas, who is at the table, for his leadership in that regard.

**Ms SIEJKA** - Just related to accommodation, how many people are eligible for parole but not released because they are unable to find suitable accommodation?

**Ms ARCHER** - So housing?  In relation to the post-release housing program, we have prioritised four ways to improve access to housing for prisoners returning to the community following a period of imprisonment.  As part of the 2017-18 Budget, we committed funding to provide assistance for transitional accommodation for prisoners.  In January this year, the Department of Justice and the Salvation Army finalised an agreement for the delivery of a specialist throughcare reintegration program called Beyond the Wire.  The purpose of that program is to offer a multi-partner throughcare service for high and complex needs prisoners who are exiting prison and who have chronic accommodation and support needs.

This cohort of offenders has a history of prior convictions and relapse, often returning to prison following release into the community without appropriate accommodation and specialist support, so that is that program.

**Ms SIEJKA** - What sort of numbers are there?

**Ms ARCHER** - I will see if I can get that number.  I just wanted also to provide you with some detail on that program and the broad range of services provided by each organisation.  We also work with Anglicare, CatholicCare, Colony 47, Hobart City Mission and the Salvation Army as well.  Ex-offenders leaving prison and requiring housing assistance can receive support through Housing Connect, a one-stop shop for all Tasmanians in need of housing assistance.

**Ms SIEJKA** - I know it is such a big problem; even with lots of programs, there are still people who struggle.

**Ms ARCHER** - Yes.  There is always a cohort that does not -

**Ms SIEJKA** - That is why I was curious on the number who were unable -

**Ms ARCHER** - There is always a cohort - as I referred to - that has special needs, or do not have family support and rely on these services.  As to a number, I am not sure if we can -

**Mr EVANS** - If you are asking for a number of people who may not be able to access parole because they do not have housing, it is not immediately accessible, because the Parole Board uses parole for a whole number of reasons and no doubt that is sometimes a reason.  But as to how big a number that is -

**Ms SIEJKA** - Is that something we could find out?

**Mr EVANS** - We can go away and see if we can find that out.

**Ms ARCHER** - I do not think it will be as neat as, 'They cannot leave because they do not have housing.'

**Ms SIEJKA** - No.

**Ms ARCHER** - It may be one of many factors.  There could be a whole raft of reasons as to why they are not able to leave.

**Ms SIEJKA** - I know.  I was just thinking it must be a lot more challenging in this particular environment, around Hobart, in particular.  But I will not take up any more time.

**Ms ARCHER** - We have transitional accommodation onsite as well - the O'Hara Cottages, which have proved very -

**Ms SIEJKA** - I just thought the problems would have been compounded in this climate.

**Ms ARCHER** - I don't know if Mr Thomas has anything to add to that, but the O'Hara Cottages have certainly helped.

**Mr EVANS** - We are certainly more pleased at the moment with this program than we were this time last year.  As well as just the house, it is actually providing the support ex‑prisoners need to maintain their tenancy or arrangement in that house.  Just giving them a house and saying 'Away you go' is unlikely to succeed

**Mr DEAN** - It won't be long before people go to prison so they can get a house.

**Ms ARCHER** - You have all sorts of post-release issues, not only budget but being able to function in the community, particularly, for example, if it has been a 20-year period from having been in the community - things have changed and there could be a whole range of factors.

**Ms SIEJKA** - It would be good to know because of this particular issue.

**Mr EVANS** - We will see what we can do.

**Ms ARMITAGE -** In regard to the northern prison, obviously it is anticipated what will be there.  Will there be a mothers' and children's area as well?

**Ms ARCHER** - There is a women's prison; as for the detail of the design, I am not quite sure.

**Mr EVANS** - No, I don't think we are at the point yet of the detail.

**Ms ARMITAGE** - I thought maybe you would need to know what you are catering for when you are designing it.

**Mr EVANS -** The design work is underway as we speak.  In some ways, it may be dictated by exactly what the site is and what it can hold.  We know that there will be a women's facility on that site and one of things we need to sort out in five years we have to get this prison constructed is the exact configuration of that women's prison.

**Ms ARCHER** - The statistics at the moment are actually very low.  One thing the Dr Vanessa Goodwin Cottage allows for is futureproofing.  At the moment, we don't have any babies.

**Mr THOMAS** - We have one pregnant woman in custody at the moment, but we don't have any babies.

**Ms ARCHER** - That has happened since I had the last updated figure.  It's one of those things you can't predict but we are futureproofing.  I imagine, if it is something that can be facilitated on site with the budget we have, it will be ideal.  There would be some facility for that as we always need to allow for someone coming into custody who is pregnant.

**Ms ARMITAGE** - Do you know what size piece of land we are looking at then, which is an interesting one?

**Ms ARCHER** - I am going to throw this to the deputy secretary.

**Ms ARMITAGE** - How many hectares?  That might determine where it goes, depending on the size of the land.

**Mr EVANS** - We are after a minimum of 13 hectares.

**Ms ARMITAGE** - You are after a greenfield site?

**CHAIR** - Can we have a list of those that will be involved in the design?  You said there be a panel or a team.

**Ms ARCHER** - Is that something we can release?

**Mr EVANS** - No, probably not, a number of government agencies are affected by this.  It isn't part of the stakeholder consultation process which will need to occur when one or more sites are identified and taken to government to say, 'These are the sites we would like you to consider.' It is at that point we will need to engage external stakeholders in the siting arrangements.

At the moment, the people involved are internal to government and there will be departmental officials and also police and the Department of Health which will need a presence and will be involved in the prison site.  It will be at the next point when site or sites are identified that we will then go to the external stakeholders and engage with them about what they think will be required.

**CHAIR** - Mr Dean, we have a question here around drones, but I was just interested in where you are heading.

**Mr DEAN** - I want to talk about the finances.  The financial manager of the state's prison is under scrutiny as costs have been rising.  This is a report I just took straight from the papers and there has been a lot of other information around this -

The Tasmanian Audit Office is burrowing through the financial, asset and personnel management records of the prison system to find out whether the service is giving the public value for money.

Most of the $65 million-plus - or almost $70 million - spent in 2015-16 on the five prisons was government-funded.  It was up more than 7 per cent on the previous year.  Many questions are being asked about the financial position of the prison.  It is either highest cost prison in the country or the second highest.  One of the territories might be above it, I am not sure, but if it is not the highest cost prison in the country, it is the second highest.

Why is that the case?  One would have thought we could have been leading the pack as it were, at least in the average area of costs to run a prison and prisoner cost -

At the time the audit was planned, the average daily number of prisoners was 524, each costing $378 a day.

The department is saying it manages its costs within the service and it was an ongoing challenge; the department admits that, according to this press release.

**Ms ARCHER -** Yes, our figures are similar to other smaller jurisdictions like the ACT.

**Mr DEAN** - That is where we compare, with the ACT?

**Ms ARCHER** - We are the third highest after the ACT and Victoria, generally speaking.  The cost of prisoners per day is higher than in some other jurisdictions.  I don't know if Mr Evans wants to add anything to that on how we are tackling that but it is an ongoing issue.

**Mr EVANS -** We need to continue to manage our budget.   Clearly, with the increase in prisoner numbers, the audit you refer to by the Tasmanian Audit Office has been underway for some 18 months or so, and we have yet to see the outcome of it.  They have not reported yet.  The current daily average prisoner numbers for this financial year is around 614, so clearly we have experienced a significant growth in the last year and that has an impact on cost.

Concomitantly, the cost per prisoner per day, because of the increase in numbers of prisoners, has come down, so we are down to $297 per day from $317 previously.  That is illustrative of why we are the third highest jurisdiction.  That is the biggest factor because there are so many fixed costs in running a prison service.

**Ms ARMITAGE** - We were the second, so we have obviously gone down to third.

**Mr EVANS -** But we are spending more money.

**Ms ARMITAGE** - More than the average Australian's daily earnings, it says.

**Mr EVANS -** We are spending more money but our cost per prisoner per day, which is the figure that has been reported, has come down because -

**Ms ARCHER** - Because your overheads are the same.

**Mr EVANS -** They are the same but the numbers have gone up, and that is really why we are third, because we have a relatively low number of prisoners to spread those fixed costs across.

**Ms ARCHER** - I am not suggesting these figures are not accurate, but there are other factors at play.

**Mr DEAN** - We know that, they change around daily and that will always happen with prisoners coming in and out of the system.  We understand that.

**Mr EVANS -** On one number we are performing well because our cost per prisoner per day has actually gone down, but that is a result of increased prisoner numbers.

**Ms ARMITAGE** - Looking at the stats here, would it still be true that Tasmania has the lowest rate of inmates working, and the second lowest rate of prisoners in education and training?

**Ms ARCHER** - The percentage of eligible Tasmanian prisoners who were employed during their review period - when we are talking about the ROGS, the Report on Government Services - was 59 per cent, which was 7 per cent higher than the previous year's figure of 53.4 per cent and below the national average of 74.7 per cent.  As I highlighted with building more infrastructure, there is the ability to design for rehabilitation and reintegration prospects, allowing for more education and more employment.

The percentage of eligible Tasmanian prisoners who are enrolled in education on the census date in 2016-17 was 16 per cent, which was below the national average of 32.9 per cent and the lowest of all jurisdictions.  Education is something we would like to increase.

Vocational education training courses have the highest participation levels of 12.3 per cent followed by pre-certificate level 1 courses - 4.8 per cent, and higher education - 1.1 per cent.  That is something for me - I like to see our education and employment participation -

**Ms ARMITAGE** - Is it lack of teachers or lack of people wishing to do it?

**Ms ARCHER** - It's something we want to focus on more.  We want to ensure there is more of an educational pathway for prisoners so it's not only about encouraging prisoners to participate and not only enrol, but also to complete their courses because your completion rates vary from your enrolment, of course.  It is part of the Breaking the Cycle strategy as well.  We want to ensure that our reoffending rates continue to decrease.

Prisoner education training staff are currently working with TasTAFE to implement the 2018 Vocational Education Training plan.  They're looking for ways to increase the number of courses available as well as delivery processes, with new facilities that will give us an opportunity to design for greater capability.

**Ms ARMITAGE** - That should be designed into the new northern prison?

**Ms ARCHER** - Absolutely.

**Ms ARMITAGE** - You will need more than 13 hectares.

**Ms ARCHER** - I think that's what's really exciting about the prospect of building a new facility in the north - the prospects for education, employment and therefore rehabilitation are so much greater in that regard, and again, it is separating our remandees on the southern site, freeing up other parts of the prison and always looking at opportunities for employment both inside and outside the prison.

We offer a number of different programs inside and outside the prison in terms of employment as well.

Mr Thomas looks like he is ready to go with some statistics.

**Mr THOMAS** - A number of different programs are provided in conjunction with our own staff and TasTAFE.  Between July last year and March this year, 749 prisoners were enrolled in education and training courses, with 402 completions to date.

I have a list of the breakdown of the 749 - everything from numeracy, literacy to forklift, chainsaws, baristas, traffic management, automated electrical work, car training.

**Ms ARMITAGE** - They do trades within the prison?

**Mr THOMAS** - All the qualifications provided by TasTAFE are equivalent to the external qualification in the community so it is a qualification you can take out and seek work with.

**Ms ARMITAGE** - Associate degrees and that type of thing - will they be looked at?

**Mr THOMAS** - We have a partnership with the University of Queensland.

**Ms ARCHER** - With some of them, we need to work on very basic level of skills - literacy and numeracy which is what the [inaudible] and other programs look at, and deal with prisoners' other capabilities as well - and there are a whole range of abilities there, all the way to university, using secure IT programs.

**Ms ARMITAGE** - Do you find that that improves recidivism?

**Ms ARCHER** - I am not sure if there is a direct correlation with the recidivism rates.  I am not sure if a study has been done in that regard.  I wouldn't like to answer yes or no in that regard.

**Mr EVANS** - There is plenty of literature on the basis that, housing aside, education and engaging in employment and work are protective factors against reoffending.

**Ms SIEJKA** - There have been some reports in the media about the prison being under stress, but I am not going to get into that.  However, noting the lower participation rates in some educational and employment opportunities compared to other jurisdictions, and that there are opportunities available and there will be some infrastructure development, in the immediate short term people will affected by what's happening, is there any scope within the existing infrastructure and programs to make things immediately available?   Being unable to participate in recreational opportunities will make people less easygoing in that environment.  Could things like extending gym hours or having different programs come online be done in the short term to improve that situation?

**Ms ARCHER** - As a summary of the response and then refer to Mr Thomas on the detail, most prisoners have access to these opportunities.  It is usually a willingness or there might be some other barrier.

**Ms SIEJKA** - I imagine some things are in more demand so they get crowded.

**Ms ARCHER** - Exactly.  There might be a crowded course and they miss out or they might be the type of classification that programs are not accessible to them.  Also in terms of talking about gym hours -

**Ms SIEJKA** - I would think that would be a fairly easy thing to be flexible with.

**Ms ARCHER** - There are different classifications and applications.  In that regard I will throw to Mr Thomas because that is more an operational question.

**Mr THOMAS -** Some things are quicker to fix.  We are pursuing opportunities and ways in which we may do that.  One of the things we are working through with staff and union groups at the moment is changing our staff rosters.  That will allow us to create more access to facilities for prisoners by giving them more time out of cell.  Greater opportunities within the current environment will automatically create greater access to all services, whether it is health, education or the gymnasium.  It is a challenge, as the Attorney rightly pointed out - when you have many different cohorts living in one prison, you have to balance safety and security for staff and prisoners first and foremost.  We are pursuing some quick fixes.  One recent example - and it is only a small number - we now have a number of maximum security prisoners working in the laundry which previously we didn't.  We have been able to create some work for maximum security-rated prisoners.  It is small, but all those little things together add up to greater opportunities for prisoners.

**Mr FARRELL** - Minister, some time ago, in the aftermath of the bushfires, crews from the prison went out and repaired fences for landowners.  This was a successful program, not only from the point of view of the people have their fences repaired, which were built better than they had ever been before, also for the crews that went out.

**CHAIR** - That is a matter of judgment, isn't it?

**Mr FARRELL** - For the people who went out and worked, it was a good experience.  I wondered if within the system, there are plans to try to look at doing similar things, apart from bushfire repair.

**Ms ARCHER** - Something that came up across portfolios for me, not only in Corrections but out of the Environment portfolio, is utilising Community Corrections for picking up litter in parks, reserves and public land.  Strictly speaking, talking to this particular area, at the moment there are establishments within the community.  For example, a number of prisoners are working in the Royal Tasmanian Botanical Gardens and also Government House.  My notes say a service has been provided in the community or to the community for many years.  We also have prisoners working in the community garden at the Rison site itself, at the Kingston Community Garden, the Lea Scout Centre - affectionately known as The Lea-theCity Mission in Moonah, the Dogs' Homes of Tasmania, RSPCA Mornington, St David Cathedral, Velocity Church and Christian Family Centre, Relay for Life, and various projects in partnership with the Clarence City Council and the Risdon Vale Neighbourhood Centre, which is close by.  There are those established links.  Certainly if there are other places in the community willing to be involved in those programs, we would welcome that involvement because I think the prisoners gain a lot from that experience.  It also helps with their reintegration into the community.  Rehabilitation prospects are much greater if they are involved in community service, from a self-respect perspective as well as giving back and having some way to pay back wrongs committed in the past.

We also have female prisoners, of course, from Mary Hutchinson, employed in cleaning kitchens, laundering and garden work.  They can also participate in Hand Made With Pride, which provides items to the Royal Hobart Hospital neonatal ward.  I know many of the female prisoners get a lot out of that.  There is also the Cancer Council, UnitingCare and the Launceston General Hospital.  Some really valuable prisoner participation is going on in our community with these types of activities that demonstrate community service and giving back to the community.

**CHAIR** - Has any consideration been given, when the northern site is identified, to actually buying something larger and establishing the farm again?

**Ms ARCHER** - We are only at the siting stage.

**CHAIR** - You can buy something larger than 13 hectares.  You could actually establish a farm again.

**Ms ARCHER** - Look, I would not like to rule anything in or out.  I cannot say that will be provided for, that is for sure.

**CHAIR** - But it was a great initiative.

**Ms ARCHER** - It was.  But you also have to look at efficiencies.  I think what we are seeing from the model I was just talking about - of having a community garden-type of thing onsite, or having -

**CHAIR** - That is a mini-farm.  You could have a market garden there.

**Ms ARCHER** - I think we found with having a prison farm is that the nature of industries, or the demand for certain industries, changes over time.

**CHAIR** - But that was because it was too far away from the actual site.  If you put it on the site, that would be a whole different concept.

**Ms ARCHER** - Yes, I was not minister at the time, and it certainly was not this government that shut that prison down -

**CHAIR** - No, it was a government of another colour.

**Ms ARCHER** - That being the case, it is gone now.  The northern site allows us to do some scoping on modern industries, and what prisoner prospects for employment are like in certain industries.  As we are doing in government, working with industry to ensure we are training people with skills relevant for today's needs, I imagine we will do the same thing in the prison to ensure that any skills and training provided to our prisoners will basically respond to the demand.

**CHAIR** - Agriculture skills are very sought after.

**Ms ARCHER** - Agriculture, particularly in the north, I agree, is an area that is very sought after.

**CHAIR** - I understand it is not always viable to farm around the Risdon site, but in the northern part, it is different type of soil.

**Ms ARMITAGE** - A prison at Scottsdale.

**CHAIR** - Different.

**Ms ARMITAGE** - We could have an EOI for people that may have land.

**CHAIR** - It is becoming an electorate now.

**Ms ARMITAGE** - Well, Scottsdale is not in mind.  But in all seriousness, will you put EOIs out for people who may have land available for you to look at for your possible prison?  Or are you actually looking yourself, rather than asking people to come forward with land they may wish to -

**Mr EVANS** - It is a bit of both, but we would not envisage actually making a general call to any private landowner who wishes to put their land forward.  We will be working with real estate agents and the like who may be aware of available private land, as well as local government, which has a pretty good handle on and understanding of which areas of land are available in their municipalities.

**Ms SIEJKA** - You could combine it with the Agricultural Centre of Excellence, Tania.

**CHAIR** - That is right.

**Ms ARCHER** - This is the thing, with a northern prison you can be closer to industry as well and respond to industry's needs.

**Ms ARMITAGE** - It could be out at Rocherlea, that piece of land that -

**CHAIR** - We always like to have the figures on how things are tracking, and this particular committee has a long-time interest in how the overtime budget is tracking.  I notice in the budget has a special line item for additional resources required.

**Ms ARCHER** - Do you want to go straight to the numbers?

**CHAIR** - Yes, please.

**Mr DEAN -** The actual amount of overtime?

**Ms ARCHER** - The actual is higher.  The actual figure for 2017-18 is $5,372,145, so it is -

**Mr DEAN** - That is overtime.  That is over and above -

**Ms ARCHER** - Overtime costs per annum.  So, it is over the budget figure.

**Mr DEAN** - When you extrapolate that and divvy it up among the numbers, it would all mainly be Corrections.  It is a large amount of money.

**Ms ARCHER** - It is.

**Mr DEAN** - It is $5 million.  With the greatest respect, the member for Rosevears and I raised this about eight or nine years ago when the minister at the time was letting overtime blowout.  It started at about $2 million and went up to about where we are now, about $5 million, and no action was being taken at all to control it.  A select committee inquiry in relation to it came back with some good findings and some its recommendations were put into place and we saw for a time a decrease in overtime.  It has now blown back out again into exactly where we were:  so what the hell are we doing in the prison in these circumstances?

**Ms ARCHER** - I accept what you are saying insofar as there has been an increase, but do not suggest my department is doing nothing when the overtime relates to rising inmate numbers.  As I said, increases in prison populations are occurring nationally.  Tasmania is not immune from that national trend of increase in prisoner numbers.

In relation to that, we have put on Corrections staff; we have more capacity for beds in the short term and, as you have heard, we have been examining in detail the infrastructure being built to deal with the capacity for more inmates.  Alongside that is dealing with the additional staff who are needed.

Since May 2016, the TPS has recruited 78 new correctional officers, which includes the 18 officers who graduated in December last year to whom I earlier referred and also the 23 who graduated on 27 April this year.  The Tasmanian Prison Service is in the process of implementing a number of major changes that will influence the future direction of Corrections as a whole and a critical part of the changed management process is ensuring we have enough well‑trained staff to deliver the essential services needed to address the fact it is contributing to crime, and to reduce recidivism and protect the community at the same time.

**Mr DEAN** - We were told all this two or three years ago.

**Ms ARCHER** - Yes, but two years ago we didn't have the increase in prisoner population either.  The fact is we are still coping remarkably well, and, as I said, with the increase in prisoners, with every new increase there have been additional correctional officers, which demonstrates what we are doing in that regard to putting on more correctional officers.

It is interesting to note, though, that had we ended up with a different government, nothing was promised by the Opposition in the campaign for one correctional officer - not one correctional officer would be in there.

**CHAIR** - Thank you, Attorney, we won't go down that path.  We stick to the facts, thank you.

**Ms ARCHER** - That is factual.

**Mr DEAN** - Following from that, what sort of assurances are there that some control mechanisms will put in place to bring this back to what is considered to be a reasonable level for overtime at our prison?

**Ms ARCHER** - We are conducting a roster review at the moment. An independent roster review is underway which will provide recommendations on optimum correctional officer staffing levels for the TPS.  It is being undertaken by a consultancy firm specialising in providing customised rostering solutions.

I know that draft rosters are currently being developed in consultation with staff and the union.  These will be available shortly, so we are very hopeful.  I might get Mr Thomas to explain some of that process in more detail, but that is something which is key to addressing this issue as well.

**Mr DEAN** - Could we be given some causes for the overtime?

**Ms ARCHER** - Some causes for the overtime.

**Mr DEAN** - You have said the extra prison numbers -

**Ms ARCHER** - Every additional 10 inmates loosely equates to an additional 12-hour post, so you can see how the overtime increases as the inmate population rises.

Again, we don't have any direct control over the number of prisoners coming in, but our reaction to it is building the infrastructure to deal with the capacity, putting on more correctional officers, reviewing our rostering system - which I really would like Mr Thomas to explain because it is part of our strategy to address this issue.

**Mr THOMAS** - The roster review is very much underway now.  It's important given, as the Attorney-General outlined, the increasing numbers and the ongoing infrastructure strategies that we land on the correct staffing model and number for the TPS.  That includes examining some of the causes for overtime or use of overtime and how we might turn those into ordinary hours and so into additional correctional staff.

The company we have engaged specialises in this area so they are stepping through that exercise with us at the moment in conjunction with the staff and unions.  It will give us at the end a definitive figure of correctional staff we need to operate our prisons at maximum capacity without the use of overtime. In reality there will always be some overtime because you can't completely control sickness, recruitment and, as the Attorney said, sometimes that surge in capacity pressures you will get.  However, we will be much better placed to have a real understanding of what our FTE equivalent is and we will then be able to develop a recruitment strategy to address it.  I am confident we will see a significant reduction in the overtime.

**Mr DEAN** - I have many questions but I am not quite sure which is most important.  I want to raise the issue of the disturbance that occurred there recently.  I understand an inquiry is underway and I don't want to interfere with that in any way.  My question is one that has been asked of me a number of times: where we have the Prisoner Advocate making these strong statements of inhumane, overcrowded conditions. Inhumane -

**Ms ARCHER** - Unhelpful. My response to that is - unhelpful.

**Mr DEAN** - My question from that is:  are there inhumane conditions currently at Her Majesty's prison at Risdon Vale?  If there are, what are you doing about it?

**Ms ARCHER** - No is essentially the answer.  My response is that those sorts of allegations which give the impression we have hundreds of prisoners locked up for 21 or 22 hours a day is that they are completely wrong.  A small cohort of prisoners for a number of reasons - and I can get Mr Thomas to explain - including for safety particularly for staff as well, have a unique and special regime designed for them.  However, the large majority of prisoners are out of their cells and certainly, as I have said, I wouldn't - well, I haven't said this - in relation to this particular incident, it did not occur because of overcrowding.  It was a - I am just going to choose my words correctly in relation to this - for some reason I can't come up with it, but it wasn't as a result of overcrowding.

**CHAIR** - We might come back to that.

**Ms ARCHER** - I would like Mr Thomas to address the issue of overcrowding.

**Mr DEAN** - Well, I would like it addressed as well because it is an important matter and when you have the advocate making statements of 'kept in their cells for 21 to 23 hours' -

**Ms ARCHER** - I don't know what he was referring to because the prisoners involved in this particular incident, and I am not going to comment on something that is being investigated - were not.  I don't know how a statement like that can be justified in relation to the incident you are referring to.  That's why I said it was most unhelpful and an unfortunate statement for him to make.

**Mr DEAN** - This is why I asked the question:  why hasn't somebody come out - I know you have to be careful when an inquiry is underway; I understand that because I have been involved in many myself - and disputed that by categorically saying that is wrong -

**Ms ARCHER** - Because the unions basically came out - and I thank the unions for their very tempered comments and they were appreciated - and acknowledged it was not as a result of overcrowding.

**Mr DEAN** - This man has a free run, and that concerns me.

**Ms ARCHER** - He does.  We all know whom we are referring to.  I do not know.  He has a particular hatred for this Government as well, but that does not justify making outlandish statements that are simply not true. -

**Mr DEAN** - I agree, it does not, and that is my concern - it is damaging.

**Ms ARCHER** - In relation to that particular incident, without going into detail, Mr Thomas might be able to describe it-

**Mr THOMAS** - The incident occurred in the Huon Unit, which is 12 years old.  It is a modern facility.  It only holds 18 prisoners anyway and it was not completely full on the day in question.  A number of prisoners were associating in the internal yard at the time of the incident.  They would routinely get between four and six hours out of their cell on any given day in that unit.  It is not a management unit; it is not a controlled environment, and they associate reasonably freely.  You sometimes have to put controls in place because of association issues but in the main they would get a considerable number of hours out of their cell, as they did on the day in question.

**CHAIR** - Just something happened?

**Ms ARCHER** - Yes.  The comments made by this particular advocate who also alleged that prisoners were sleeping in common areas were not correct. It is unfortunate these things keep being taken as factual when they are not.

**Mr DEAN** - I support the prison and what they are doing.  Do not think I am in that category.

**Ms ARCHER** - But I did appreciate the union's comments; I thought Mr Lynch came out and gave credit where credit was due.  In terms of prison management, we handled the incident brilliantly and all the staff were well supported throughout the entire incident as well.

**Mr DEAN** - That is important.

**CHAIR** - We have a question in regard to drones.  I know that Mr Dean will want the number of incidences of drugs and contraband answered as well, so please go with drones.

**Ms ARMITAGE** - My drone question is about contraband -

**CHAIR** - Are they flying them in with a drone?

**Ms ARMITAGE** - They are, and I am wondering what Tasmania is doing about it because I notice in South Australia they are looking at radar and devices to disable the drones and also mobile phone journey technology.  I wondered whether drones and the drugs are a problem.  They are still getting them into the prison obviously.  Are we are looking at something similar to South Australia?

**Ms ARCHER** - The conversation in Tasmania around drones is interesting because, no, they are not yet a frequent visitor on our Risdon Prison site.  I will let Mr Thomas address that because it is a growing area in terms of technology, but Mr Thomas is well placed to describe -

**Mr THOMAS** - Since late 2016 we have had two incidents of drones reported at prisons site, one in October when a drone was actually seized at the Risdon Vale Prison Complex, and another drone was sighted by Tasmania Police on 3 September and it was in the vicinity of the Launceston prison.  We have had two in total.

As part of the Correctional Services Administrators Council across Australia we are looking at technology around drones, and some of the larger jurisdictions are ahead of us in that space.  I think that is partly because it is more of an issue for them at the moment -

**Ms ARMITAGE** - That is right, and we can learn from them.

**Mr THOMAS** -Absolutely, and we are talking to them.  Technology is out there to disable or prevent drones, although it is not inexpensive so we have to consider how big the threat is before we start looking at how we might address it.

**Ms ARMITAGE** - Are we finding more drugs in the prison?  How is it comparing with last year?

**Ms ARCHER** - In terms of contraband, I can give you in the current financial year to 30 April, there have been 606 seizures of unauthorised items.  I will break that down, though.

**Ms ARMITAGE** - Mobile phones, as well.

**Ms ARCHER** - Yes, I will break it down for you, if you like.  Out of the 606, you have in the alcohol, drug and drug-taking implement seizures category, 337; mobile phones and accessories, 20; weapons and potential weapons, 55; other unauthorised items, 194.  That gives us the total of 606.  These figures include items manufactured or trafficked within a prison.  They are not all introduced items.

**Ms ARMITAGE** - But I guess you have to wonder how they get in when it is fairly strictly controlled - visitors, isn't it?  I recall we had that discussion.

**CHAIR** - No, I could not get a magazine in, remember?  So I would not be able to work out how anybody else could get anything in.

**Ms ARMITAGE** - When the Vanessa Goodwin was here, I recall her explaining to us how they were getting the mobile phones in.

**Mr DEAN** - I do not think we should go down that path.

**Ms ARMITAGE** - No, it is a wonder.  Whether there are more drones than we appreciate - two might have been found, but to think you get some of these things in, drones would obviously be a very -

**Ms ARCHER** - They have been a lot of false things spread about drones to date.

**Ms ARMITAGE** - They are obviously not silent.

**Mr THOMAS** - We get a number of reports from time to time - and certainly people on the premises of the Risdon site in particular.  As I said, earlier to date we have only had two confirmed sightings - one that we seized - of drones.  It should not be forgotten that there are a number of other ways in which items get in to prisons.  One of the more common ones is secreted about the persons.  But some of these finds, particularly around the alcohol and drugs, there will be items that prisoners have reused, so there are homemade brews.  A lot of the drugs will be the Buprenorphine medication that they regurgitate and sell on.  It is not the most pleasant thing, but that is the reality.  So, not all 606 of these items have been smuggled in.  A vast majority have been created or sourced from within prison.

**Ms ARMITAGE** - So how many would you have caught?  How many, for example, not the people within the prison, but how many visitors have you caught trying to smuggle in?  Obviously, they do get caught.

**Ms ARCHER** - Contraband found on visitors.  I can give you the latest figure to 30 April:  alcohol, drugs and drug-taking implements is 50; mobile phones and accessories, zero; weapons and potential weapons, 19; other unauthorised items, 14 - and that totals 83. That is to 30 April.

**Ms ARMITAGE** - What is the punishment for that?  If they are caught bringing something in, what would the punishment be?

**CHAIR** - No visitation rights.

**Mr EVANS** - It can be a criminal offence.  It is referred to the police, as a criminal offence.

**Ms ARMITAGE** - So it is a criminal offence, and they would go to court over it?

**Ms ARCHER** - Would that depend on the item?

**Mr THOMAS** - Yes.

**Ms ARMITAGE** - But obviously, the phones make it through.  I was thinking we did not find any phones - but 20 have got in.

**Mr DEAN** - You are putting in new security to vet people coming through?  I understood that somewhere.  I read that somewhere.  To pick up drugs at security?

**Mr THOMAS** - We are making some changes or improvements, which is probably a better word to describe it, at the visitors centre. So we are establishing a proper search area - a discreet search area - where we can take people and search their clothing and baggage et cetera, particularly if we have intelligence or information that suggests they might be bringing something in.  We have also recently recruited and trained a third [inaudible] of detection dogs, so we have got the capacity to detect drugs pretty much 24/7 now when visitors are coming in - and that is their priority, and we get some good success rates with those.

**Ms ARCHER** - The new remand centre will be separate again, to have its own secure facility.

**CHAIR** - Thank you.  We know this could go on for the rest of today, and most of tonight, and we still would not have all our questions answered.

**3.2 Community Corrective Services -**

**Ms SIEJKA** - The Back on Track program looks to have been defunded in the budget.  I know it was a targeted intensive intervention service, seeing young adults diverted away from the criminal justice system.  I just want an update on whether that was the case, and what is happening in that space because it does leave a gap for young people.

**Ms ARCHER** - Back on Track is a program that targets moderate- to high-risk offenders aged 18 to 25 years through an intensive and tailored case management intervention. The program involves tailored case management and participation in relevant programs and is aimed at teaching individuals how to think differently, providing an opportunity for self-change.  It was funded for $1.5 million over three years, commencing on 5 October 2015 and the national organisation Life Without Barriers successfully tendered for the program.  Referrals to the program commenced in January 2016.

Twenty people have completed the program to date, with a further 12 currently participating in the program.  It has never been able to achieve the target level of participation and there is a low completion rate as well so it will conclude in the 2018-19 year.

**Ms SIEJKA** - So the low completion rate, so there is obviously - I guess there are a couple of different things in there in terms of success rate of the people who do complete versus people who are dropping out.

**Ms ARCHER** - We have to look at what other programs are available as well and what it is we are targeting in relation to their behaviour or other types of perhaps aggression, addictions, family violence.  There are other programs within Community Corrections - for example, the  Sober Driver program, the EQUIPS program that deals with young adult offenders, targeting antisocial attitudes, values and beliefs; antisocial peers; impulsivity and mistaken behaviour; poor cognitive problem-solving; emotional regulation; incest relationships, problems with employment or education; and leisure activities.  Within our Community Corrections system we have a number of programs that will pick up this cohort, if you like.  Also, just briefly, the case management will be allocated from probation officers so they are not going to be left out in the cold; they will still be within the system.

**Ms SIEJKA** - So there are still opportunities because the prison population is generally quite young, and so I know there is -

**Ms ARCHER** - Obviously we do not want these young offenders ending up in prison.  It is the medium- to high-risk categories, but we also need to have programs that have good completions if we are going to be spending that type of money. The results, in terms of completion, were not there.

**Ms SIEJKA** - So may be another program picked up those people?

**Ms ARCHER** - As I said, there are other programs, both external and internal, that can pick up, including the Sober Driver and the Explore, Question, Understand, Investigate, Practice, Succeed - EQUIPS - programs. In any event EUIPS targets all those areas and that list of the behavioural attitudes and behaviours that I read out.  Other options include the existing relationship with MAX Employment in the southern region to make it a statewide initiative.  That would provide a range of services to assist unemployed persons to obtain employment.  There is also leveraging the relationship the TPS has with TasTAFE, which we have mentioned already, to explore targeted referral pathways for young adult offenders to gain vocational qualifications because Back on Track replaced U-Turn, and that was exactly something that gave them some vocational skills.

It is important we look at this.  Discussions have also commenced with Children and Youth Services to identify opportunities for a throughcare approach as well for young offenders who transition from Children and Youth Services to Community Corrections

**CHAIR** - Attorney, has there been an increase in the Community Service hours assigned to some in our community.  I just read in disgust yesterday that a young fellow from down the north-west coast has been given 49 hours of community service and a fine of $82 for killing six Little Penguins.  I am interested in whether we are seeing an increase in Community Service orders, given that is what the judicial system is handing out.

**Mr DEAN** - He had a poor upbringing.

**Ms ARCHER** - In relation to that incident I have received a number of calls to do something about it - I would like to state publicly on the record that I cannot.  I cannot intervene in a court sentence like that.  I understand how community reacts and is outraged to various offences that are pretty abhorrent like this.

**CHAIR** - Has there been an increase?

**Ms ARCHER** - As for a number we have -

**Mr DEAN** - An appeal can be taken by the court, of course.

**Ms ARCHER** - The average daily offender population in community corrections per financial year, I will take you to the last two financial years I have figures for:   for the 2015-16 those on Community Service orders are 1025; for 2016-17, it was 1003 so a drop -

**CHAIR** - Slightly.

**Ms ARCHER** - Under supervision for those same periods: 1189 dropping to 1090.  They are for both financial years, so a slight drop.

**Mr DEAN** - If we look at probation and parole supervision, minister, there is always a concern that we are understaffed in the area relating to parole officers and that they struggle to keep up with their responsibilities.  How is that tracking?  How many breaches have we had in relation to this area?  I ask this in the financial area because it is really the end of this financial year now.  How many people have been breached?  I would like to know that in relation to work orders as well.

**Ms ARCHER** - While we are looking up those figures, those two lots if we are able to.  In relation to case management workloads:  members may recall that in the budget for the 2017-18 budget we provide additional funding to Community Corrections to increase participant numbers in the court-mandated diversion program I mentioned earlier today.  Increasing the number from 80 to 120 places statewide has been highly successful.  It has allowed an addition 13.2 full-time equivalent positions to be created across the state.

The most recent report on government services covered the financial year 2016-17 and identified that Tasmania has an offender to operational staff ratio of 25:5 compared to the national average of 21:2.  Although that is a useful guide, it does not necessarily offer an accurate comparison of workloads.  We have differing approaches to case management by the various Community Corrections agencies and I certainly have every faith in how each unit manages its own workload and staff under the leadership of Mr Buchanan.

I understand there is variation in workloads across the different types of roles the staff are carrying out.  Perhaps if I could get Mr Buchanan to explain that aspect for us.

**Mr DEAN** - What is the number of on-the-ground-operating Probation Service officers and their caseload?  How many cases does each these officers manage?

**Ms ARCHER** - I have the caseload here.  For the southern region, the average caseload is 43.2; in the north, it is 42.4; and in the north-west, it is 37.4.  The probation officer caseloads are kept ideally below 45.

**Mr BUCHANAN -** That is the number I keep an eye on.  It is quite a complex area.  If I have learnt anything in my 18 months of Community Corrections, it is that this is not a simple exercise because there is a number of variables around the number of reports we are writing, the risk profile that is being supervised.  Obviously very high risk offenders who have been assessed in that area require more supervision, and with lower risk we can drop right back on the level of supervision.

Forty-five is just a number I have struck at that I keep an eye on if I start to see it go over - and it is, since the number for one of our officers has gone up at the moment.  We have had a couple of resignations and officers on maternity leave, and we are looking to fill those vacancies quickly.  It is a very complex area.  In fact one of the projects I have flagged throughout this coming business plan for this financial year is to actually set up a small group and work with probation officers to see if we can come up with a reasonable workload model.  It is complex.

**Mr DEAN** - I understand the complexities of it.

**Ms ARCHER** - As to the breaches, I think Mr Evans is able to address that.

**Mr EVANS -** I cannot give you absolute numbers, but in terms of percentages of people who start their orders and finish them:  those who do not finish would have been breached, in total 86.4 per cent of people on an order complete it, therefore the breach rate is 13 or 14 per cent.  If you want the breakup between what you call work orders and Community Service orders, that is about 79.6 per cent completion, so about 20 per cent breach.  In terms of supervision, which is parole or probation, that is a 90.5 per cent completion, so about 10 per cent of those are breached.

**CHAIR** - In light of the time, I will suspend, Attorney-General.  We will come back at 4 o'clock and head into environment.

**Ms ARCHER** - Can I take the opportunity in closing to thank all departmental staff for their attendance today.  I greatly appreciated the amount of work put into these hearings.

**CHAIR** - The reason we did not go into capital works was that we have already covered it and there was no need.  Again the Committee wishes you all the best; it is a tough job and we appreciate the information that is provided.

T**he committee suspended from 3.48 p.m. to 4.05 p.m.**

**DIVISION 8**

(Department of Premier and Cabinet)

**Output group 1**

**Support for Executive Decision Making**

**1.2 Climate change-**

**CHAIR** - We commence the last part of today's session.  Thank you, Attorney, we will move to your role as the Minister for Environment.  I assume that have a couple of snippets of very important information you would like to share with the committee.

**Ms ARCHER** - I have, but first I introduce Wes Ford, Deputy Secretary, Ministerial Office and also EPA Director, and Deidre Wilson, Deputy Secretary Corporate, Heritage and Lands within DPIPWE. Dr John Whittington, the Secretary of DPIPWE, will join us when he is relieved from another committee.

**CHAIR** - So we will make sure we have a very hard question for when Dr Whittington joins us.

**Ms ARCHER** - Again it is a great opportunity today to discuss this portfolio, which I know is of great importance not only to the Government but to all Tasmanians.  We all care about our environment deeply and, of course, about the impact of climate change as well.  I have responsibility for Environment as one of my portfolios.  It covers budget outputs for the Tasmanian Climate Change Office in the Department of Premier and Cabinet; I have people from that office with me as well today when we get to that, as well as Environment Protection Authority and part of the Natural and Cultural Heritage Division within the Department of Primary Industries, Parks, Water and Environment, which we shorten to DPIPWE.  That explains which outputs we will go to within this portfolio.

I think it goes without saying that Tasmania's environment is one of our greatest assets, and our parks and reserves make up more than 50 per cent of our state.  Our natural assets also contribute significantly to our enviable way of life, be it access to bushland only moments from city - where I live it is only six minutes from the city in bushland -  to walk the dog or the ability to throw in a fishing line after a short drive from home.  They are things, I think, typically depict the Tasmanian way of life.

Our Government is committed to safeguarding our natural environment and preserving what makes our state so special.  An important part of this is addressing a range of environmental issues, including litter, waste and pollution, climate change actions and the protection of our unique plant and animal life.  Our Budget has highlighted how we are addressing these areas.

Beginning with litter, rubbish and waste, the initiatives include additional support for Keep Australia Beautiful.  We have increased our support for Keep Australia Beautiful Tasmania from $30 000 to $45 000 per annum for four years.  Community Clean-Ups is a partnership which I briefly referred to in my Corrections portfolio.  It is a partnership we have developed between the EPA, Tasmania Community Corrections and local government to mobilise offenders on Community Service orders to assist in the removal of rubbish and litter from our parks, reserves and public areas.  We are cracking down on illegal dumping under the Litter Act.  This initiative will introduce a new category of offence with stricter penalties commensurate with the offence and the subsequent costs to the community with the proper responsible disposal of waste.

Welcome, Dr Whittington.  I said you would join us.  He is puffed; we will let him get his voice.

We also have funding in the Budget for an illegal rubbish disposal smart phone app, which is part of safeguarding Tasmania's unique natural environment by cracking down on illegal dumping.  This initiative will provide $100 000 in the 2018-19 year to enable expansion of the current litter report mechanism through the development of new online applications.  We know people are using that form of reporting far more frequently today than ever before.

Not reflected in the Budget is the practical work being undertaken to address the issue of waste and recycling, and to deliver a strategic waste action plan for Tasmania in collaboration with local government and industry.  This planning will enable the range of possible strategies to be considered in an integrated fashion.  Another initiative is the Government's environmental legislation regulatory review, which improve the state's environmental regulatory settings to guarantee proper protection of our environment while ensuring those proposing projects are clear on the process and their obligations under it, particularly our planning regime.

We are not just focusing on litter, however, we also recognise our role in protecting our state's threatened species.  Our Government is continuing its support in that area with additional investment in the Save the Tasmanian Devil program, which has seen the devils from the insurance program returning to our wild landscapes, and thankfully so.  We are committed to ensuring the ongoing survival of this iconic Tasmanian species in the wild and continuing work in the wild devil recovery trials.  Through the success of the insurance program, which is the primary objective of the first phase of the conservation program, we have been able to start the trial of wild release.

In total, the predicted 2018-19 expenditure in output group 3.5, Threatened Species is 3.45 million, which is a significant sum.  In addition, we have commenced building a new $2.5 million breeding facility for orange-bellied parrots to significantly expand the breeding capacity from what we currently have at the Taroona site.  It will be on the Five Mile Beach site, with the aim of doubling the number of birds available for release to the wild.

Also in the area of climate change we are continuing the investment announced in last year's budget with record funding to the Tasmanian Climate Change Office for the implementation of Climate Action 21.  We are leading the nation in climate change action, being the first jurisdiction to reach zero net emissions; through our plan, we will continue to take action to address this important national undertaking.  I was very pleased to report at the recent national meeting of environment ministers that we had reached zero net emissions significantly early.  We had projected it out to the year 2050 but we have achieved it in the year 2018.

**CHAIR** - Except for Launceston.

**Ms ARCHER** - It is zero net emissions statewide.  We are the envy of the nation in that regard.

**Ms ARCHER** - Before I take questions, I would like to acknowledge the work of the staff of the EPA in Tasmania and the Natural and Cultural Heritage divisions of DPIPWE, along with the Tasmanian Climate Change Office in the Department of Premier and Cabinet, as well as the many community-based volunteers and volunteer groups working in partnership with the Government in this important area, particularly those volunteers who work in the threatened species area.  I look forward to questions.

**CHAIR** - Another hardworking department.

**Ms ARCHER** - Exceptionally hardworking under the leadership of its executive officers.

**Ms HOWLETT** - Thank you, Attorney.  I believe you have just covered a lot of my question in relation to zero emissions.  I would like to congratulate the Government on that.  I think it is brilliant.  Can you outline the Government's commitment in relation to reducing emissions from transport supporting the uptake of electric vehicles?

**Ms ARCHER** - Reducing emissions in this regard, we of course put in emission reduction across a range of sectors, including the areas of energy, transport and agriculture.  While electric vehicles, in particular, are obviously in the transport area, they also touch on energy.  As I stated, we have achieved the zero net emissions, and this is an internationally significant achievement.  It also sets Tasmania apart from the rest of the nation.

It is true that Tasmania's emissions profile differs from the rest of the nation due to our significant renewable energy advantage and the carbon sequestered in our forests.  The Government is supporting a range of energy efficiency initiatives to support Tasmanian households and businesses, and also capture the opportunities and benefits of energy efficiency.

Agriculture and transport are significant sources also of Tasmania's carbon emissions, so we are taking practical action to reduce emissions, to lower operating costs and improve productivity in these sectors.  As part of Climate Action 21, we have allocated $200 000 over two years, commencing in 2018-19, to support the rollout of a statewide electric vehicle charging network.  I visited the University of Tasmania recently to congratulate them on their success in that regard in applying for the ChargeSmart grants.  This year we have delivered a $50 000 ChargeSmart Grants Program, targeting workplaces with one-off funding of up to $5000 for the installation of electric vehicle charging stations for use by employees.  As a result of that program, electric vehicle charging stations will be installed at 11 workplaces, including council schools, university campuses and one private business so far.

Within Government we have also been taking action to improve Tasmania's vehicle fleet efficiency through the successful Smarter Fleets program.  We have committed $250 000 to extend the program to additional night vehicle fleets and to create a program specifically to support heavy vehicle fleets to improve efficiency.  That is just touching on a few.  I know we do not have a lot of time in this area so I will not detail too much more, but initiatives are occurring in that regard across a number of different sectors and specifically in relation to transport.  Thank you.

**CHAIR** - I have a question in regard to the Climate Change Action Plan.  I asked yesterday when the committee had the pleasure of the Premier, and he suggested I ask you today.  Where is the coastal policy act?  Obviously that will impact on climate change, or climate change impacts on coastal erosion.  I have been here 14 years now and we have been talking about the coastal policy for that entire time.

**Mr DEAN** - It has been around for a while.

**Ms ARCHER** - It has.  I would like to introduce Sophie Muller, Director of the Tasmanian Climate Change Office and the Department of Premier and Cabinet, who has joined us at the table because we have jumped to climate change.  Thank you for joining us.

**CHAIR** - Welcome, Sophie.

**Ms ARCHER -** In relation to our coastal zone, obviously it is particularly important to an island state such as Tasmania - that goes without saying.  It is important to our community and also to our economy, with the majority of Tasmania's population centres and major industries located on or the coast, being a small island.  Under a changing climate, Tasmania is expected to experience, as we know and as we have experienced, an increase in storm events and changes in rainfall patterns, which are also likely to result in increased flooding, coastal inundation and erosion.  In addition, we are also likely to experience a rise in sea surface temperatures.

The impacts of the changing climate on the coast have implications for our assets, our infrastructure services, natural and cultural heritage, and business and key industry sectors such as agriculture and aquaculture.  To manage these impacts, the Government has undertaken coastal hazard mapping for erosion and inundation, which forms part of the State Planning Provisions and Local Provision Schedules to be delivered through the new Tasmanian Planning Scheme.  The coastal hazard mapping includes provision for a sea level rise based on projections undertaken by CSIRO, the experts in the field.  Since 2011, the Government has been working with communities vulnerable to coastal hazards through the Tasmanian Coastal Adaptation Pathways project.  The key aim of that project is to raise awareness of coastal hazards and partner with communities to manage risks into the future.

Specifically, Climate Action 21 includes action 5.4 to explore options for a statewide strategic framework for coastal hazards management.  That particular area relates to Climate Action 21.  I might just refer now to our director in case she would like to add to that.

**Ms MULLER** - Our key focus is looking at how we can support the new state planning scheme to consider coastal hazards, as the minister has outlined, through coastal erosion and inundation maps and three sea level-rise planning allowances.

**CHAIR** - In other words, Attorney-General, there will not be a coastal policy as such.  I mean, we have a protection of agricultural land policy and it was always envisaged we would have an updated coastal policy.  That was my understanding.

**Ms ARCHER** - Those policies are not under my responsibility, and I am sure-

**CHAIR** - I only used that as an example.

**Ms ARCHER** - That is fine, because I am aware of that as well.  This is the road we are taking because it forms part of the planning work being undertaken statewide.

It is seen as the best planning approach for coastal erosion and hazard issue as opposed to the state policies.  I am not sure if you have anything to add in relation the state policy network.  Sorry, because I am not the minister responsible, I am not as across that particular reasoning but I know it is planning and the Minister for Planning would be the appropriate person to ask that question.

**CHAIR** - The Premier got it wrong yesterday then, perhaps?

**Ms ARCHER** - If he was going off a flyer on Climate Action 21, that is my specific area and we dealing with coastal issues in this particular output, but as for state coastal policy, it is not the area we are tapping into.

**CHAIR** - Effectively it will be an overlay over the top of the 43 planning schemes.

**Ms ARCHER** - I think it is fewer now.

**CHAIR** - This approach for coastal erosion and the like will overlay the broad policies already in place in local government - is that what we are saying?

**Ms ARCHER** - I can go into a little more detail.  The state policies are under the Premier, being State Policies, so that was correct.  He does have the policies. The Tasmanian Planning Scheme is under the Minister for Planning, not myself.  I can address this in terms of Climate Action 21 and the work being undertaken by the Climate Change Office.

In 2016 the Department of Premier and Cabinet Office of Security and Emergency Management released the Coastal Hazards package.  That package was used in 2016 sea level rise projections and planning allowances to develop statewide coastal erosion and inundation maps to show how sea level rise and major storm events are projected to affect Tasmania's coastline.  The package forms an important input into the Tasmanian Planning Scheme, which consists of the State Planning Provisions and Local Provisions Schedules.  As part of the State Planning Provisions, that includes statewide codes, planning policies and provisions for risks and hazards from coastal erosion inundation.    You can see where that sits in terms of codes and zones In relation to coastal policy, I can't answer that specifically.  It seems like all this work is being done as part of planning now rather than the overarching state policy.

**CHAIR** - My concern is it is quite convoluted how you find out the appropriate information.  You probably won't be aware, or you may be, whether the local government is having any difficulty finding what impediments there are to approving particular developments in and around coastal areas?

**Ms ARCHER** - This is where the relationship with the Tasmanian Climate Change Office comes into play.  I am working with local government, if I can throw to the director.

**Ms MULLER -** First, those maps are publicly available.  They are on the list - so it is clear, the coastal erosion and inundation maps.  Those maps inform decisions made in relation to use and development of the coast.  Those decisions are made at a local level.  The role of state Government is the provision of information in relation to those inundation maps and then in relation to sea level rise.  We are also, as the minister said, doing a project working with coastal managers to look at issues relating to managing existing settlements and values on coasts, particularly in relation to climate change.  We are about to commence consultation with local government and with other coastal land manager around the state to explore those issues and ultimately to develop a statewide framework.

**3.1  Threatened species -**

**Ms SIEJKA -** In regard to the Rosny Hill development, there is much community concern in my electorate about the environmental impact on threatened species.  Have you or your department been working in conjunction with the developers or Clarence Council or received a briefing on the Rosny Hill development?

**Ms ARCHER** - Sorry, where was this one?

**Ms SIEJKA** - Rosny Hill.

**Ms ARCHER** - I might need to throw that to someone in the department because I don't have personal knowledge of that.

**Mr WHITTINGTON** - Rosny Hill is reserve land but the managing authority is the Clarence City Council and the land is also leased to Clarence City Council so they are the managing authority.  In the context of the development, they are the ones to ask the questions.  But when it comes to threatened species, the way the act is structured it is an offence to take a threatened species without a permit so the onus is on the proponent to properly survey the area and determine whether there are any threatened species present and if they are they will need to seek a permit from the Government in order to proceed.

If they didn't and they did knowingly take a species then they would be in breach of the act so I am confident that the proponents would understand that and at the appropriate time if they need to they'd be seeking -

**Ms SIEJKA** - I am sure you have been aware that I think from ............. around understanding those processes from both the planning perspective but also the environmental impact perspective in the community.

**Ms ARCHER** - Yes, I said that in my opening statement, it is about ensuring those who are making applications know the parameters in the process and their duties and obligations.

**Ms SIEJKA** - Attorney, can you outline the Government's commitment to doing what they can to help save the orange belly parrot?

**Ms ARCHER** - Yes, I have a number of things here because we have a number of threatened species and good work that we are performing in this area.  In relation to saving the orange bellied parrot, we have previously invested more than $300 000 per annum to support this commitment and increased this by a further $170 000 per annum in our first term of government.

We have increased investment support in relation to a range of actions including the care and release of additional birds and the development of innovative partnerships with researchers.  The cornerstone of population recovery efforts has been a release of captive bred birds to supplement the wild population and boast breeding and fledging success in the wild.  In recognition of this we recognise the critical importance of a fit for purpose captive breeding facility to the ongoing fight to save the orange bellied parrots and to this end we have committed the $2.5 million over two years that I referred to in my opening statement for a new facility.  It will significantly expand the captive breeding capacity and doubling the number of birds available for release to the wild.

Construction of this new facility is commenced at Five Mile Beach and will staged to allow an increase to breeding capacity ahead of the breeding season beginning on 1 September this year and the balance of the new facility will become operational by the end of the breeding season of 1 April 2019.

The department continues to monitor the population in the wild, with staff and volunteers I might add, particularly the tracking the number of individuals returning to the orange bellied parrot Melaleuca breeding grounds in the summer.  I have had an opportunity to visit that facility, myself.  The afternoon I went I had quite a number that I viewed.  You might go down there and not see any at all and I was lucky enough to sight about three or four.  They are tiny, tiny little birds so it is quite an amazing species to view in the wild.

**Mrs ARMITAGE** - How many are there likely to be in the wild currently?  If we are monitoring the population do we have an idea of how many there are?

**Ms ARCHER** - These are Melaleuca figures by the looks of it.  For 2017‑18 - that must be up to a certain date - the total number of wild birds returned to Melaleuca at the start of season was 19, compared to 17 last year.  The number of captive-bred birds released at the start of season was 23.  The number of breeding pairs, the minimum was 16.  The total number of fledglings - the minimum was 33.  Total number presumed to have migrated from Melaleuca was 45.  As for the captive population statistics, I am not sure if you are interested in that -

**Ms ARMITAGE** - No, that's good, my follow-up question is:  how many do we expect to release annually?  It would be good to know what the captive population is and how many we expect to release.

**Ms ARCHER** - The captive population statistics for 2018 - this is an expected figure and I can give you the comparison for the previous year.  The total maintained by the Tasmanian Government at Taroona is 183, so that is expected.  Last year it was 151.  The total in all Australian institutions, including Taroona - 418 is the expected figure for 2018.  For 2017, it was 336.

**Ms ARMITAGE** - How do we monitor them?  Are they banded?  How do you know you are not seeing the same bird?

**Ms ARCHER** - That is a good question, which expert would like to answer this question?

**Ms ARMITAGE** - Do they have a little chip or something like that so you can actually -

**CHAIR** - But they are too tiny.

**Ms ARMITAGE** - I know, but if you are seeking 19, you could see the same one twice.

**Dr WHITTINGTON -** The people we have working down there, particularly the volunteers, are really experts at orange-bellied parrot identification, but we do band as well.

**CHAIR** - Have any species been added to the Threatened Species List?

**Ms ARCHER** - Not in the last year; I will just confirm that.

**CHAIR** - In that case, is anything being assessed as being put on the Threatened Species List?

**Ms ARCHER** - I will throw to Dr Whittington because he has that statistic there.  I was right I think - none in the last year.

**Dr WHITTINGTON -** Yes, that's right.  The process for changing the lists - part of the process is the Scientific Advisory Committee, an independent advisory committee that advises the minister.  That committee is scheduled to meet on 3 July; there are some new members on that committee.  At that meeting they will consider four public nominations - two new listings and two delisting.  We add and subtract from the lists as new information comes in.  As well, they will also look at nominations for three species that would have been generated by the Scientific Advisory Committee - that is for a new listing, a delisting and a down-listing.

**Ms ARMITAGE** - So has the Green and Gold Frog now gone off the listing?  He used to be very prevalent on every building.  Every planning, there was always a Green and Gold Frog.

**Mr DEAN** - Green and Gold Frog on every one.  They had to be prolific; they were getting in the way of everything.

**Ms ARCHER** - I am not sure about the Green and Gold frog because I have not it on my list.

**Ms ARMITAGE** - It is not on your list?  Maybe it is a local list?

**Dr WHITTINGTON -** The other thing if I may, minister.  We operate under two lists - one is the Tasmanian list which the Tasmanian Government manages and there is also one under the Commonwealth legislation - the EPBC Act.  One of our projects is trying to harmonise the lists.  There are currently a lot more species listed under Tasmanian legislation than there are nationally.  When it comes to the Green and Gold Frog, I am pretty sure it is on both lists.

**Ms ARMITAGE** - We hear quite about it regularly in local planning.

**Mr DEAN** - In relation to the orange-bellied parrot, how many birds will be bred before we say we are now reasonably satisfied we have this bird back where it ought to be?  How far do we need to go?  On the reason and causes for it becoming threatened in the first place, have we arranged all that?

**Dr WHITTINGTON -** I am far from an orange-bellied parrot expert.  I can give you some background.  First the orange-bellied parrot migrates between the mainland and Tasmania, as you are probably aware.  They winter on the mainland and come down to the south-west of Tasmania to a very small area to breed, which is why we can manage the species the way we do in Tasmania.

From Tasmania's perspective, the habitat is well managed.  It is inside a World Heritage area surrounded by reserves so the threats to the species are around appropriately managing the vegetation to ensure we get enough feed for the parrots over summer.  To that end, we do ecological burns down there.  We did some this summer to promote the right sort of growth, the right sort of plants, to provide food for the orange-bellied parrots.

Once they get onto the mainland, they tend to live on the saltmarsh fringes around the south-east of Australia, and there are all sorts of threats there.  These are areas that have urban development infringing on them and all the things that come with that, whether it is cats or all sorts of things.

**CHAIR** - They should stay here.  They do not like the cold.

**Dr WHITTINGTON** - Yes.  We should just give them a winter home.  The threatening processes for the bird - we can manage those in Tasmania, but it requires other states to address them there, and there are programs in those states to deal with it.

**Mr DEAN** - That was my next question.  What are they doing on that side?

**Dr WHITTINGTON** - They have to manage things like cats and other threatening processes.

I really cannot answer the first part of your question, which was how many birds do we need to put out there.  With Five Mile Beach we are trying to have a capacity to really put a lot more birds into the population and see what happens.  It is a really giant experiment.  It is adaptive management in its truest sense so we hope that by supplementing population, it will grow.  It would be great if the population then to tips over a point where it starts to grow organically.

**Ms ARCHER** - The facility increases our capacity.

**Dr WHITTINGTON** - I think they will be asking a minister in five years' time how ít went, and that is probably the best answer I can give you.

**CHAIR** - Good reason to hang around in parliament.

**Mr DEAN** - People keep asking the question, and that is why it needs to be answered.

**Ms ARCHER** - Hopefully we will have greater capacity with the new facility, otherwise we would not be spending the $2.5 million.

**Mr DEAN** - It is a good cause.  I am not questioning it.

**Ms ARCHER** - I know you are not doubting it.  I think it demonstrates how serious we are about it and its good prospects, given we do know its breeding pattern.  We can monitor them more closely than a lot of other species so we have pretty good prospects in relation to the orange-bellied parrot.

**Mr DEAN** - Currently, what are the top five threatened species in this state?  The orange-bellied parrot is well up there.  It is in the five, I would suspect.

**Ms ARCHER** - I do not know if we rate them.  Anyone behind me know?

**Mr DEAN** - What are our other significantly threatened species?

**CHAIR** - The member for Huon suggested foxes.

**Mr DEAN** - They are endangered, you are right.  The devil would be back off the list; the wombat is not there.

**Ms ARCHER** - The wombat does not fall under my area.  That comes under Primary Industries.  I might throw to the secretary because he has it at his fingertips.

**Dr WHITTINGTON** - We do not rate the hot list; however, others do.  There is something called the 'Threatened species recovery hub', which is part of the National Environment Science program; it ranked the bird species at the most risk of extinction and our orange-bellied parrot unfortunately is one of those.

The King Island Brown Thornbill and the King Island Scrubtit are also on that list.  Those two birds are on King Island.

**Ms ARCHER** - They are the least known birds.

**Dr WHITTINGTON** - Absolutely.  We know very little about those birds, but we know about their habitat and how to manage that - that is often around fire management so it is very important we get our fuel reduction programs working well, and that is part of our process.

**7.1  Environmental Management and Pollution -**

**Mr FARRELL** - Minister, in your opening address you mentioned Community Clean-Ups, the crackdown on illegal dumping and the Environmental Legislation Regulatory Review.  There are no numbers next to these items and the note says that they're unfunded and will be achieved within the existing agency resources.  How will that be achieved?  Will this put any extra pressures on the agency?  What has the annual cost of these items been in the past?  This is in table 10.1, on page 236 of budget paper no 2, volume 1.

**Dr WHITTINGTON** - Environmental Legislation Regulatory Review - that's what you are asking for?  A number of initiatives have been part of that.  We fund them from within our existing resources.  That's essentially a prioritisation actively for us.  Within the existing allocation for the output group, we'll prioritise our activities to deliver on that initiative.

**Mr FARRELL** - The Community Clean-Ups?  It says the same thing - they will be funded.

**Dr WHITTINGTON** - That's exactly the same way we would approach it.  We have an appropriation for that output group, and this is giving some guidance about the discretionary spend in that.

**Mr FARRELL** - Greg Hall always used to ask about the container deposit scheme.  Has there been any policy, action, plan for action or anything on that?  Where are we on that?

**Ms ARCHER** - These days, we refer to it as a container refund scheme but I know it's very hard to break that old habit of 'container deposit'.  As a government, we are committed to working collaboratively with all levels of government, and specifically local government, because it is a waste and recycling type of issue; we also work with the wider community to improve waste management in Tasmania.  In the last state budget we provided $100 000 to EPA Tasmania to investigate a potential model framework for a container refund scheme for Tasmania.  This work was undertaken by Marsden Jacob Associates and involved consultation with local government and the industry, aiming for the most appropriate coverage and access to the scheme.  That consultancy work has been completed and a report has recently been provided.  We will now consider that report within the context of the broader waste strategy for Tasmania.  It's overly simplistic to think that a container refund scheme will fix all our waste management issues because it won't.  What we want to do is to take a holistic approach to waste management and obviously it has be in consultation with local government - as its their area of responsibility - as well as industry.

We also need to consider this in light of the difficulties currently being experienced by the recycling industry across Tasmania; I am now referring to the China decision.  The container refund scheme has costs that go with it but it also has potential benefits.  We need to be sure such a scheme would be cost- and recovery-effective and in the public interest.  That work has been performed and I am conscious of calls by various industries seeking consistency across the proposed and existing schemes around Australia so work has been done to look at other jurisdictions as well.

We also need to be sure that the material collected under a container refund scheme will be recycled or reprocessed and there are strong domestic markets for recycled materials. The domestic markets are slim pickings, due again, as I mentioned, to the China decision.  I am aware the report of the Senate inquiry into the waste and recycling industry, which was released yesterday, recommends the Australian Government implement a national container deposit scheme.

We recognise the need to consult with all levels of government to ensure that solutions to waste management and recycling are integrated and industry-backed because they will cut across a range of governments' economic and community issues.  This issue was discussed at a recent meeting of state and territory ministers.  It has industry buy-in in terms of recycling and reuse aspects so, again, this is looking at it from an integrated and holistic approach.

I am firmly of the view that a potential scheme and other waste management initiatives such as banning single-use plastics, straws and takeaway containers, which has received recent media attention, may seem appealing in isolation, but as I said it is critically important we have a wide-ranging strategic view of waste management in our state.  That is why I will soon be hosting a waste and recycling roundtable with local government and the waste industry.  I know that sounds scintillating, but it aims to bring industry and local government together on this issue as well as the state Government on a comprehensive and coordinated waste action plan for Tasmania.  It cannot be done by any one entity in isolation - we all need to come together for that purpose and local government itself needs to adopt a consistent approach.  I appreciate that with 29 councils that is not always easy, so the roundtable is aimed at bringing all the stakeholders together.  Of course the consultant's report advising on an appropriate model for a scheme for the state will be considered by the Government over coming weeks as well and will be provided for consultation with local government and industry in the development of a statewide waste plan.  I hope that gives you a picture of the work we have done and what we are still doing in that space.

**CHAIR** - Attorney, we can suggest a very good community representative to partake in that.  His name is Mr Greg Hall, the former member for Western Tiers.

**Ms ARCHER** - That comment will be attributed to Mr Dean.

**CHAIR** - You would get expertise and passion as well.

**Mr FARRELL** - I take the point that there is probably a greater awareness around at the present time, and a lot of that has probably been through the ABC program *War on Waste*.  It is surprising how that has changed a lot of people's practices and probably shows the value of the independent ABC, I suppose.  I do not think a commercial station -

**CHAIR** - We are not on the Arts now.

**Mr FARRELL** - No, we are not on the Arts, but as an aside, are there any education programs - such as the Keep Australia Beautiful program - planned on a local level planned?

**Ms ARCHER** - It is interesting you should say that.  Obviously we provide funding to Keep Australia Beautiful for its efforts, and I can go into this in the Arts portfolio, but we recently provided through Screen Tasmania some funding for schools to participate in a war on waste-type issue.  I do not have the details in front of me about what we called it, but it involved Taroona High School.  I visited the school while they were carrying out filming for an SBS show, so it not has only an educational focus but also a focus on changing long-term attitudes and raising awareness because it screened on TV.  It also aims to change the practices of students at school, changing it in their own homes and then broadcast through TV.  That is one example.

**CHAIR** - Attorney, there have been 69 environmental protection notices and contaminated site notices have been issued.  Can you give me some idea of what they were?  Are they waste transfer sites?

**Mr FORD -** In order for the director - me - to discharge my responsibilities under the legislation, we issue a range of environment protection notices under section 44 of the [inaudible -MCA?] and contaminated land notices under the contaminated land part of the act.  For example, a number old service stations in the state have failed fuel holding systems.   They seem predominately to be the ones issued with contaminated land notices.  In relating to environment protection notices to change permits; we have changed the number of permits for quarries, for fish processing or barge industrial processing, so right across the board of level 2 activities.

**CHAIR** - It is not necessarily people doing the wrong thing in regard to contaminating a site?

**Mr FORD -** Generally not.

**CHAIR** -My second question is around the truckwash facilities.  Six have been announced.  What role does the EPA have in identifying the new sites and also the Powranna site which is still awaiting its completion?  That is pollution.

**Mr FORD -** From an assessment point of view, on the Powranna one, we are working with the proponents around the discharge because it is part of the broader treatment of the waste water on that facility.  From an EPA point of view, we will look at these activities in terms of the actual waste water and if we determine the wastewater treatment needs to be assessed and evaluated and separately regulated, then we do so.

**CHAIR** - With the six new sited that have identified - I do not know if they have been identified yet, but there was an allocation for six new sites - is that a role you will be at the front end of or only once they have been identified?

**Dr WHITTINGTON -** Powranna is the only site currently on the books; it is well progressed in its build and is very close to completion.

**CHAIR** - Waiting for those few extra dollars?

**Dr WHITTINGTON -** I believe we have resolved that issue.  It is more a matter of actually getting the site completed and commissioned.  Part of the issue was getting the wastewater site sorted, which Wes has mentioned, with the budget announcement around truckwash and that is in the minister's, Ms Courtney's, portfolio.  We will being going through the process of identifying where the best places are with industry, and we will go through the planning process, which will bring in the EPA.

**CHAIR** - The EPA will be at the front end and not 'Oh, here is the site, let's get started' and then 'Oh no, we had better not because it will not meet the environmental guidelines'?

**Mr FORD -** The criticalthing for the EPA assessment process will be identifying where the waste water goes.  If the waste water feeds into TasWater wastewater system, we will not have an interest and we will not assess it.  If the waste water has to be treated in its own right, it is likely to trigger a level 2 assessment from the point of view of actually treating waste water.  We very much look at how the proponent is going to deal with the waste water before we decide whether we are going to assess.

**CHAIR** - Are there any other questions?

**Ms ARMITAGE** - Air quality.  I noticed Launceston and Devonport both exceeded the particulate matter level over a number of days in 2015-16 and 2016-17 but nothing has been recorded yet.  In the past we had buyback schemes and a variety of different ways to try to get rid of some of the older wood heaters that caused more of the problems.

We all know that, particularly with Launceston, we have the inversion layer.  It is a valley; it sits down and cannot get out of that basin.

Is there any proposal or thought in the future of perhaps assisting people to go into electric or gas heaters, even the new pellet heaters?  The members for Windermere and Rosevears and myself visited Neville Smith in the member for Windermere's electorate.  They are now making hardwood pellets that burn much more cleanly and efficiently, so I wonder if there is anything we are looking at, as in the past.  Was it a federal government initiative?

**Ms ARCHER** - Yes, and it is not my portfolio.  All I can do with air quality is say that the EPA Tasmania is working in collaboration with local government to implement the Domestic Smoke Management program, the Burn Brighter This Winter.  They provide ongoing community engagement and education aimed at reducing smoke from wood heaters so awareness campaigns are things we look at in that regard.  We do a lot of live monitoring so people can check - those with health complaints or those who have an interest in the matter - to monitor that.  It really is an awareness-raising exercise of getting people to either transition or transfer their form of heating, but I realise it can be a cost issue for them as well.  I do not feel I can answer that with any accuracy because it is not my portfolio area but I can certainly take that on notice.

**Mr DEAN** - Is the Littering Hotline still operating effectively?  I hear of people saying they cannot be bothered reporting littering any longer so I am wondering whether there is any issues -

**Ms ARCHER** - I will go to Mr Ford for that.

**Mr FORD** - Yes, the hotline still operates; we still take calls and we issue infringement notices against that.  I do not have the number in front of me in terms of current annual issuing.  There is a reluctance from some people to report -

**CHAIR** - You have to put your name to it.

**Mr FORD** - It is the challenge with these reporting processes.  If an infringement notice is issued and the person does not pay the infringement notice, it needs to proceed to court for that we need something like a statutory declaration that somebody saw the offence.  People in society are becoming increasingly wary about reporting people.  The process needs to be looked at more in terms of encouraging people to continue to report.

**Ms ARCHER** - Then there is the web-based application I mentioned in my opening statement to help locate litter hotspots and coordinate activities to identify offenders and clean up those areas.

**Mr DEAN** - I am aware of a particular case up north where the complaint line was used.  It was the reported throwing of a cigarette out of a car window.  The person alleged to have committed the offence reckoned they did not commit it, but that is another issue.  They were simply told to plead not guilty because they thought the person who caught him would never give evidence.  That is exactly what happened and the charge was withdrawn.  Can anything be done to improve that because it happens a lot?

**Ms ARCHER** - It is beyond our control; it is a human behaviour issue.

**Mr DEAN** - It is a problem because littering is a blight on society, a blight on -

**Ms ARCHER** - All we can do is encourage people to report, Mr Dean, and also not litter.

**Mr DEAN** - Maybe there is a need to increase penalties, and publicise that and it may have some impact.

**7.2  Analytical services -**

**CHAIR** - Client demand has reduced quite considerably, by about 60 000 analyses.  Is there any reason for it?  A significant number of analyses are still performed - 241 000.

**Ms ARCHER** - Analytical Services Tasmania is continuing to review its customer base after the loss of the TasWater contract.  TasWater now sends its chemical testing work to a laboratory interstate.

**CHAIR** - Shame, shame.

**Ms ARCHER** - In September 2017 the new biotoxin facility at AST - as we will call it because it is shorter - commenced operations to meet an identified need for an on‑island biotoxin testing facility for the shellfish industry.  It was funded by this Government during its first term in the 2017-18 Budget.  The repurposing of infrastructure and transferring staff into the new facility is complete and it is performing to specification, providing the shellfish industry with critical food safety testing information required for domestic and international sales.  Their budget relies heavily on external revenue funds.  Presently the combined internal and external funding sources, including the revenue to the new biotoxin facility, are not enough to balance staff salaries and operational costs.  There are a number of options to address the shortfall.  The department will provide a business case for my consideration to analyse these options before the end of this year.

**CHAIR** - Do we know why TasWater walked?  Was it purely cost?

**Mr FORD** - It was on a cost basis.  They put the contract out for competitive tender.  Analytical Services submitted a tender and an interstate laboratory submitted a cheaper tender.  My discussions with TasWater about that were very much with them focusing on the bottom line in meeting the expectations of their owners and of the community.  They went for the cheaper price option.

**Ms ARMITAGE** - Hopefully with the changes with the state Government, it will come back to buy Tasmanian.

**CHAIR** - They might reconsider once they have a new partner on their board.

**Ms ARMITAGE** - Perhaps we can ask them about it at GBEs.

**CHAIR** - One to put in our memory bank.  Any other questions in this area - capital investment - which I believe was only on the orange-bellied parrot facility.

**Ms ARCHER** - Which we have covered.

**CHAIR** - I will be careful about what I was going to say there, but we have covered it nicely.

That is the end for the Environment portfolio, minister.

**Ms ARCHER** - Thanks to those in attendance today and for all their hard work in preparation as well.

**DIVISON 10**

(Minister for Arts)

**5.1  Tasmanian Museum and Art Gallery -**

**Ms ARCHER** - In relation to the Arts portfolio, an additional $6.44 million is to be invested in key initiatives over the coming term.  These initiatives include $2 million more in investment in our innovative screen sector.  Through our Screen Innovation Fund, $1 million is invested in TMAG for a new purpose-built permanent children's exhibition; $400 000 to support philanthropic fundraising efforts of both TMAG and QVMAG; and $240 000 to help showcase Tasmanian artists and galleries at contemporary art fairs in key markets.  We have increased significantly the recurrent expenditure for the Theatre Royal in the order of $2.8 million, as it takes on additional space and amenities associated with The Hedberg development.  I know they are very pleased with that additional funding.  Our commitment to The Hedberg project is $30 million, in partnership with the University of Tasmania.

These initiatives are in addition to our ongoing considerable commitments to the Tasmanian Symphony Orchestra and Ten Days on the Island, as well as our key agencies, including TMAG, Arts Tasmania and Screen Tasmania.  I could go on, but I won't.

**Ms HOWLETT** - Minister, would you provide an update on the amount of external funding TMAG is generating?

**Ms ARCHER** - External funding, after the year 2017-18 to date was in excess of $1.5 million.  Diversifying TMAG's income stream is a strategic focus of both the board of trustees of TMAG and the Government.

Current revenue streams include sales of goods and services through the museum shop, Narryna Heritage Museum and Markree House Museum and Garden admission fees, venue hire, public donations, grants, requests, sponsorship, cafe and carparking leases, short-term hire of workshop space and specialist equipment, visitor tours, and image reproduction.  You can see a massive amount of work is being done in relation to the revenue stream.

To operate sustainably into the future, TMAG will need to consistently raise funds from alternative sources alongside the allocation in the state Budget that we provide.  This kind of activity is standard best practice around the globe for state museums and art galleries.

Some major achievements by TMAG due to the receipt of external funding in the last financial year have been -

•        the national touring exhibition *kanalaritja:  An Unbroken String* - this is an Aboriginal cultural practice of shell necklace stringing; it is beautiful, but is a really hard word for me to say this late in the day

•        the major winter exhibition *The Derwent*, featuring the work of Tasmanian artists David Stephenson and Martin Walch

•        the summer exhibition *The Remarkable Tasmanian Devil*, which was a wonderful exhibition that I had the honour of opening - like *The Derwent* exhibition, it was shortlisted for a major award

•        the TMAG Children's Festival, now in its third year, saw 16 000 visitors come through TMAG's doors - an incredibly successful program

•        the publication of *Marine Plants of Tasmania* by Fiona Scott, a new work on Tasmania's seaweeds and algae, thanks to a generous request from the estate of Dr Carmel Statten.

These sorts of things are external revenue streams.  I know TMAG is always looking at opportunities to supplement its ongoing support from the state Government.

**Ms HOWLETT** - Can you update us on community engagement and visitor numbers?

**Ms ARCHER** - It is one of our state's most visited tourist attractions.  Visitor attendance statistics give a snapshot view of success, though achieving community engagement obviously involves more than just attendance.  Target attendance numbers for 2017-18 for the TMAG city site were 366 750.  At the end of April this year, attendance was already tracking ahead of the target, with 373 628 visitors.  This was already exceeding the target, which is very pleasing.

Seasonal opening hours of seven days a week between Boxing Day and the end of March have contributed to the strong visitor figures, with a total of 17 480 people visiting on Mondays this summer.  Seasonal opening hours were made possible by the considerable additional funding provided by our Government in the 2016-17 state budget to allow that to happen.  Members will remember the controversy around that.  We managed to tackle that and increased visitor numbers.  Visitation continued its strong growth trajectory over the past three years.  In 2014-15, TMAG hosted 359 825 visitors, rising to 383 026 in 2015-16 and 403 662 in 2016-17.

Successful programming, including maintaining growth in family audiences, has been responsible for this continued trend.  One of the reasons for our commitment to having a permanent children's exhibition is that it brings in children with their families, which is a much wider audience for attendances.  The major summer exhibition that I referred to, *The Remarkable Tasmanian Devil*, proved incredibly popular and received significant national and international attention.  The Tasmanian devil always does.

Over the past year, major exhibitions such as that as well as *The Derwent* were both short‑listed for an award in Museums & Galleries National Awards - MAGNA - for their category.  At the awards in Melbourne both were highly commended.  This also brings us back to success in the MAGNAs in 2017 with four awards, including for the nation's best exhibition overall with *Tempest*.  Members might remember when the whole TMAG building was lit up blue on the outside during that term.

For a third successful year, the TMAG's Children's Festival in April attracted 16 320 visitors over its six days.  That is a pretty enormous visitor number, making this festival a permanent fixture on the capital city's calendar as support grows.  I can attest to the high attendance at that as well.

The delivery of vibrant programs, exhibitions, events and activities encourages not only locals but tourists to visit TMAG regularly and forms a part of TMAG's strategic plan.

In closing, there are a number of partnerships with local festivals such as the Festival of Voices in July and the National Science Week program in August, both onsite at the collection facilities and the Festival of Bright Ideas at Princes Wharf Shed 1.  There are many things done in collaboration as well with other festivals.

**Ms ARMITAGE** - Is TMAG now open seven days a week?  It was six days a week at one stage.

**Ms ARCHER** - As I said, it is seasonal seven days a week, in the summer.

**Ms ARMITAGE** - And what were the hours?

**Ms ARCHER** - The seasonal seven-days-a-week opening hours between Boxing Day and the end of March are - I will bring Janet Carding, who heads up TMAG, up to the table for the opening hours during the summer season.  In winter it is slightly shorter.

**Ms CARDING -** The opening hours are 10 a.m. until 4 p.m. all year round.

**Ms ARCHER** - So seven days a week in the summer period?

**Ms CARDING -** That is right, from Boxing Day until the end of March we are open seven days a week.  We also often schedule regular late night openings, for instance during Dark Mofo we did a series of late night openings on the Fridays and Saturdays during the major weekends.  We schedule those at times when people are going to be around.

**Ms ARMITAGE** - So late night would be until 9 p.m.?

**Ms CARDING -** Till 9 p.m. for Dark Mofo, yes.

**Ms ARCHER** - Yes, I was there on Friday and we went through and there was quite high visitation through Dark Mofo in the evening, and that is in the middle of winter.

**CHAIR** - Are there any other questions in regard to TMAG?

**Ms ARCHER** - I made a brief reference in our election commitment in relation to philanthropic support matching dollar for dollar.  It is not a facility owned by the state Government, but there is a longstanding memorandum of understanding with the council and we do provide funding.  It is a significant sum, so worth mentioning for the members from the north.  The level of funding provided to the Queen Victoria Museum and Art Gallery in 2017-18 was $1 415 600.  The funding to QVMAG is tied to a 1999 deed between the state Government and the Launceston City Council.  It is a longstanding arrangement and we provide for QVMAG, even though we don't own it.

**Ms ARMITAGE** - In 1891 it was originally named the Victorian Museum and Art Gallery; it was changed to museum because the state government advised it would prefer to fund a museum.  It was owned by the government until it passed to the council in the 1940s.

**Mr DEAN** - Is that ongoing funding?

**Ms ARCHER** - It is through a deed but it has been ongoing.

**CHAIR** - It would be a brave government to call that.

**Ms ARCHER** - With the philanthropic matching funding -

**Ms ARMITAGE** - Up to $400 000?

**Ms ARCHER** - Yes.  That is in relation to both foundations that support fundraising for TMAG and QVMAG.  They are equal contributions.

**Ms ARMITAGE** - We should sell it back to the government.

**CHAIR** - That will be for a discussion at a later time.

**5.2  Arts Industry Development -**

**Ms SIEJKA** - Tasmania has more artists per capita than any other state, yet Arts Tasmania has a reduction.  What support is being provided for the development of Tasmania artists?  In the past there were regional art, support and development.

**Ms ARCHER** - Are you talking arts across the board or a specific part of our culture and creative industries?

**Ms SIEJKA** - We can say cultural and creative industries.

**Ms ARCHER** - We have Screen Tasmania and Arts Tasmania.

**Ms SIEJKA** - Purely talking about Arts at the moment, not Screen.

**Ms ARCHER** - Because it is a different line item.

**Ms SIEJKA** - Screen is our next topic.  More about those Tasmanian artists.  Stakeholders talk to me about the support for developing artists and finding places in which to show their work and all those sorts of things.

**Ms ARCHER** - I have always been a strong supporter of the arts and this Government has demonstrated through its investment in Tasmanian artists, arts organisation and moveable cultural heritage that we strongly support the arts.

There has been a steady increase in funding for arts grants programs since 2015.  In the 2017‑18 funding administered through Arts Tasmania's grants programs, we provided support to 150 applicants, including individual artists and groups, arts organisations and many of the smaller museums and galleries across our state.  The reason I asked about what particular area was because there are so many different -

**Ms SIEJKA** - It seems to be what is raised is the support and development for the process.

**Ms ARCHER** - Funding for arts grants programs in 2017-18 was $3 162 776.  This included $360 000 for Tasmania's first dedicated Youth Arts Program, while support was provided for arts organisations working with young people and artists working in formal education setting and the Tasmanian Aboriginal Arts Mentoring Scheme.  Additionally, $493 500 and 130 roving curator days are allocated through the Cultural Heritage Program, which provides support for our public regional museums, art galleries and heritage organisations.

The 2018-19 funding for Arts Tasmania's grants programs will again increase.  In the next financial year we will provide an additional $280 000, taking the total amount to $3 460 830.

**Ms SIEJKA** - Instead of a grants program, is there any likelihood of a service available on an ongoing basis?

**Ms ARCHER** - I might pass that to the deputy secretary to answer.  We have peer review system for our grants and various different grants for applicants to tap into so they are identifying the appropriate funding streams.  They are independent of me, although I sign off on recommendation by the peer assessment.  The reason for us putting this peer assessment in statutory framework was to ensure the process is fair.  I might go to the deputy secretary to explain about the process.  The question is a very broad and probably does not demonstrate a total understanding of how we provide the grants.

**Ms CARDING** - Is the question in addition to grant funding?

**Ms SIEJKA** - There are plenty of grants and some people are lucky and benefit from those.  There are many other artists in the community who want somebody to talk to or advice and support, with a grant the next level up.

**Ms CARDING** - That is a support Arts Tasmania provides to applicants.  Obviously, not everyone who applies to us is successful.  Our project officers will provide consultations with artists about developing their project and application, and we undertake road shows to travel and give information about those programs.  We also fund a range of service organisations.  They provide assistance to individual artists and producers to develop their work and take it to a point where it might be able to be presented or taken up by a festival, or be competitive for grant funding.  Performing Lines would be one of those organisations.

**Ms HOWLETT** - The new Hedburg building will provide a magnificent new arts precinct for the benefit of all Tasmanians.  Can you provide an update on how the Government will support the Theatre Royal with The Hedburg building, if opened?

**CHAIR** - And how much finding will that cost or will be provided?

**Ms HOWLETT** - Are you adding onto my question, Chair?

**CHAIR** - Yes.

**Ms ARCHER** - The Theatre Royal is obviously an iconic cultural and heritage asset in the southern part of Tasmania, well known across Australia and internationally.  As a government, we recognise this through the provision of investment in the artistic programming of works, in the maintenance funding associated with the existing heritage building, and of course a significant state investment in the development of The Hedburg next to the Theatre Royal.  First and foremost, the maintenance funding for the building is provided by way of an administered payment of $178 000 per annum.  Support for the artistic program is through Arts Tasmania's organisations investment program and the Theatre Royal Management Board will receive $150 000 per annum in both 2017 and 2018, securing the presentation of the annual season of works performed at the theatre.

The Hedburg is an exciting development and an important addition to the cultural infrastructure in Hobart and waterfront area.  It has been developed through cooperation with the federal government and the University of Tasmania.  Our Government committed $30 million, which is in total a $96 million project with construction estimated to be completed in late next year.  The Theatre Royal will close during construction for approximately six months, commencing October this year.  They are well planned and placed in that regard and they will reopen ahead of the completion of the project.  There will be a box office offsite, which I cannot reveal yet; I know there have been various negotiations in that regard.  We are providing them with an amount of $181 000 to compensate for the lost revenue while they are closed.

The Theatre Royal is preparing a communications plan to ensure stakeholders and those who visit regularly know about the necessary closure, and the exciting things to look forward to.  The Theatre Royal will require additional current funding to cover increased costs to operate the new facilities.  It is exciting because the new facilities will give them an expanded front and back of house and the ability to work collaboratively with UTAS onsite.

There are enormous opportunities for opening up both to the public.  The operating costs involved require additional recurrent funding to cover increase to operate the new facilities.  The significant increase in footprint of the Theatre Royal and areas being managed or controlled mean they will be well equipped to deal as we are giving them a $2 794 000 across the four years to meet the additional costs that go with the expansion of its interests.

**Ms SIEJKA** - In light of the cuts to the ABC federally, what you are doing to ensure Tasmanian content will be delivered?

**Ms ARCHER** - That is not something we directly have control over.  I have explained that many of our grants are peer-assessed, so I cannot ensure per se.

**Ms SIEJKA** - How do you ensure the quota of Tasmanian artists are engaged in large events and festivals and how do you monitor this?  There is a mechanism for that, so potentially you could have one for Tasmania.

**Ms ARCHER** - Festivals and events comes under Events Tasmania in the Premier's portfolio under the tourism, hospitality and events area.  There is an overlap in terms of interests with the arts and many of these things are arts-focused, but they are not actually under my area of responsibility in this portfolio.

I will always encourage Tasmanian content in so many different ways.  One of the things I referred to in the previous portfolio area, which touched on both the environment and arts, was the funding approved into the Screen Tasmania area, which we are just about to go into.  This will ensure Tasmania maintains the incredible increase in interest in the area of screen and TV in particular.  We are punching above our weight in the area of the screen, in film and TV.  Specifically ABC is a fair draw area.

**CHAIR** - If we have no other questions in Arts Industry Development, we will move to Screen Industry Development.

**5.3  Screen Industry Development**

**Ms ARMITAGE** - Since its debut, *Rosehaven* is one of ABC's top-rating shows and has been included in *New York Times* top 10.  The Government through Screen Tasmania is committing a total of $500 000 towards the third series, with $300 000 already provided, what is the dollar benefit estimated to Tasmania from this?

**Ms ARCHER** - Just under $2 million is the short answer.

**Ms ARMITAGE** - How do we estimate that?

**Mr SANGSTON** - That's based on the breakdown of the budget; the production company provides spending on Tasmanian goods and services.

**Ms ARCHER** - Including Tasmanians employed on the project.

**Ms ARMITAGE** - As you mentioned, minister, Taroona High School was involved in a program dealing with the war on waste. Are any other schools planned to be part of or have programs like that?

**Ms ARCHER** - I can be more specific. It was called *Project Planet*.  This is an ABC Me children's documentary series that was partly filmed at Taroona High School.  As for other school-type projects, we do not target schools - it's through that application process.  We have very different funding streams available through Screen Tasmania; Upload program, which deals with games development; and our Originate program, which deals with developing Tasmanian creative talent and stories by assisting in the writing and preparation of the next generation production for the net market place.  There is also the Capitalise program, which invests in production, and provides valuable work for creatives, cast and crews and showcases our talent, stories and landscapes around the world.  We also have the Capacity program, which grows the skills of Tasmanian filmmakers and connects them with others from around the country; and Emergence, which attaches creatives and crews to professionals on set and in companies for on-the-job training and networking.

These programs implement the key aims of Screen Tasmania's strategic plan from 2017 to 2021.  Screen Tasmania's mission is outlined in its plan to grow and develop a sustainable Tasmanian screen production industry to showcase Tasmanian talent, stories, creativity and our landscape.  We do this through those different funding streams.  The $2 million committed through this Budget from an election commitment was for a screen innovation fund.

**Ms ARMITAGE** - Could you elaborate on what the Screen Innovation Fund does?  Is it to promote the state as a venue for making TV or movies?

**Ms ARCHER** - It is not necessarily to promote, again it is another funding stream for leveraging investment from outside the state and for as emerging and up-and-coming Tasmanian talent.  It is Screen Tasmania but also funding is possible for things that come outside the state.  We assess it by looking at the percentage of Tasmanian goods, services and talent being utilised.  Obviously it needs to reach a certain level.  I will throw to Mr Sangston because he is better equipped to explain that assessment.

**Mr SANGSTON** - Any application that is made to us for production investment under the capitalised program and the screen innovation fund that is partially part of that has to hit at least a four to one ratio of spend to investments.  They have to expend at four more dollars on Tasmanian goods and services for every dollar that we invest on behalf of the Government in the project.

**Ms ARCHER** - And up to 25 per cent of the funding out of the screen innovation fund allocation will be earmarked for new innovative proof of concept productions not limited to any particular medium.  That is the new and innovative concept.

**Ms ARMITAGE** - If I can ask you about the talent.  On the Screen Tasmania website it mentions that most programs for grants are only open to emerging inexperienced practitioners who have at least one recognised screen credit.  In the general guidelines it says 'Applicants must be professional in the industry or be able to show evidence of a commitment to a professional career in the screen industry.'  Does the Government provide any grants or funding to new and undiscovered talent who have not as yet had any screen credit?

**Ms ARCHER** - Yes, now through the screen innovation fund, as I said that up to 25 per cent of that, it may not reach 25 per cent but we have allowed for up to 25 per cent of funding to be earmarked for new innovative proof of concept productions not limited again to any particular medium.  In the 2017-18 year 21 emerging and early career Tasmanians have been supported to gain practical experience on professional productions.  This is prior to us introducing the screen innovation fund, I might add.  Forty one people have been supported for business, travel, training not available in Tasmania or attendance at national conferences.

In response to the screen industry workforce development plan released in 2017-18, Screen Tasmania is in the process of identifying training opportunities for the Tasmanian screen industry.  This includes partnering with Screen Producers Australia to deliver industry specific business training for emerging producers and with the Australian Directors Guild to develop the business skills of directors especially regarding intellectual property and contracts.

Screen Tasmania is also consulting with and where appropriate providing support for both Skills Tasmania and Tasmanian Creative Industries Limited regarding the management of the screen industry development working group, which is funded through Skills Tasmania and development of activities prioritised by and funded through working group.  *Rosehaven* is providing two attachment places for emerging practitioners and five specialised training places on season 3.

**Ms ARMITAGE** - I have watched *Rosehaven*.  It is quite amusing.

**Ms ARCHER** - The reason for us providing ongoing funding to a series like that is because of the major benefits to Tasmania and Tasmanians.  The training places are for early career crew who are first trained by industry professionals and are subsequently employed in paid crew positions for the rest of the series.  That is a wonderful opportunity there.

The attachments and training places were funded by Screen Tasmania through the emergence and capacity programs respectively.  At the start of this I ran you through the five different programs and what areas they target.

**Ms ARMITAGE** - I understand that some of the grants from Screen Tasmania are nonrecoupable and some are recoupable.  How much of the budgeted revenue does Screen Tasmania make back each year.  How much is spent and how much is loans?

**Ms ARCHER** - That is a question for Mr Sangston that one - operational.

**Mr SANGSTON** -There is an awful lot.  The vast majority of the money that we put out is done on a recoupable basis but the proportion that we actually recoup varies greatly over time.  To give you an idea.

**Ms ARMITAGE** - It is used again and –

**Mr SANGSTON** - It absolutely is reinvested.  For example, we recouped about $40 000 out of *Rosehaven* 1 and reinvested that back into *Rosehaven* 2 to provide extra training and attachment opportunities for emerging filmmakers.  It is money that cycles back in through the budgets.

**Ms ARMITAGE** - Same with *The Lion*.  My last question, the screen industry development and development of interactive games was mentioned.  How much funding is allocated specifically for the games?  Do we have that listed?  How many projects has this funded in the past years?

**Ms ARCHER** - I will refer that to Mr Sangston because there is not a specific allocation that he can explain.

**Ms ARMITAGE** - How many of those games have gone on to be released or published that we funded.

**Mr SANGSTON** - We don't break down our allocation specifically between programs, simply because it depends entirely on the level of application that we have received.

**Ms ARMITAGE** - I am looking for the benefit that we might get back, or the money that goes into them.

**Mr SANGSTON** - In terms of projects that were funded in the last financial year under the Upload program and its predecessor, we funded three and two of them have been released.  The other one will be released later on this year.  They have both gone extremely well.  In fact, one of them has already recouped over 50 per cent of the investment.

**Ms ARCHER** - One of them is a winner of an international award as well.  Is it Party Golf, or the other one?  I am showing my gross inadequacy to remember games because I'm not a games player.  It was the snake with the snow one, I think.

**Mr SANGSTON** - It was.

**Ms ARCHER** - Thank you.  I knew Mr Sangston would remember - a highly acclaimed games player.  We have some really talented gamers in Tasmania whom I've met and who put me to shame because I don't know how to play their games.

**Mr ARMSTRONG** - The former minister invited us down one evening to watch *The Kettering Incident*.  It finished strangely.  Many people have asked if there is going to be a follow up to it.

**Ms ARCHER** - You would have to ask the writers that.  I think they are working on a script or there has been a scrip but there's plans to -

**Mr ARMSTRONG** - It was Screen Tasmania

**Ms ARCHER** - It was also in partnership with Screen Australia.

**Ms SIEJKA** - Is there a plan to ensure the Wide Angle Tasmania will stay open, given that with the operational funding available now it's very difficult for it to do that.  It does serve its valuable purpose for the screen community.

**Ms ARCHER** - It is pleasing that it has secured philanthropic support to support its operations.  It fulfils an important role as a community hub for the screen industry and also a training ground for people interested in filmmaking.  Wide Angle Tasmania was successful in securing a $40 000 grant in the first round of the Youth Arts program in the 2017-18 budget initiative.

**Ms SIEJKA** - It's that core funding it needs, more than anything.

**Ms ARCHER** - Yes.  I want to get on the record the support that we are providing through the Youth Arts program.  They are also eligible and welcome to apply for Screen Tasmania support through the Capacity program which provides grants for industry development.

Screen Tasmania has also spoken to Wide Angle about this program and is ready to assess an application.  In addition, Screen Tasmania provides assistance to Wide Angle by speaking at events and is actively engaging with it to benefit to the Wide Angle community and screen industry more broadly.  That's a bit of a snapshot.  We would encourage them to apply for assistance through our grants programs.

**CHAIR** - Members, I invite anyone who has a question on capital investment.  There's is a $2 million capital investment program on our sheets.  No, it might be for -

**Ms ARCHER** - It may be mixed up because Arts is in State Growth.

**CHAIR** - Yes, it might be.  I think we missed it on the other -

**Ms ARCHER** - It is part of a very large department.

**CHAIR** - Yes.  It transfers across.  Attorney-General and minister for other areas, on behalf of Committee B in the Legislative Council, we sincerely thank you for your efforts today and particularly acknowledge the work of the various departments that have supported you through the day.

**Ms ARCHER** - I thank everybody for attending in this output area in relation to the Arts, which covers a whole range of cultural and creative industries.  Thank you for everybody's skill and expertise in their relevant areas, and for providing me with input and knowledge where I need it as well.  I enjoy it.

**CHAIR** - We wish you all the best.  We believe you still have one more day left and so do we.  Thank you very much.

**Ms ARCHER** - Thank you very much.

**CHAIR** - We will adjourn for today.

**The Committee adjourned at 5:46 p.m.**