

**Department of Justice
and Industrial Relations**

Annual Report

2002-03



The Honourable Judy Jackson MHA
ATTORNEY-GENERAL
MINISTER FOR JUSTICE AND INDUSTRIAL RELATIONS

In accordance with the requirements of section 36 of the *State Service Act 2000* and section 27 of the *Financial Management and Audit Act 1990*, I have pleasure in presenting the Annual Report for the Department of Justice and Industrial Relations for the financial year ending 30 June 2003.

Richard Bingham
SECRETARY
DEPARTMENT OF JUSTICE AND INDUSTRIAL RELATIONS
21 November, 2003

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1. Overview

Strategic Plan

Our Mission

The Department will, in partnership with other organisations inside and outside government, contribute to a safer and more inclusive Tasmanian community by:

- promoting, maintaining, and enforcing rights and responsibilities;
- facilitating the resolution of disputes; and
- supporting and monitoring the initiatives undertaken by the Courts, Tribunals and statutory officers who are linked to the Agency.

Our Vision

The Department of Justice and Industrial Relations shares the vision of Tasmania *Together*.

The Vision of Tasmania *Together* is: "Together we will make Tasmania an icon for the rest of the world by creating a proud and confident society where our people live in harmony and prosperity".

Our Values

This Agency (including its employees) will promote a workplace where:

- people are treated fairly and the diversity amongst our staff is encouraged and respected;
- all staff are accountable for working to achieve the goals of the Agency;
- on-going learning, creativity and participation are valued;
- the provision of high quality and effective services is acknowledged as the focus of each working day, and staff are provided with the skills necessary to deliver such services;
- the need to work cooperatively with others outside of our Agency is recognised and accepted; and
- all the dealings of the Agency are conducted with fairness and integrity.

The Department recognises that in order to achieve its desired outcomes it must work closely with the community and other areas of government. In particular, it will coordinate, facilitate and monitor initiatives undertaken by the Courts, Tribunals and statutory officers who are linked to the Department.

The Department of Justice and Industrial Relations provides administrative support for the Supreme and Magisterial Courts, the Tasmanian Industrial Commission, the Tasmanian Legal Aid Commission and the Workers' Rehabilitation and Compensation Tribunal. It also supports the statutory offices of the Solicitor-General, the Director of Public Prosecutions, the Ombudsman, the Health Complaints Commissioner, the Electricity Ombudsman, the Legal Ombudsman, and the Anti-Discrimination Commissioner. Each of these areas is separately accountable to Parliament.

The Department includes: Corrective Services, Crown Law, the Office of Consumer Affairs and Fair Trading, the Office of Industrial Relations, the Registry of Births, Deaths and Marriages, the Tasmanian Electoral Office, the Public Guardian, the Guardianship and Administration Board, the Mental Health Tribunal and the Poppy Advisory and Control Board.

For 2002-03 the Departments Corporate Objective and Strategies were guided by three priorities which comprise improvements and initiatives within:

1. the Criminal Justice framework
2. fostering an inclusive society; and
3. striving to achieve service delivery in accordance with the Goals of Tasmania *Together*.

Secretary's Overview

Over the past year the Department of Justice and Industrial Relations has made very pleasing progress in many areas. In particular, we have supported the Attorney General's extensive social policy law reform program, and we have successfully developed – and received Government approval for - a significant business case for the whole of Government re-design of processes for the enforcement of monetary penalties.

Further, in last year's report I stated that one of the three major achievements during of 2001-02 was Tasmania's Corrective Services continued improvement in performance. Corrective Services have continued to improve through 2002-03. In addition this improvement has been achieved during a period of significant growth in the demand for services from Corrective Services.

During 2002-03 Tasmania's prison population reached 480 inmates which was approximately 100 higher than the average number of prisoners in 2001-02. It is also over 200 inmates higher than the average number experienced 5 years ago.

The prison, during 2002-03, has also been actively involved in planning for the redevelopment of the Risdon Prison. The project will be one of the most substantial capital projects that the State has seen for some time. The challenge is to make sure that the benefits from the new facilities are maximised, and that the next stage of the redevelopment of the Prison Service enhances the rehabilitation of inmates and the project remains on schedule.

The Department has also continued to improve its access to information. A number of information systems were developed, implemented and improved during 2002-03. These systems have been developed to help with the day to day provision of services. However, the resulting improvement in access to information about the Department's activities has also assisted in the Department's short term planning activities.

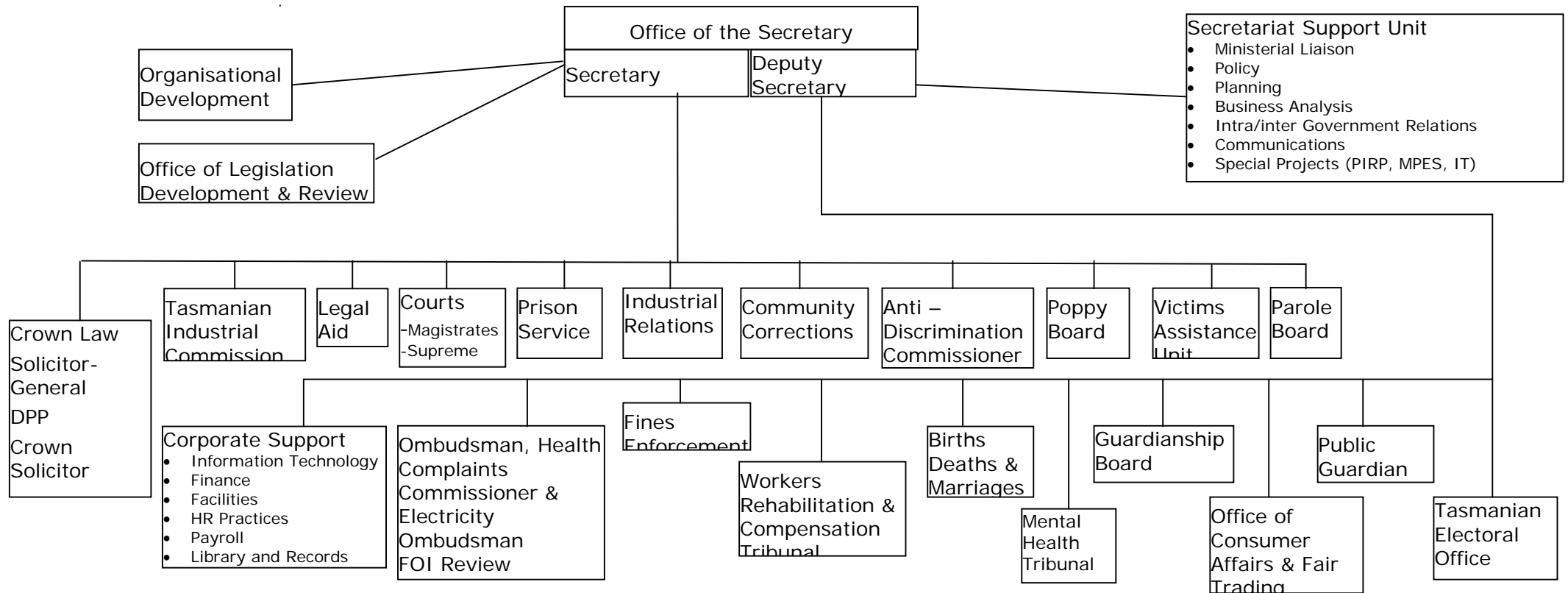
The good financial outcome for the Department for 2002-03 is a reflection on the commitment of staff to provide the best service possible within the financial resources available to the Agency.

There are many other developments in other areas of the Department which are reported in either this Report or the Annual Reports of the independent bodies to which the Department provides administrative support. None of this would have been achieved without the continuing efforts of our staff, for which I continue to record my appreciation.

Richard Bingham
Secretary

2. Organisation of the Department

The Department comprises a comparatively large number of separate functional units, reflecting the constitutional and/or statutory independence of many of those units. The organisational structure of the Department is demonstrated schematically in the following diagram as at 30 June 2003.



Output Structure and Organisational Responsibility

The following table provides the linkage between the Department's output structure and the part of the organisation responsible for the delivery of each output.

Output Group 1: Administration of Justice

No.	Output	Organisational Responsibility
1.1	Supreme Court Services	Supreme Court
1.2	Magisterial Court Services	Magistrates Court
1.3	Enforcement of monetary penalties	Fines Enforcement
1.4	Support and compensation for victims of crime	Victims Assistance Unit
1.5	Legal Aid	Legal Aid Commission
1.6	Mental Health Review Tribunal and Guardianship Board decisions	Mental Health Tribunal and Guardianship and Administration Board

Output Group 2: Legal Services

No.	Output	Organisational Responsibility
2.1	Crown Law	Solicitor General Director of Public Prosecutions Crown Solicitor
2.2	Legal Policy Advice and Law Reform	Office of the Secretary – Legislation Development and Review

Output Group 3: Registration Services

No.	Output	Organisational Responsibility
3.1	Registration, Maintenance and Dissemination of Statutory Information	Registry of Births, Deaths and Marriages

Output Group 4: Review Services

No.	Output	Organisational Responsibility
4.1	Decisions on complaints referred to the Ombudsman, the Health Complaints Commissioner, the Electricity Ombudsman and Freedom of Information reviews	Ombudsman
4.2	Anti-Discrimination Commissioner	Anti-Discrimination Commissioner

Output Group 5: Electoral Services

No.	Output	Organisational Responsibility
5.1	Elections and Referendums	Electoral Office

Output Group 6: Corrective Services

No.	Output	Organisational Responsibility
6.1	Prison Service	Prisons
6.2	Community Corrections	Community Corrections

Output Group 7: Other Services

No.	Output	Organisational Responsibility
7.1	Supervision of Poppy and Hemp Crops	Poppy Advisory and Control Board

Output Group 8: Consumer Services

No.	Output	Organisational Responsibility
8.1	Maintenance of a Fair, Safe and Equitable Market Place and Industry Registration	Office of Consumer Affairs and Fair Trading

Output Group 9: Industrial Relations Services

No.	Output	Organisational Responsibility
9.1	Industrial Relations and Policy Advocacy Service	Office of Industrial Relations
9.2	Services of the Tasmanian Industrial Commission	Tasmanian Industrial Commission
9.3	Workers Rehabilitation and Compensation Tribunal Decisions	Workers Rehabilitation and Compensation Tribunal

3. Report on the 2002-03 Targets

In 2001-02, the Department reviewed its Corporate Plan in light of the Tasmania *Together* plan published by the Community Leaders Group in September 2001. An interim Corporate Plan was prepared for the period 2002-07. It was intended to finalise the Corporate Plan following the 2002 State election.

During 2002-03, the Department undertook another major review of its Corporate Plan in light of the Government's response to the Tasmania *Together* targets and the priorities of the Government. It is intended that a review of the Corporate Plan be undertaken each year to take into account any changes during the previous twelve months. This will ensure that the Corporate Plan is as up-to-date as possible. It is not anticipated that these annual reviews will significantly change the direction of the Department. However, targets may change to meet the current priorities of the Tasmanian Government or community.

The following report is against the targets that applied for 2002-03 from the interim corporate plan for 2002-07. It should be noted that these targets have been subsequently revised following the 2003 review of the Corporate Plan. The targets for the revised Corporate Plan for 2003-08 will be reported against in next year's Annual Report.

Target 1 – Increasing the community's confidence in the criminal justice system

Goal 2 of Tasmania *Together* identifies the need to have a community where people feel safe and are safe in all aspects of their lives. The Department of Justice and Industrial Relations believes that one strategy to achieve that goal is to ensure that the community is confident in the criminal justice system.

The Department, during 2002-03, developed a number of strategies to increase the community's confidence in the criminal justice system.

Prison Redevelopment

This is a longer term plan to provide a publicly run and funded prison system that will be better integrated and more efficient than the existing system. Project planning commenced in 2001 and has continued through 2002-03. It is anticipated that construction works will commence on site late in 2003. More detailed information in relation to this project is included in the Prison Services section below.

Improved Prison Service Programs

This strategy focuses on the provision of safe and secure containment of prisoners and their needs in relation to personal development and rehabilitation, with the objective of reducing recidivism.

During 2002-03, the Prisoner Support Unit continued to maximise opportunities for the rehabilitation and development of Prisoners. Prisoner education and training moved toward an integrated education approach, in line with TAFE principle and practices, and where possible linked with prisoners' involvement in prison industries.

In addition, programs with the assistance of many community groups continue to be delivered to prisoners. Sport and recreational activities are provided and community work projects are undertaken.

In July 2002 an inmate complaints system was implemented to ensure that complaints formally lodged by inmates are handled confidentially at a central point within the Prison Service.

Work has also progressed on the development of a sex offender program. The program commenced early in the 2003-04 financial year.

Diversion of Offenders

The Department continued to operate diversionary programs as a means of diverting offenders away from the criminal justice system and into assessment and treatment programs to address the underlying cause of criminal activity and, as a result, reduce recidivism.

Diversionary programs add to the range of sentencing options available to Magistrates to give them the flexibility to respond to the specific needs of each case.

Restorative Justice and Victims of Crime

The Victim of Crimes Unit was established in 2001 to meet the needs of the victims of crime within our community. The Unit provides funding for regional Victims of Crime Services to provide counselling and support to the victims of crime. In addition, the Unit provides services to assist the process of recovery for the victims who have suffered from experiences related to the committing of a crime, and to enhance the potential for them to participate in the criminal justice process.

Criminal Injuries Compensation Commissioners have the responsibility for determining the level of compensation to be granted to victims who have suffered injuries as a result of criminal acts. This provides a more streamlined process for claims than was previously provided through the Supreme Court.

Monetary Penalties Enforcement System Redevelopment

At the beginning of 2002-03, between 20% and 30% of infringement notices and up to 50% of court fines were not paid. This relatively high rate of non payment indicated that the persons not paying these penalties did not see the fine as a deterrent and hence were not likely to change their offending behaviour.

The Department believes that the implementation of a system which increases the likelihood that monetary penalties will be paid, will also increase the effectiveness of monetary penalties in encouraging offenders to change their behaviour.

During 2002-03, a detailed business case was put to the Government to implement a new monetary penalties enforcement system. The business case was approved and funding to begin the implementation of the new system was provided in 2003-04. Further information on this project is included under Fines Enforcement below.

Enhanced Information Systems

At the end of 2002-03, three major information systems were developed to the stage of implementation, or were nearing completion ready for implementation shortly after the end of the financial year.

The Criminal Registry Information Management Enquiry System (CRIMES) was introduced in each of the four Magistrates Registries during 2002-03. The data from CRIMES is assisting the Courts to manage its activities as well as providing essential information to other agencies associated with the criminal justice system.

The information is also providing assistance in monitoring court activity to predict the demand on other areas of the agency.

The system is to be expanded to include information in relation to the activities of the Supreme Court.

The Offender Information System and the Custodial Information System have been combined into a single Justice Offender Information System Tasmania (JOIST).

This integrated information system is a cooperative effort of the Departments of Justice and Industrial Relations and Health and Human Services. The system provides timely and accurate access to court and police records as well as up-to-date information on offenders to assist them with the management of offenders.

Target 2 – Fostering an inclusive society...

...by ensuring that the Tasmanian Community has access to services that decrease the likelihood of disputes between individuals, and within commercial transactions.

This target is directly linked to the Tasmania *Together* Goal 9.:

Foster an inclusive society that acknowledges and respects our multicultural heritage, values diversity and treats everyone with compassion and respect.

The strategies to be used by the Department were linked to Standard 3:

To support and encourage a diverse compassionate and socially just society that provides for the rights of all Tasmanians, including people from minority, disadvantaged and stigmatised groups.

The agency has three specific strategies to assist in achieving this goal.

Alternative Dispute Resolution (ADR) Services

This form of dispute resolution, which includes conciliation and mediation, can be extremely effective, whether exercised before or during litigation. During 2002-03, the Department continued to use and expand the use of ADR as a means of resolving disputes as an alternative to court imposed outcomes.

Anti-Discrimination Services

During 2002-03, staff resources available to the Anti-Discrimination Commissioner were expanded. The additional resources enabled the Commissioner to continue to provide training and community education/liaison services, outreach programs, forums and submissions to various reviews and inquiries, as well as dealing with complaints.

In addition, additional pamphlets were produced on different aspects of the *Anti-Discrimination Act 1998* and information was also made available on the website. In-service training for conciliators was also extended to interested staff in the Department.

Further information on the activities of the Anti-Discrimination Commissioner can be found in the Anti-Discrimination Commissioner's Annual Report. Details of the location of this report are provided under the Anti-Discrimination Commissioner's section below.

Disbursement Fund

The disbursement fund was established, in accordance with an election commitment of the Government, to provide short term funding to assist Tasmanians to meet the costs associated with the preparation of reports that are needed before civil cases go to Court. The cost of these reports is usually incurred at the time of preparation, which is in advance of a case being resolved by the Court. The cost can be prohibitive for low income earners and therefore could restrict their access to the justice system. The costs are repaid to the fund if the case is successful.

The Legal Aid Commission administers the fund. A committee of experienced civil lawyers makes decisions about which cases to be supported by the fund.

Target 3 - Providing a cooperative and participative organization

This target is linked to Tasmania *Together* Goals 13, 14 and 15.

- Goal 13 Have a system of government that is open, seeks and listens to people's views and ideas, and uses them in decision-making at all levels.
- Goal 14 Ensure that there is greater cooperation at all levels of government and among political parties to improve the lives of all Tasmanians.
- Goal 15 Have a system of government that is accountable to the people and plans for the future at all levels.

The Department adopted three strategies to assist in achieving these goals.

Human Resources Strategic Plan and Programs

During 2002-03 the Department continued to develop and expand the Human Resource Plan through the development of appropriate policies and procedures to support the Strategic Plan.

Local Government Partnerships

The Department believes that partnerships with Local Government provide an opportunity to address a number of relevant issues, including community safety and crime prevention. During 2002-03, the Department continued to work with Local Government on the development of Partnership Agreements to deliver a broad range of services.

Strategic Planning and Management Processes

As indicated earlier, the Department has put in place the annual review of its Corporate Plan to ensure that it remains current and reflects Community requirements and Government policy, particularly as reflected through the Tasmania *Together* process. In addition, the Department has established annual business planning activities for each output which includes regular reporting comparing actual activity with planned activity during the year.

Monthly meetings of the Departmental Executive (DE) continued during 2002-03. The DE provides the high level planning and decision making forum for the Department. It has the responsibility of approving the Corporate Plan before it is submitted to the Minister as well as the approval and monitoring of each business plan.

4. Administration of Justice

This Output Group provides a range of judicial services to the public through the Supreme and Magisterial Courts as well as coronial services, support and compensation for victims of crime, legal aid, the Mental Health Tribunal, the Guardianship and Administration Board and the enforcement of monetary penalties.

The aim of these services is the resolution of civil disputes and determination of criminal matters in a manner that is just, timely, and cost effective for the parties involved.

Supreme Court Services

The Supreme Court is the highest court in the State with responsibility for both civil and criminal matters. The Supreme Court has unlimited jurisdiction in criminal and civil matters except where legislation, either Commonwealth or State, provides otherwise. The Full Court and Court of Criminal Appeal hear appeals from decisions of single judges.

The Court is a court of review from the Magistrates Court and the majority of tribunals that exercise specialist jurisdiction. The Court has jurisdiction to review decisions and hear applications under a wide range of statutory provisions. The Supreme Court also exercises probate and admiralty jurisdictions.

The Output includes funding for the provision of six Judges, the Master and judicial support staff including associates, attendants and secretarial support. Funding is also provided for the provision of registry services and facilities to support the Supreme Court in its work. Supreme Court registries are located in Hobart, Launceston and Burnie.

The following specialised services are provided:

- The Registrar's office provides a mediation service in matters before the Court and taxes bills of costs both in the Supreme Court and under the *Legal Profession Act 1993*;
- the Registrar in Probate grants probate, letters of administration and reseals in non-contested matters; and
- the Sheriff executes civil process (including admiralty jurisdiction) and manages the jury system.

Other Information

Readers are advised that the Supreme Court prepares a separate Annual Report. For more detailed information on the Court's activities, including performance information, please refer to the Court's Annual Report. The Report is available on the Court's internet site at the address below, under Publications.

Internet Address

www.courts.tas.gov.au/supreme/index.html

Contact Officer

Registrar, Supreme Court

Ian Ritchard

(03) 623 3427

Magisterial Court Services

Magistrates in Courts of Petty Sessions hear and determine simple offences, crimes triable summarily under State and Commonwealth legislation, breaches of duty, and applications under various State and Commonwealth statutes; and exercise a wide range of appellate, review and licensing functions. Magistrates also hear simple and indictable offences in the Youth Justice Division as well as exercising child protection and welfare responsibilities under various Acts.

Magistrates in the Civil Division hear and determine civil matters to a value of \$20 000 (or an unlimited amount with the consent of the parties) and Small Claims to a value of \$3000.

Magistrates also sit as Coroners to conduct inquests into sudden deaths, fires and explosions and as chairpersons of various statutory tribunals, such as the Anti-Discrimination Tribunal, the Motor Accidents Compensation Tribunal and the Mining Division.

The Magistrates Court sits on a permanent basis in four cities in Tasmania: Hobart; Launceston; Devonport; and Burnie. Magistrates also sit in 18 country courts on a regular circuit basis.

Other Information

Readers are advised that the Magistrates Court prepares a separate Annual Report. For more detailed information on the Court's activities, including performance information, please refer to the Court's Annual Report. The Report is available on the Court's internet site at the address below, under Publications.

Internet Address

www.courts.tas.gov.au/magistrates/index.html

Contact Officer

Administrator, Magistrates Court Jim Connolly (03) 6233 7912

Enforcement of Monetary Penalties

The Fines Collection and Enforcement Output is responsible for the collection of all infringement notices issued by Government, and the collection and enforcement of certain monetary penalties imposed by courts.

Fines Enforcement utilises *Service Tasmania* shops, telephone (Interactive Voice Recognition) and Internet services for clients to make payments. The various payment channels facilitate collection of fines and monetary penalties. Overdue fines are enforced by the issue of warrants of arrest or commitment. The Output aims to achieve best practice in collection and enforcement of monetary penalties whilst ensuring fairness and integrity in the overall process.

Report on Major Issues for 2002-03

Monetary Penalties Enforcement Project – Stage 2 being the preparation of the business case for submission to Cabinet on legislation redefining how fines and infringements should be collected and enforced in Tasmania.

During 2002-03, a business case for the Monetary Penalties Enforcement Project (MPEP) was prepared and presented to Cabinet for consideration as part of the 2003-04 Budget process. Cabinet approved the recommendations contained in this business case, and provided funding in the 2003-04 Budget for the implementation of the project (MPEP Stage 3).

The implementation of these reforms will require the introduction of new enabling legislation, changes to existing legislation, and the implementation of a new information system. This will be done in a phased manner over a three year period.

Progress the issue of uniform numbering and associated standardisation of infringement notices.

Uniform numbering of all infringement notices has now been introduced. All Government Agencies issuing infringement notices (including Tasmania Police) now utilise the format introduced by Fines Enforcement. This has allowed validation of the infringement number at the time of payment thereby minimising the instances of the incorrect allocation of payments.

Implement a plan for the enforcement of significant monetary penalties that remain outstanding.

During 2002-03, enforcement action has been initiated against those offenders having significant outstanding penalties. This has been possible because of the upgrade to the Fines Collection System that now allows the production of reports to identify such offenders.

Pursue incremental changes to the Fines Collection System.

Significant improvements to the Fines Collection System have been implemented during 2002-03. These have included the introduction of new software to allow for the improved formatting and production of statements, receipts and warrants.

Performance Indicators

Table 4.1 Fine collection rate

	1998-99	1999-00	2000-01	2001-02	2002-03
Percent collected					
Court Fines	52	58	55	54	43
Infringement Notices	71	73	76	73	68
Total all penalties	63	67	67	65	61

A measure of the effectiveness of the fine/infringement collection process is the collection rate. This is defined as the 'value of infringements/fines collected in a

financial year as a proportion of the value of infringements/fines imposed less the value of infringements/fines remitted'.

Fines Enforcement has completed a project to review and better report on key performance indicators. While the performance of the Fines Enforcement has remained relatively constant, the revised calculation method together with the rectification of data errors within the Fines Collection System has resulted in a fine collection rate considerably lower than that reported in previous years. Even though data for previous years is shown, the changes to methodology and data means that 2002-03 data is not comparable with previous years.

Table 4.2 Cost of infringement and fine, collection and enforcement

	1998-99	1999-00	2000-01	2001-02	2002-03
Cost per fine/ infringement issued	\$5.37	\$5.70	\$5.41	\$5.01	\$5.46
Total Expenditure (\$'000)	667	704	908	850	1,065
Infringements and Fines	124,245	123,432	167,992	169,794	195,009

The "Cost of Fine Collection and Enforcement" only relates to costs incurred by Fines Enforcement, and it does not include costs incurred in:

- Issue of an infringement;
- Prosecution of an offence in Court;
- Serving of Warrants; and
- Imprisonment and Community Service Order expenses.

In 2002-03, Fines Enforcement assumed responsibility from the Magistrates Court for the issue of warrants relating to fines imposed in the Burnie, Devonport and Launceston Registries. Extra resources were given to Fines Enforcement for this purpose. This in part has increased the "Cost per Fine/Infringement Issued" figure.

In 2000-01, 167,992 fines and infringements were issued. 39,396 were subsequently withdrawn or reversed, making a net amount of 128,623 available for collection. However, resources are required to process all 167,992 infringements and this is used to calculate the "cost per fine issued". From 2000-01 onwards the cost per fine is based on the gross number of fines issued.

Table 4.3 Payment analysis

	1998-99	1999-00	2000-01	2001-02	2002-03
Number of Receipts					
Service Tasmania	44,031	60,215	55,753	59,399	62,116
Telstra BillPay	11,995	18,947	22,830	24,246	24,522
Courts	32,923	8,313	4,315	1	-
Fines Enforcement	21,613	17,974	15,890	14,373	12,555
Total Receipts	110,562	105,449	98,788	98,019	99,193
Percentage					
Service Tasmania	39.8	57.1	56.4	60.6	62.6
Telstra BillPay	10.9	18.0	23.1	24.7	24.7
Courts	29.8	7.9	4.4	-	-
Fines Enforcement	19.6	17.1	16.1	14.7	12.6

The number of persons paying at Magistrates Courts reduced significantly with the introduction of payments at Service Tasmania and the increasing use of BillPay (Telephone and Internet). In 2000-01, the Magistrates Court ceased accepting payments for financial penalties imposed in the Criminal & General Division of the Magistrates Court.

Table 4.4 Warrants of arrest for non payment of fines issued in Tasmania

	Burnie	Devonport	Hobart	Launceston	TOTAL
1998-99	717	1,754	3,660	2,460	8,591
1999-00	131	1,030	2,513	1,266	4,940
2000-01	790	1,260	2,076	666	4,792
2001-02	245	2,468	749	118	3,580
2002-03	761	605	3,433	1,210	6,009

Table 4.5 Warrants of commitment issued in Tasmania

	Burnie	Devonport	Hobart	Launceston	TOTAL
1998-99	89	439	340	1,138	2,006
1999-00	72	654	104	545	1,375
2000-01	250	404	88	1,285	2,027
2001-02	95	558	70	954	1,677
2002-03	159	106	217	95	577

Fines Enforcement issue all warrants for the pursuit of outstanding debt in Hobart. The Court no longer performs this function. Therefore Tables 4.4 and 4.5 now reflect the Court area in which the matter was originally heard.

Table 4.6 Fine defaulters imprisoned

	Number of Prisoners Held	Number of Days Imprisoned
1998-99	369	2,766
1999-00	200	1,818
2000-01	445	2,140
2001-02	297	2,334
2002-03	165	803

Internet address

www.justice.tas.gov.au/fines/index.htm

Contact Officer

Manager, Fines Enforcement

Seth Hills

(03) 6233 2126

Support and Compensation for Victims of Crimes

The Department of Justice and Industrial Relations supports victims of crime through the establishment of the Victims Assistance Unit, administration of the Criminal Injuries Compensation Scheme and the funding of the Victims of Crime (Response and Referral) Services. These services assist the process of recovery for the victims who have suffered from experiences related to the committing of crime, and to enhance the potential for them to participate in the criminal justice process.

Criminal Injuries Compensation Commissioners are responsible for determining the level of compensation to be granted to victims who have suffered injuries as a result of criminal acts. The Victims Assistance Unit provides the administrative support in relation to Criminal Injuries Compensation applications.

The Victims Register was established in 2001 and provides information on offenders held within the Tasmanian prison system including:

- The nature of the offence committed and the sentence imposed by the court;
- The location of the offender at the time of registration, and any subsequent transfers;
- The offender's release eligibility dates;
- The result of any leave applications e.g. work release, home visits or parole;
- If the offender escapes from custody; and
- If the offender dies whilst in custody.

219 people are currently registered on the Victims Register.

The Victims Assistance Unit also supervises and supports the regional Victims of Crime Services (VOCS). Services were provided by Lifeline – Hobart, Victims of Crime Response and Referral Service, North West and Launceston Community Legal Service until 30 October 2002 when a new tender agreement came into effect and Lifeline – Hobart and Lifeline - North West commenced the operation of a Statewide service

Report on Major Issues for 2002-03

During 2002-03, the main focus of the Victims Assistance Unit was to:

- maintain and upgrade the Victims Register;
- complete the transfer of the Criminal Injuries Compensation function to the Unit;
- finalise the Victims of Crime Services' tender process; and
- support and manage the Victims of Crime Services.

Other Information

During the year a total of \$267,106 was paid to the following organisations:

Lifeline Hobart (VOCS South)

Launceston Community Legal Service (VOCS North to 30 October 2002)

Victims of Crime Service, North West Tasmania (VOCS North West to 30 October 2002)

Lifeline North West (VOCS North and VOCS North West from 2 November 2002)

The three services provided advice to a combined total of 1,287 people, of whom 988 were new victims accessing services to victims of crime.

The majority of the Services' workers' time was devoted to:

- support and counselling;
- providing information; and
- assistance with Victim Impact Statements.

The statistics set out in the following table show the make-up of the client group of the Victims of Crime Service:

Table 4.7: Victims of Crime Services – Client Group Composition

	1999-00	2000-01	2001-02	2002-03
Sex				
Male	509	561	383	459
Female	1,198	1,019	801	828
Age Groups (Percentage of total)				
Under 18	7.6	6	6	5
19-29	24.5	23	26	29
30-39	34.3	30	34	31
40-55	28	30	28	26
56+	5.6	11	6	9
Crime Category (Percentage of total)				
Against the person	72	71	71	69
Against property	13	20	16	19
Against both	15	9	13	12
Offender Known to Victim (Percentage of total)				
Yes	62	61	56	53
No	38	39	44	47

Note Statistics for July – October 2002 not provided by the Victims of Crime Service in Launceston.

Performance Indicators

Victims of Crime Services: The Output uses the following indicators to manage the service delivery processes.

Table 4.8 Indicators to manage service delivery processes

	1999-00	2000-01	2001-02	2002-03
Number of victims/contact	1,707	1,580	1,184	1,287
Number of new contacts	1,043	897	927	988
Number of referrals to specialist services	128	62	39*	101
Number of Victim Impact Statements prepared	138	29	66*	114

* Include figures for South and North West only

Criminal Injuries Compensation: The output relies upon the following indicators to manage the delivery of this service.

Table 4.9 Indicators to manage service delivery processes

	1999-00	2000-01	2001-02	2002-03
Number of claims	347	401	497	728
Awards made	295	422	452	544
Total Payments excluding costs (\$'000)	\$2,260	\$3,486	\$3,617	\$3,607*
Total Costs including reports etc (\$'000)	\$299	\$506	\$575	\$563
Average award	\$7,661	\$8,260	\$8,001	\$9,319
Average disposal time (weeks)	18	21	17	13
Average Costs to legal practitioners	\$833	\$712	\$495	\$646

* The average cost of awards has reduced therefore the total costs have not increased with the increase in the number of awards made.

Review of Criminal Injuries Compensation: The Victims Assistance Unit is currently reviewing the *Criminal Injuries Compensation Act 1976* in conjunction with other relevant parts of the Department. It is anticipated changes will result in the introduction of a new Victims of Crime Assistance Act.

Internet address

WWW.justice.tas.gov.au/vau/index.htm

Contact Officer

Manager, Victims Assistance Unit Debra Rabe (03) 6233 5002

Legal Aid

The provision of legal assistance to those persons who would be considered disadvantaged if they were not granted legal representation, is achieved through the Legal Aid Commission of Tasmania. The Commission operates under State legislation and delivers services in accordance with a Commonwealth-State agreement.

Other Information

Readers are advised that the Legal Aid Commission prepares a separate Annual Report. For more detailed information on the Commission's activities, including performance information, please refer to the Commission's Annual Report. The Report is available on the Commission's internet site at the address below.

Internet address

www.legalaid.tas.gov.au

Contact Officer

Director, Legal Aid Commission Norman Reaburn (03) 6233 8547

Mental Health Tribunal and Guardianship Board Decisions

Decisions by the Mental Health Tribunal and Guardianship and Administration Board are made in accordance with the criteria contained in the *Mental Health Act 1996* and the *Guardianship and Administration Act 1995*, respectively.

Mental Health Tribunal

The Mental Health Tribunal is an independent merit review tribunal that conducts hearings to determine whether it is necessary for a person, who has been placed on an involuntary order under the *Mental Health Act 1996*, to continue to be treated as an involuntary patient.

Other Information

Readers are advised that the Mental Health Tribunal prepares a separate Annual Report. For more detailed information on the Tribunal's activities, including performance information, please refer to the Tribunal's Annual Report. The Report is available on the Tribunal's internet site at the address below, under Legislation Policy & Publications.

Internet address

www.justice.tas.gov.au/mht/index.html

Contact Officers

President	Debra Rigby	(03) 6233 4656
Registrar	Steve Clennett	(03) 6233 2531

Guardianship and Administration Board

The Guardianship and Administration Board investigates applications, appoints and reviews the appointment of guardians, administrators and enduring guardians, provides consent for medical and dental procedures, orders the making of statutory wills and the review of enduring powers of attorney for persons with a disability, pursuant to the provisions of the *Guardianship and Administration Act 1995*, the *Wills Act 1992* and the *Powers of Attorney Act 2000* respectively.

Other Information

Readers are advised that the Guardianship and Administration Board prepares a separate Annual Report. For more detailed information on the Board's activities, including performance information, please refer to the Board's Annual Report.

Internet address

www.justice.tas.gov.au/guar/index.htm

Contact Officer

President	Anita Smith	(03) 6233 4544
Registrar	Steve Clennett	(03) 6233 2531

The Public Guardian

The Public Guardian conducts investigations into neglect and abuse and acts as guardian when appointed by the Guardianship and Administration Board, promotes the rights and dignity of persons with a disability and fosters the provision of services and facilities for those persons.

Other Information

Readers are advised that the Public Guardian prepares a separate Annual Report. For more detailed information on the Public Guardian's activities, including performance information, please refer to the Public Guardian's Annual Report.

Internet address

www.justice.tas.gov.au/guar/info_4.htm

Contact Officer

The Public Guardian	Lisa Warner	(03) 6233 7608
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5. Legal Services

This Output Group relates to the provision of various legal services and advice to the Government, including legal policy advice. The aim of this Output Group is the protection of the Government's legal interests.

The production of the Outputs in this Group is achieved through Crown Law, which includes the Office of the Solicitor-General, the Office of the Crown Solicitor and the Office of the Director of Public Prosecutions; and the Department's Office of Legislation Development and Review.

Crown Law

Solicitor-General

The Solicitor-General is an independent statutory officer who is responsible for the provision of legal advice to Ministers, departments and other government instrumentalities, while also undertaking constitutional litigation on behalf of the Crown. The Department's function is to provide resources to enable the Solicitor-General's statutory functions to be performed.

The Solicitor-General reports independently to Parliament.

Crown Solicitor

The Office of the Crown Solicitor provides commercial and conveyancing services to the Government including property acquisition and disposal, preparation of security documentation on behalf of departments and preparation of commercial agreements including major infrastructure project documentation, tenders, consultancies, grants, leases and other government contracts. In addition, the Office provides strategic assistance to Government Business Enterprises and the Tasmanian Public Finance Corporation in relation to international borrowing programs.

Director of Public Prosecutions

The Office of the Director of Public Prosecutions is responsible for the conduct of all criminal prosecutions on indictment in the Criminal Court. The Office also provides representation to most departments in the prosecution of regulatory offences, and conducts appeals from Magistrates Courts to the Supreme Court. The Office of the Director of Public Prosecutions also provides representation for Tribunal or Board hearings involving departments, and conducts all civil litigation on behalf of the State and its agencies. This litigation involves not only personal injuries and workers' compensation claims against the Government and its departments, but also claims involving compensation for acquisition, common law damages and contractual disputes.

The Director of Public Prosecutions reports independently to Parliament.

Report on Major Issues for 2002-03

Crown Law is a significant output within the Department of Justice and Industrial Relations. It is now partially commercialised in line with Treasury Instructions

circulated in 1997 and 1999, and consolidated in Circular 5/00. The commercial focus applies to work undertaken by the civil litigation team, and the commercial and conveyancing functions provided by the Office of the Crown Solicitor.

The commercial focus does not extend to the provision of legal advice by the Office of the Solicitor-General or the conduct of criminal prosecutions by the Office of the Director of Public Prosecutions.

The 2002-03 financial year was the fourth year of commercial charging for the Output. A budget target was set based on cost recovery principles and the previous year's performance, and using a time billing system. The target revenue was substantially achieved for the financial year.

In line with the Government commitment to minimise the use of consultants, Crown Law did not brief out any major legal work during 2002-03. Considerable legal expertise from within the Office of the Crown Solicitor was utilised on a number of major government initiatives, including Basslink, the Duke Energy Gas Reticulation project and the Prison Infrastructure Redevelopment Program. An increased amount of conveyancing work was also completed by that Office.

Crown Law has sufficient in-house expertise to provide Government with a high level of service in almost all facets of legal work.

Other Information

Readers are advised that the Solicitor General and Director of Public Prosecutions prepare a separate Annual Report. For more detailed information on the activities of these Statutory Officers, including Performance Information, please refer to their respective Annual Reports. The Reports are available on the Crown Law's internet site under their respective sections. (Refer next page for internet site)

Performance Indicators

In previous years this output reported on the 'cost per notional billable hour' as an efficiency measure. Crown Law has reviewed benchmarking of Australian legal practices and identified the percentage of chargeable time as a more appropriate indicator of efficiency.

Based on national comparisons the output has established a target of 60 percent of practitioners' time being chargeable.

Two areas of Crown Law charge for their services. They are the Crown Solicitor's Office and the Civil Litigation Section of the Office of the Director of Public Prosecutions.

Table 5.1 Chargeable time

	Target	1999-00 actual	2000-01 actual	2001-02 actual	2002-03 actual
Office of the Crown Solicitor	60%	62.2%	62.7%	60.1%	59%
DPP (Civil)	60%	62.2%	62.5%	59.8%	50%

This table does not include notional (non-chargeable) work. The reduction the proportion of chargeable time for DPP (Civil) in 2002-03 is mainly due to an increase in notional work.

Internet address

www.justice.tas.gov.au/cl/index.htm

Contact Officer

Solicitor-General	W C R Bale QC	(03) 6233 3408
Crown Solicitor	Cameron Leslie	(03) 6233 3409
Director of Public Prosecutions	Tim Ellis SC	(03) 6233 2619
Manager, Crown Law	Tracey Rodgers	(03) 6233 2454

Legislation Development and Review

The Office of Legislation Development and Review of the Department provides policy advice and research services to the Attorney-General and the Government to assist in formulating new policies and developing new legislation, assists the Attorney-General in discharging parliamentary, legal and ministerial duties, reviews laws to ensure they are relevant to contemporary needs, assists other agencies on legislative issues and advises the Attorney-General on Commonwealth/State ministerial meetings. The Director of the Office has the responsibilities of the Administrator of Crown Copyright. The Director manages the relationships between various Copyright Collecting Societies and the Government.

Report on Major Issues for 2002-03

In the 2001-02 Annual Report, significant issues in relation to the Attorney-General's Legislative Program were identified. Details of the progress achieved on each of these issues is set out below.

Same sex and significant personal relationships

The *Relationships Bill 2003* was prepared to give legal recognition to significant (including same sex) and caring relationships. The Bill provides for such relationships to be formally registered in most cases. Consequential amendments have also been prepared to remove discriminatory provisions from a large number of other Acts. At the time of writing, the legislation has been passed by Parliament but has not yet commenced operation.

Sex Industry Law Reform

Legislation is being drafted to legalise commercial sex services under strict planning and regulatory controls as a matter of harm minimisation and social justice.

Criminal Injuries Compensation Act

Consultation took place on amendments to the *Criminal Injuries Compensation Act 1976* which arose out of a review of that Act.

Magistrates Court (Criminal and General Division)

Preparation of a Bill to replace the *Justices Act 1959* with new legislation establishing the Criminal and General Division of the Magistrates Court has been authorised. Drafting is being carried out under the instruction of the Administrator of Courts.

Legal Profession – Disciplinary Process

A Project Officer, working out of the Office of Consumer Affairs and Fair Trading, has been appointed to prepare amendments to the *Legal Profession Act 1993* to provide for a new, accountable and more open system of dealing with complaints made about lawyers.

Public Liability

The *Civil Liability Act 2002* and *Civil Liability Amendment Act 2003* implemented the first and second stages of legislative reforms to address the increased cost and decreasing availability of public liability insurance (see below).

Terrorism - Transnational Crime

The *Terrorism (Commonwealth Powers) Act 2002* referred State powers in connection with terrorist offences to the Commonwealth with effect from 1 January 2003. Work is continuing with Tasmania Police and the Department of Premier and Cabinet on a national set of investigative powers in relation to transnational crime.

Jury Reform

The Juries Bill has been finalised and introduced into Parliament.

Public Interest Disclosure and the private sector

The *Public Interest Disclosures Act 2002* is to commence operation in the near future, with the issue of application to the private sector to be considered at a later date.

Also during 2002-03 the Office was involved in the following matters:

Annulled Convictions

A Bill to provide that "minor offences" may be annulled after a crime free period was finalised and introduced to Parliament.

Forensic Procedures

Legislation to enable Tasmania to fully participate in the national DNA database system was developed in conjunction with the Department of Police and Public Safety.

Tort Law Reforms

The *Civil Liability Act 2002* and the *Civil Liability Amendment Act 2003* made a raft of changes to the law applying to claims for damages in negligence cases, including:

- reducing damages where alcohol or drugs were a contributing factor;
- prohibiting damages for injuries incurred in the course of criminal conduct;
- clarifying that an apology is not to be construed as an admission of liability;
- allowing courts to order structured settlements as an alternative to lump sum awards;
- restating and modifying common law principles of negligence, causation and standard of care;
- capping damages on future loss of earnings;
- setting a threshold for damages for non-economic loss; and
- providing immunity for public authorities for breach of statutory duty.

The Office prepared and/or advised on the following Bills, which were introduced into Parliament during the year:

- *Civil Liability Bill 2002*
- *Evidence Amendment Bill 2002*
- *Justices of the Peace Validation Bill 2002*
- *Justice (Amendment of Custody Legislation) Bill 2002*
- *Justice Delegated Legislation Bill 2003*
- *Terrorism (Commonwealth Powers) Bill 2002*
- *Annulled Convictions Bill 2003*
- *Civil Liability Amendment Bill 2003*
- *Forensic Procedures Amendment Bill 2003*
- *Juries Bill 2003*
- *Magistrates Court Amendment Bill 2003*
- *Criminal Code Amendment (Abolition of Defence of Provocation) Bill 2003*
- *Relationships Bill 2003*
- *Relationships (Consequential Amendments) Bill 2003*
- *Second Hand Dealers and Pawnbrokers Amendment Bill 2003*
- *Statute Law Revision Bill 2003*
- *Trustee Companies (Miscellaneous Amendments) Bill 2003*

The Office is also a Member of the Standing Committee of Officials supporting the Standing Committee of Attorneys-General and Ministerial Council for Corporations.

Performance Indicators

The Output Review of Policy Advice Outputs undertaken in 1996 identified a set of common performance indicators for Policy Advice Outputs for all Government Agencies. These are:

- **quality** - assessed via a client satisfaction survey which provides data on coverage, purpose, logic, accuracy, options, consultation, presentation, and practicality of strategic policy advice; and
- **cost** - compliance with the appropriated funding for the Output performance.

The client satisfaction survey required to measure the quality performance measure was not undertaken during 2002-03. However, the Office was able to undertake the required tasks within its Budget allocation in 2002-03.

Internet address

www.justice.tas.gov.au/legpol/frontpage.htm

Contact Officer

Director

Lisa Hutton

(03) 6233 6754

6. Registration Services

This Output Group involves the registration, maintenance and dissemination of various forms of statutory information. These services are provided through the Registry of Births, Deaths and Marriages to protect the rights of individuals and organisations, including the right to a unique identity.

Registration, Maintenance and Dissemination of Statutory Information

The Registry of Births, Deaths and Marriages provides registrations, searches and certified copies of records of births, deaths and marriages for the Tasmanian community. It also administers the *Commonwealth Marriage Act 1961* including solemnisation of civil marriages in certain, limited circumstances.

The Registry holds approximately one and a half million registrations, and more than half continue to be maintained manually. However, all records accessed during the year were entered on the Registry's electronic database. With new registrations and a back capture project over 115,000 additional records were added to the electronic database during 2002-03. The electronic database now exceeds 725, 000 records.

The Registry has a wide and extensive customer base and is the prime Registry, repository and disseminator of records relating to births, deaths and marriages in the State.

The individual clients of the Registry are those born, married or wishing to be married in Tasmania, the relatives of those who die in Tasmania, and their descendants.

Organisational clients include both Government agencies and private organisations ranging from the Australian Bureau of Statistics through to genealogical researchers, medical and statistical research organisations, the legal profession, the Consuls of foreign nations, the Electoral Office, funeral directors, courts and local government.

Records held by the Registry not only provide the basis for personal information, but also a resource for approved State and Commonwealth agencies and researchers who require statistical and medical information and who satisfy privacy and ethical standards.

Report on Major Issues for 2002-03

Hand Written Records:

Two projects to computerise early hand written records commenced during 2002-03. One was completed, resulting in records of births and deaths being entered for registrations which occurred during the period from 1970 to 1990. The other, which is continuing, involves records from 1900 to 1930. It is estimated 100,000 "older" records were entered. In addition to these initiatives, all records accessed during the year were entered on the database (other than some pre 1900 records which are not suited for inclusion). Marriage indices are being entered as resources are available. Back capture will continue in 2003 – 2004.

Service Tasmania One-Stop Shops:

The Government's service delivery system through "one stop shops" commenced in 1997-98. The Registry continues to be a major contributor to services provided through these shops.

- Applications through *Service Tasmania* have increased to approximately 65 percent of total requests received.
- The community's access to its Births, Deaths and Marriages services continue to improve through the use of the multiple service delivery channels available through *Service Tasmania*. These include the *Service Tasmania* shops and information via the Internet.
- In conjunction with *Service Tasmania*, Proof of Identity and Proof of Age issues continue to be addressed, helping reduce identity fraud in Australia. In addition, co-operation with other Australian Registries and Commonwealth agencies in identity fraud minimisation measures continued with expanded reporting measures.

Other Issues

Privacy Considerations - Access:

Records held by the Registry contain primary information about individuals. Access to all information is governed either by legislation or long-established guidelines established within the Registry. The Registry's Access Policy is available to all customers.

Access to information by other Government Authorities is conditional on strict privacy and ethical guidelines being met. Compliance with similar conditions to those required by the Commonwealth Privacy Commissioner is mandatory.

The Registry consults with other Registries in Australia to ensure, as far as possible, a uniform approach to access of records.

During 2002-03, the Registry continued to produce the following pamphlets outlining its services:

- General pamphlet on services provided; and
- Family History.

Comprehensive information regarding services, including links to other Australian Registries, is available at the Departmental website.

Performance Indicators

Two measures of efficiency are reported; 'unit cost per transaction' and the 'number of transactions per employee' for all outputs in the year; and one measure of quality, the 'timeliness' of transactions (Table 6.1 below).

Unit cost per transaction is a high level measure and represents the aggregation of a wide range of transaction types. These include; the registration of and provision of certificates for births, deaths and marriages; changes of name; paternity acknowledgment; adoptions; and the performance of civil marriages.

The cost of each type of transaction may vary significantly from the aggregate measure.

The measure is most susceptible to variations in demand, as the Output has a high proportion of fixed costs.

An indicative comparison cannot be made with the 'average of the unit cost per transaction' for other Australian States due to the different mix of transactions undertaken in other States and variations in accounting for overheads between jurisdictions.

The 'timeliness' of the provision of the Outputs is assessed by measuring the proportion of transactions completed within three days of receipt.

Table 6.1: Registrar of Births, Deaths & Marriages, 1998-99 to 2002-03

	1998-99	1999-00	2000 -01	2001 - 02	2002 - 03
Transactions Processed	30,346	39,233	42,892	46,989	46,995
Unit cost per transaction	\$18.78	\$19.03	\$14.89	\$14.41	\$14.72
Transaction per employee	3,941	4,120	5,719	6,265	6,266
Total expenditure (\$000)	570	588	638	677	692
Employees (Full Time Equivalent)	7.70	7.5	7.5	7.5	7.5
Registration within 3 days of receipt	99.0%	90.0%	90.0%	90.0%	90.0%
Certificate issues within 3 days of receipt (registered events)	99.0%	92.5%	95.0%	95.0%	95.0%

Activity Indicators

Registrations: It can be seen from Table 6.2 (below), that birth registrations in 2002-03 decreased by 72, and death registrations increased by 32. Marriages registered increased by 82.

Table 6.2 Registrations 1998-99 to 2002-03

	1998-99	1999-00	2000-01	2001-02	2002-03
Births registered	6,309	6,203	6,975	6,307	6,235
Deaths registered	3,721	3,712	3,903	3,831	3,863
Marriages registered	2,191	2,904	2,300	2,358	2,440
Miscellaneous (1)	638	796	366	493	315
Total registrations	12,859	13,615	13,544	12,989	12,853

Notes (1) Includes adoptions, paternity acknowledgments and registration of change of name.

Table 6.3 shows that during the year 31,540 general searches were undertaken. Included in this figure are 1,983 Family History searches (estimated). Decorative Certificates increased to 1,200 and the number of free issue certificates decreased marginally to 1,402.

Table 6.3 Document production 1998-99 to 2002-03

Documents Issued	1998-99	1999-00	2000-01	2001-02	2002-03
General Search	22,787	23,397	26,180	29,483	29,557
Family History	2,004	2,089	1,874	2,100	1,983
Decorative Certificates	626	690	823	1,000	1,200
Free Issue	958	1,024	1,294	1,417	1,402
Total Documents issued	26,375	27,200	30,171	34,000	34,142

Internet address

www.justice.tas.gov.au/bdm/index.htm

Contact Officer

Registrar of Births, Deaths and Marriages Tony Wright (03) 6233 3786

7. Review Services

Decisions on Complaints Referred to the Ombudsman, Health Complaints Commissioner, the Electricity Ombudsman, the Freedom of Information Review Unit and the Anti-Discrimination Commissioner

This Output Group provides review services to the public and government employees in relation to government administration, health services and electricity services. The Ombudsman, the Health Complaints Commissioner, the Electricity Ombudsman, the Freedom of Information Unit, and the Anti-Discrimination Commissioner provide these Outputs.

The services provided by these offices contribute to the resolution of complaints about administrative actions of the Government, actions of health service and electricity providers, and cases of discrimination.

Ombudsman

Under the *Ombudsman Act 1978*, the public is able to refer complaints alleging defective administration by a State Government department, local government or specified public authority to the Ombudsman for investigation and resolution.

The Tasmanian Ombudsman accepts complaints from anyone who believes they have been disadvantaged by an administrative action by a State Government agency including Tasmania Police, Councils and prescribed statutory authorities. The Ombudsman holds a statutory appointment and is responsible to the Parliament, not to the Government of the day.

The Ombudsman is required to be impartial and objective in the manner in which she investigates complaints. When reviewing an administrative action or decision, the Ombudsman will take account of the reasonability and fairness of the action or decision but does not have the power to inquire into court decisions.

The Ombudsman has no power to force an agency to accept her recommendations. She must rely on the persuasiveness and reasonableness of the arguments used to support the conclusions of an investigation. This lack of enforcement power is balanced by the fact that the Ombudsman has very broad powers of investigation. While the Ombudsman cannot compel an agency to accept a recommendation, if an agency refuses to do so, the Ombudsman may formally report this to the relevant Minister, to Parliament or to the Premier. In the majority of cases agencies accept the recommendations of the Ombudsman.

Contact Information

The Ombudsman	Jan O'Grady	(03) 6233 8967
Internet Address	www.justice.tas.gov.au/ombudsman/home.html	
E-mail	ombudsman@justice.tas.gov.au	

Health Complaints Commissioner

Under the *Health Complaints Act 1995*, the public is able to refer complaints related to the provision of all public and private health services, to the Health Complaints Commissioner for investigation, conciliation and resolution.

The Health Complaints Commissioner investigates complaints about health service providers in both the private and public sectors. The role of the Health Complaints Commissioner is to complement that of the registration boards, and to provide the public with access to a means of alternative dispute resolution. Matters involving clinical incompetence or professional misconduct are referred to the relevant registration boards.

The governing legislation provides for formal conciliations which are conducted with the voluntary agreement of the parties, are privileged and confidential, and can be legally binding. A recent review of the *Health Complaints Act 1995* has made significant recommendations for legislative amendments. The recommendations are currently under review by Government.

Contact Information

Health Complaints Commissioner	Jan O'Grady	(03) 6233 8967
Director (Health Complaints)	Robyn Hopcroft	(03) 6233 8954
Internet Address	www.justice.tas.gov.au/health_complaints/home.html	
E-mail	health.complaints@justice.tas.gov.au	

Electricity Ombudsman

Under the *Electricity Ombudsman Act 1998*, electricity customers are able to refer complaints against electricity entities to the Electricity Ombudsman, who is empowered to make determinations and awards.

The Electricity Ombudsman investigates complaints against the three electricity entities in Tasmania – Aurora Energy, Hydro Tasmania and Transend. Any person who has a grievance concerning any service of, or relating to the sale and supply of electricity by an electricity entity, can lodge a complaint.

Following investigation of a complaint, the electricity entity will propose a solution. This may take the form, for example, of a satisfactory explanation of events, an apology or an offer of payment. The Ombudsman has the power to make awards up to \$20,000, or to \$50,000 in certain circumstances.

Contact Information

The Electricity Ombudsman	Jan O'Grady	(03) 6233 8967
Senior Investigations Officer	Stuart Wright	(03) 6233 8969
Internet Address	www.justice.tas.gov.au/electricity_ombudsman/home/html	
E-mail	electricity.ombudsman@justice.tas.gov.au	

Freedom of Information Review Unit

Under the *Freedom of Information Act* 1991, the public may apply to the Ombudsman for a review of decisions by State Government departments, local government and specified public authorities to refuse the provision of information under the Act.

The Freedom of Information Advisory Unit provides assistance and advice to agencies in administering the *Freedom of Information Act* 1991.

Members of the public have the right to be provided with information contained in records in the possession of a Government agency or a Minister unless the information is exempt. A person requesting information may make a written request to the agency or Minister. The Ombudsman reviews agency decisions to refuse supply of information. The Ombudsman can make a fresh decision and has formal determinative powers, but the Ombudsman cannot enforce compliance.

Contact Information

The Ombudsman	Jan O'Grady	(03) 6233 8967
FOI Review Officer	Terry Mc Cully	(03) 6233 2656
Internet Address	www.justice.tas.gov.au/foireview/home.html	

Other Information

Readers are advised that the Ombudsman, Health Complaints Commissioner and Electricity Ombudsman prepare separate Annual Reports. For more detailed information on the activities of these Statutory Bodies, including performance information, please refer to the appropriate Annual Report. The Reports are available on the internet site at the address above.

Anti-Discrimination Commissioner

The Commissioner administers the *Anti-Discrimination Act* 1998. The Act became law on 10 December 1999, International Human Rights Day.

The Commissioner:

- receives, assesses and investigates complaints under the Act;
- grants or refuses applications for exemption from the operation of the Act;
- undertakes community education and liaison, and training;
- makes submissions to the Minister for Justice and Parliamentary and other inquiries into legislation and policy where it may be in breach of the Act or extend rights and obligations consistent with the Act;
- appears in proceedings under the Act where relevant; and
- may seek leave to intervene in courts and tribunals in proceedings relevant to the principles underlying the Act.

Complaints are rejected or accepted for investigation and, after investigation, dismissed, referred to conciliation or referred to Anti-Discrimination Tribunal for

inquiry. Within 28 days of rejection or dismissal, complainants can seek review through the Tribunal.

Report of Major Issues for 2002-2003

As part of the recommendations of the Ashlin Report in July 2001, two new positions, Administration Manager and Administration Support, were appointed to provide administration support to the workload of the Commissioner, and Investigation and Conciliation Officers.

An electronic data collection system, 'RAEMOC', was implemented in 2002-03. As the *Anti-Discrimination Act 1998* has many more categories and a broader scope (public and private sector), RAEMOC (developed to cover the narrower Ombudsman's jurisdiction, has had to be extensively adapted. The change in the collection system resulted in the inevitable differences between the 'old' and 'new' systems of reporting.

Training and Community Education/Liaison remain significant. Fifty-five training consultancies were conducted this financial year, alongside the 'outreach' program, forums, and submissions to various reviews and inquiries.

The Commissioner presented information on the Act and work of the Office to various non-Government organisations (NGOs) in New York, including the Women's Caucus on Gender Justice, Women's International League for Peace and Freedom (WILPF), and International Women's Tribunal. In Aotearoa/New Zealand she participated in the WILPF annual international conference, engaged in discussions on human rights and anti-discrimination, and attended at the Human Rights Commission.

Six new pamphlets on aspects of the Act were published, making a total 22 pamphlets. Information on the website is in accessible format for all users of the service. Further development is planned to include all pamphlets.

On-going in-service training for conciliators is extended to interested staff in the Department of Justice and Industrial Relations. Two conciliation workshops provided training for staff and external conciliators working with the Commissioner.

Performance Indicator

During 2002-03, 255 complaints were received, an average of 21 per month. This includes 48 complaints lodged by one person with multiple respondents and on behalf of multiple parties.

Further information on the activities of the Anti-Discrimination Commissioner are available in her annual report which is available on the following internet site.

Internet address

www.justice.tas.gov.au/adc/adcfonpage.htm

Contact Officer

Anti-Discrimination Commissioner Dr Jocelyne A. Scutt (03) 6233 4841

8. Electoral Services

This Output Group has statutory responsibility for the conduct of independent and impartial elections and referendums, which are fundamental to Tasmania's robust democracy.

Elections conducted include parliamentary, local government and a range of statutory and non-statutory elections conducted on behalf of other organisations.

Elections and Referendums

The Tasmanian Electoral Office undertakes the conduct of;

- House of Assembly elections, by-elections and recounts;
- Legislative Council elections and by-elections;
- Local Government elections, by-elections and recounts;
- State referendums;
- Local Government elector polls;
- The implementation of electoral boundary redistributions;
- Aboriginal Land Council of Tasmania elections;
- Other statutory elections;
- Semi-government and other elections conducted in the public interest; and
- Public electoral information programs.

The Tasmanian Electoral Office and the Australian Electoral Commission jointly manage and maintain the electoral rolls for State and Local Government elections.

The Chief Electoral Officer is a member of the Electoral Council of Australia which oversees electoral and enrolment policy and systems at a national level.

The Chief Electoral Officer is a member of the Legislative Council Redistribution Committee and Tribunal for the determination of Legislative Council electoral boundaries. The Tribunal is also responsible for transition arrangements to implement each redistribution.

Report on Major Issues for 2002-03

Establishment of a Tasmanian Electoral Commission

State Cabinet has approved the preparation of legislation to establish a Tasmanian Electoral Commission. Work is progressing on incorporating this into the new Electoral Act currently being prepared.

Redrafting the Electoral Act 1985

The Tasmanian Electoral Office has progressed the rewriting of the Electoral Act during 2002-03 with a draft nearly complete.

The House of Assembly, and Local Government elections held in 2002 resulted in a postponement of work until after the elections were concluded.

It is expected that a draft will be available for public comment during the 2003 calendar year.

House of Assembly elections

State House of Assembly elections were successfully conducted on 20 July 2002.

Legislative Council elections

Elections were successfully conducted in May 2003 for the divisions of Derwent, Mersey and Windermere.

Local Government elections

Statewide local government elections were successfully conducted in September/October 2002.

Tasmanian Electoral Office web site

The Tasmanian Electoral Office web site was upgraded to allow for easier and faster navigation by users, and in preparation for the 2002 House of Assembly elections. This site provides a valuable outlet for electoral information and was again used successfully for the 2002 Local Government elections and the Legislative Council elections conducted in May 2003. Interesting historical records and electoral information continues to be added progressively to the site.

Performance Indicators

The Tasmanian Electoral Office conducts a range of elections on behalf of the Tasmanian community. The cost per elector for these elections varies depending on the statutory requirements, and the scale and complexity of the election. For example, an election may require an attendance or postal ballot, proportional or preferential voting, and involve a high or low number of candidates.

The performance assessment, in the first instance, focuses on the cost effectiveness of the electoral process. Two measures are reported in tables 8.1 and 8.2— the cost per enrolled elector to conduct State elections and the cost per enrolled elector to maintain the electoral roll.

While cost effectiveness is important, it is essential that other performance measures such as voter turn-out (number of electors who voted as a percentage of total enrolment), and the level of informal voting (number of informal votes as a percentage of the total number of electors who voted), are maintained at existing satisfactory levels or better (table 8.3).

Tasmania Together indicators and targets are aimed at promoting community awareness and participation and are assessed in terms of the level of voter participation in local government elections and the percentage of effective votes (i.e. formal votes expressed as a percentage of total enrolment) at State House of Assembly and Legislative Council elections (table 8.4).

Federal election costs are included for comparison. The cost per elector shown for the 1998 and 2001 Federal elections does not include a component for the

ongoing costs associated with their decentralised structure of permanent divisional returning officers and staff. Furthermore, the Commonwealth does not use the Hare-Clark system or use Robson rotation of ballot papers.

Table 8.1 Cost of State and Federal elections

	1998-99	1999-00	2000-01	2001-02	2002-03
Cost per enrolled elector					
House of Assembly (whole of State)	\$4.85	n/a	n/a	n/a	\$5.27
Legislative Council	\$6.52	\$5.16	\$5.48	\$5.23	\$5.68
Federal general election	\$5.06	n/a	n/a	\$5.29	n/a
Expenditure on election (\$'000)					
House of Assembly	1,565	n/a	n/a	n/a	1,752
Legislative Council	112	580	348	348	377
Number of enrolled electors					
House of Assembly	322,754	n/a	n/a	n/a	332,473
Legislative Council	17,160	112,458	63,527	66,506	66,366

Source—RMANS enrolment system, Tasmanian Electoral Office finance records and the Australian Electoral Commission Electoral Pocket Books of August 1999 and July 2002.

The cost of the 2002 House of Assembly election is approximately 12% more than the cost of the 1998 election. This is due to general cost increases over the 4 year period between elections, and is in-line with total CPI increases for the period.

The information shown for Legislative Council elections for 1998-99 relates only to the Newdegate by-election conducted in September 1998. The cost of conducting a by-election is higher than the cost per division at periodical elections where economies of scale apply. No periodical Legislative Council elections were conducted in 1998-99. These elections were deferred until August 1999, as part of the transition arrangements to reduce the number of Legislative Council members from 19 to 15.

In 1999-00 Legislative Council elections were held for 5 divisions. The aforementioned deferred elections for 3 divisions were held in August 1999. Elections for a further 2 divisions were held in May 2000 as part of the newly established cycle of elections.

In 2000-01, 2001-02 and 2002-03 periodic Legislative Council elections were held for 3 divisions.

The increase in the cost of the 2003 Legislative Council elections is largely due to increased expenditure on public awareness campaigns designed to encourage greater voter participation in line with *Tasmania Together* indicators and targets.

Table 8.2 Cost of managing and maintaining electoral roll

	1998-99	1999-00	2000-01	2001-02	2002-03
Cost per enrolled elector as at 30 June	\$0.56	\$0.58	\$0.77	\$0.56	\$0.61
Expenditure on roll (\$'000)	179	189	251	187	204
Number of electors on roll	320,273	324,572	325,202	332,464	331,788

Source—RMANS enrolment system and Tasmanian Electoral Office finance records.

The management and maintenance of an up-to-date and accurate electoral roll is an essential prerequisite for the conduct of elections. The State of Tasmania and the Commonwealth of Australia have an agreement for the management and maintenance of the joint roll used for Federal, State and Local Government elections.

Roll management and maintenance costs increased in 2000-01 due to changes to the format for producing electoral rolls and increased costs in providing statutory roll products to members of parliament and other parties.

Table 8.3 Parliamentary election participation and informal voting rates

	Previous election years		Most recent election year		10 year Average	
Election participation rate						
House of Assembly	1998	95.0%	2002	*93.7%	1992 to 2002	94.92%
Legislative Council	2001-02	87.5%	2002-03	87.3%	1994 to 2003	86.85%
Election rate of informal voting						
House of Assembly	1998	3.9%	2002	4.9%	1992 to 2002	3.87%
Legislative Council	2001-02	3.9%	2002-03	4.7%	1994 to 2003	3.34%

Notes House of Assembly elections were held in 1992, 1996, 1998 and 2002.

While the 2002 House of Assembly election participation rate dropped to 93.7% the actual number of voters increased from 294,678 in 1998 to 296,470 in 2002. The participation rate is lower in 2002 due to a strong increase in enrolment from 322,754 in 1998 to 332,473 in 2002. This increase was a result of improvements in roll management as well as a small population increase.

Tasmania Together Indicators and Targets

Tasmania Together standard is to promote community awareness and participation.

Table 8.4 Tasmania Together Indicators and Targets

Tas Together Indicator	Tas Together Target
Participation in local government elections	2005: 60% 2010: 65% 2015: 70% 2020: 75%
Percentage of effective votes in State elections	2005: 92% 2010: 94% 2015: 96% 2020: 98%

Table 8.5 Local Government election participation and parliamentary election effective voting rates

Participation in local government elections					
	1994	1996	1999	2000	2002
	55.0%	59.5%	55.7%	57.8%	57.9%
Percentage of effective votes in State elections					
	1998	1999	2000	2001	2002
House of Assembly	91.3%	n/a	n/a	n/a	89.2%
	1999	2000	2001	2002	2003
Legislative Council	84.4%	78.2%	83.0%	84.0%	83.2

Source—RMANS enrolment system and Tasmanian Electoral Office election reports.

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9. Corrective Services

The objective of this Output Group is to enable people who are found guilty of offences to achieve socially responsible behaviour within the family and the community. The Prison Service and the Community Corrections Service provide the services to achieve this objective.

Prison Service

The Mission of the Prison Service is to contribute to a safer Tasmania by ensuring the safe secure containment of inmates and providing them with opportunities for rehabilitation and personal development.

The Prison Service Vision is to provide prison services of the highest quality that have the confidence and understanding of the Tasmanian community.

Prison services are provided through institutions located at Risdon, Hobart, Hayes and Launceston. These institutions provide care and custody, at various levels of security, for prisoners, people on remand and some people detained under the Criminal Justice (Mental Impairment) Act 1999. In Hobart and Launceston, the prisons also hold people in police custody. The Prison Service also provides secure transport between prisons and some courts.

The Prison Service is also responsible for the provision of administrative support to the Parole Board. The Board is an independent body which prepares a separate Annual Report.

Major Issues 2002-03

Prison Population

The average daily prison population increased from 386 in 2001-02 to 442 in 2002-03. The maximum number of prisoners in 2002-03 was 480. During the first half of 2002-03 the female prison population rose to over 40 and as a result additional temporary accommodation was installed. While the female population has fallen the male population remains relatively high. A major issue with the current numbers is finding appropriate accommodation, in particular for those prisoners requiring protection from other inmates.

The relatively high prison population increases the risks to staff and inmates. A number of strategies have been put in place to address the problems associated with relatively high prison populations. The segregation of a relatively small number of prisoners who require a higher level of supervision and management is an example of one of the strategies.

Prison Infrastructure Redevelopment Project (PIRP)

PIRP Stage C is a major capital construction project, which will deliver new maximum and medium security prison facilities at the existing Risdon site by 2006. During 2002-03, the project was amended to include an additional 15 bed secure mental health unit and the health centre was moved forward to become part of the current stage of the project. In addition, a design/construct/maintain

option was adopted within the tender process to give the best value long term maintenance.

Funding issues were also resolved in relation to cost escalation provisions and to enable the project construction period for Stage C to be reduced by 1.5 years.

In addition, a number of other significant activities relating to the project were achieved. These included:

- The preparation of submissions to the Parliamentary Standing Committee on Public Works;
- The development of the project's Schematic Design and facility plans;
- Local Government Planning Approval;
- The identification of specialist design service consultants;
- The Registration of Interest and commencement of the tender process for the managing contractor; and
- The establishment of a stakeholder management plan.

Strategic Planning and Management

After a review of the management structure in 2001-02, the Prison Service Strategic Management Group changed in name to become the Senior Management Team (SMT). A new Prison Service Vision and an updated Values Statement were signed off by SMT in mid-2003.

Organisational Development

An Organisational Development Strategy has been finalised, containing a series of projects designed to assist with a smooth transition to a redeveloped prison system in Tasmania. Progress in relation to these projects is being overseen by a Steering Committee comprising representatives from the Prison Service, DJIR Secretariat, the Office of the State Service Commissioner, and the Prisons Infrastructure Redevelopment Program.

The Organisational Development Support Officer (ODSO) Network, established in early 2002, continued with regular monthly meetings. All areas of the Prison Service are represented on this group.

Efforts continue to improve communication throughout the Service through a range of measures. The fortnightly Prison Service newsletter, *Key Points*, continues to be distributed to all staff, and there has been increased communication in terms of management meetings, staff information sessions, provision of information to the Correctional Officers Association, and liaison with Official Visitors and the Ombudsman. An informal document entitled 'What's Happening in the Prison Service' has also been distributed on several occasions throughout the year, providing staff with updated information in relation to a wide range of projects and initiatives across the Service.

Standing Orders and Standard Operating Procedures

An updated set of over 70 Director's Standing Orders was issued in July 2002, with staff information sessions held throughout the Service. Over 50 hard copy sets of Orders were produced, with documents also made available electronically on the Prison Service internal website. In addition, staff are issued with 'pocket

cards' outlining summary information and required actions in certain situations or incidents.

Since the formal issuing process, Standing Order amendments have been regularly issued to ensure that the Orders remain up-to-date. Staff continue to provide valuable feedback to facilitate this process.

A review of Standard Operating Procedures (SOPs - specific to individual facilities as opposed to the Service-wide application of Standing Orders) commenced in early 2003. The review began with a focus on Risdon Maximum Security Prison and to date more than 25 new SOPs have been issued at that facility. The review will continue in 2003-04 in order to complete Risdon SOPs and focus on other facilities.

Coronial Inquest and Ombudsman Investigation Findings

The findings and recommendations from the Coronial Inquest into five deaths in custody, and an investigation into Risdon Prison and the Prison Hospital, were handed down in early 2001.

In early 2003, after extensive planning during the previous year, a review of compliance against the recommendations commenced in the Prison Service. The first progress report regarding the review, containing positive and encouraging results, was submitted to the Attorney-General in April 2003.

The review will continue during the coming financial year. The development of a separate position based within the Prison Service but reporting to the Departmental Secretary, will ensure that this function receives the priority it needs to be progressed effectively.

Delivery of Health Services

The Service Level Agreement between the Departments of Justice and Industrial Relations and Health and Human Services, for the delivery of health services to prisoners, was finalised in 2002-03. Meetings of a joint Interdepartmental Corrective Services Health Forum continue in order to oversee inmate health needs, staffing resources and management of the Prison Hospital.

Management of Prisoners

Prisoners continued to be involved in a wide range of educational and training opportunities in 2002-03. Where possible, educational opportunities are linked with prisoners' involvement in Industries. Prisoner Education & Training continues to move towards an integrated education approach, in line with current TAFE principles and practices, and there was a substantial increase in the number of inmates involved in traineeships during 2002-03.

The Prison Industries working group continues to meet to outline and work towards strategic objectives and operational goals. During 2002-03 changes in prison industries continued to be made to improve the longer term viability of many industries.

The memorandum of understanding between the Prison Service and Youth Justice Services, to allow for the appropriate accommodation of young offenders in custody, was reviewed in 2002-03 to ensure consistency with current legislation. During the year several young offenders were transferred from Ashley Detention Centre to the Prison Service for short periods of time. These detainees were,

wherever possible, accommodated at the Hobart Remand Centre to minimise the potential risks associated with housing young offenders in mainstream accommodation at Risdon.

The Prison Service was represented at the third national 'Women in Corrections' Forum in Brisbane in October 2002. This forum enabled open discussion on a national level regarding issues affecting women in custody.

The increase in prisoner numbers has had a particular impact on the Women's Prison at Risdon, and staff have made an effort to ensure that programs, education, health advice and other services for female prisoners continue to be offered. International Women's Day was celebrated earlier this year with a BBQ and guest artists, and two 'Mum's Days' have been held to allow inmates to spend a day with their children in a relaxed garden area.

The Prisoner Support Unit (PSU), operating as part of Offender Services, has continued in its efforts to maximise opportunities for the rehabilitation and development of prisoners. Work has progressed in terms of increasing post-release support available to prisoners, and in relation to coordinating service provision by community agencies. PSU staff respond to prisoner requests for assistance in a range of matters, and are actively involved in the inmate classification process and the 'Section 42' inmate leave program.

Programs and services coordinated or delivered by PSU staff during 2002-03, often with the assistance and support of community and other organisations, included the following:

- Prisoners & Their Families Program and other parenting activities (Good Beginnings)
- Changers Program – alcohol and other drugs program (DHHS)
- Meditation (Buddhists)
- Alcoholics Anonymous
- Gambling Counselling (Relationships Australia)
- Parole Awareness (Community Corrections)
- Alcohol & Other Drug program (Your Place & DHHS)
- Aboriginal Visiting & Art Display program (Uniting Aboriginal & Islander Christian Congress)
- Support Program for Inmates (Prison Fellowship)
- Veterans Support (Veterans Affairs)
- Inside Out (God Squad)
- Alternatives to Violence (Quakers)

Opportunities for sporting and recreational activities for prisoners continued in 2002-03. The inmate Sport & Recreation Committee continued to have input into determining the range of activities available. Risdon football and cricket competitions were held, the Spartans Debating Club enjoyed continued success, and a qualified fitness leader conducted weights training at Risdon. Sport and recreation sessions are held on two afternoons per week at the Women's Prison, and Christmas Sports were held over a 10-day period at Risdon Maximum.

The work of the Prison Service Aboriginal Support & Liaison Officer continued during 2002-03. A successful visit by Aboriginal Elder Lorna Naparrulla-Fencer coincided with the 'Behind Bars' exhibition, in which aboriginal prisoner art was displayed and sold in a local gallery. An inmate art exhibition was also held at the Glenorchy State Library in October 2002.

The Commonwealth Government provided funds to support two projects. The first of these is the Create Project, focusing on prisoner art. The second is a project in which inmates learn about video production and create short videos.

An inmate complaints system was implemented in July 2002. This system ensures that complaints formally lodged by inmates are handled confidentially at a central point within the Prison Service. In the first year of the complaints system operating, approximately 150 complaints were received and finalised.

Two prisoner escort vehicles were remodelled during the year. These vehicles are used for prisoner escorts throughout the State.

Improving Prison Facilities

Work has continued in relation to the Prisons Infrastructure Redevelopment Program (PIRP). Prison Service staff have been involved in both functional and operational planning related to the project, and a range of communication methods have been used to ensure that staff are made aware of PIRP developments and emerging issues.

A range of short-term measures have been taken to improve physical prison facilities and address suicide prevention issues. These measures include specific improvements to cells or facilities, enhanced training for staff, and increased security and surveillance.

Notwithstanding these measures being taken, the high prisoner population has resulted in a need to incorporate bunk beds into some cells. Such action is considered a last resort in terms of prisoner accommodation. However, the growth in the prison population has forced the use of this option to meet the accommodation needs of prisoners.

Division 1 at Risdon continued to operate successfully as an incentive yard. During 2002-03, Division 7 (refurbished in 2001-02) became a segregation yard for a small group of inmates who required a higher level of supervision and management than the mainstream prison could offer.

The facilities upgrade at Launceston Remand Centre concluded in early 2002-03. This work included staff amenities, a day room for protection inmates, corridor drains and CCTV equipment.

In addition, one of the houses on the Risdon site was refurbished to provide additional office accommodation.

Information System Development

Implementation of the new electronic Custodial Information System (CIS), which is a key component of the Justice Offender Information Systems Tasmania (JOIST) project, progressed in 2002-03 with staff training and extensive system testing. CIS will link to Community Corrections, Youth Justice Services and the Victims Assistance Unit.

Work also continued to increase the level of computer literacy amongst staff in the Prison Service, so that the Custodial Information System, and other relevant applications, may be effectively and efficiently utilised.

Prison Service Staffing

The Risdon roster review continued in 2002-03 with consultation and planning processes being undertaken. A working group was established to manage this project, the end result of which will be a new roster structure for Risdon Prison. This project has received widespread support from staff.

Efforts have continued to increase the number of applicants for custodial officer recruit courses. To this end, a review of custodial officer recruitment practices was undertaken, with a series of recommendations approved by the Senior Management Team in late 2002-03.

A range of positions were filled on a permanent basis (rather than acting, as had previously been the case) during 2002-03. These positions included Manager State Remand, Manager Accommodation (Risdon), Unit Manager Security, Unit Manager Divisions 7/8, Unit Manager Hospital, and Unit Manager Women's Prison. The Unit Manager Women's Prison recently also assumed responsibility for managing the Ron Barwick Medium Security Prison, after the Manager of the latter facility retired in late 2002-03.

A number of staff secondments have occurred during 2002-03, including both custodial and non-custodial roles. These secondments have resulted in staff being able to experience new working environments and face new professional challenges.

Several long-serving staff retired during 2002-03, some with more than 25 years of experience in the Tasmanian Prison Service. A number of staff were also presented with the National Medal for service to corrections.

Staff Training and Development

The role of the Staff Development and Training Unit is to address the training needs of all staff within the Prison Service and provide opportunities for professional development in accordance with the goals of the Agency. The Unit also undertakes all tasks associated with the recruitment of Custodial Officers for the Prison Service and the delivery of the Prison Service Custodial Officer Training Program.

In 2002-03 the Staff Development and Training Unit conducted three Custodial Officer recruitment exercises followed by recruit training programs, which commenced in July 2002, November 2002 and May 2003. Approximately 325 applications were received and processed by the Staff Development Unit during the year. Subsequently 34 Custodial Officers were recruited and trained for the Tasmanian Prison Service. Upon induction, all 34 Custodial Officer recruits were enrolled in Certificate III in Correctional Practice (Custodial) in accordance with national standards. Officers enrolled in this qualification sign a contract agreeing to complete the Certificate within 2 years of commencement. In 2002-03 TAFE Tasmania awarded Certificate III to a total of 17 Custodial Officers, following assessment by an accredited panel of Prison Service Workplace Assessors.

During 2002-03 four Custodial Officers successfully completed Certificate IV in Correctional Practice (Custodial). A further seven officers were awarded their First Class qualifications upon partial completion of Certificate IV.

The Tasmanian Prison Service is an inaugural member of the National Corrective Services Advisory Committee (NCSAC) and the Staff Development Officer continues to contribute on a regular basis. Funding for the Committee is project-based and therefore meetings are held on a needs basis to address a variety of Correctional learning issues.

This year, the Australian National Training Authority required all Australian industries to design a five-year strategy paper for the future of vocational education for the entire country. Subsequently a meeting of the NCSAC was conducted in September 2002 to develop the terms of reference and methodology for the Corrections contribution to the National Vocational Educational Training Plan.

During 2002-03, the Staff Development and Training Unit also sourced, facilitated and funded a variety of 'one-off' training programs for Prison Service staff. These included workplace health and safety representatives training, various computer skills and other relevant programs. In addition, a number of Prison Service employees were enrolled in and received studies assistance for a variety of work-related programs including Graduate Certificate of Management, Bachelor of Arts, Graduate Certificate in Correctional Administration and Certificate in Criminology & Criminal Justice.

Community Work Projects

Partnerships have been established in recent years for prisoners to provide assistance to community organisations. Work has been ongoing by the Botanical Gardens Crew, and the work of the Bowen Brigade continued in relation to both firefighting duties (Midlands, Hobart and East Coast Districts) and to a range of community projects. These projects included the following:

- Tasmanian Conservation Trust (Car Body Clean-Up - national project)
- Parks & Wildlife (Clearing fire trails)
- Tasrail (Hazard reduction burning)

Ongoing work will continue in relation to providing opportunities for prisoners to engage in community projects. Partnerships will continue to be established with a range of organisations for a variety of projects.

Research in the Prison Service

The Prison Service has been involved in a number of research projects during 2002-03. These have included a project relating to art programs for indigenous inmates, research investigating drug-related issues, and research related to the delivery of parenting education and family support.

Video Conferencing

Video conferencing facilities have continued to be used successfully throughout 2002-03 for a range of court appearances. This has reduced the need for custodial escorts to court buildings, and has enabled more efficient use of court time and better Prison Service staff utilisation.

Official Visitors

The *Corrections Act 1997* provides for the appointment of Official Visitors. The role of Official Visitors was expanded in recent years, with the appointment of a new group of Visitors who represent a cross section of the community. Official Visitors are appointed for two years, and they act as independent witnesses of the Prison Service, monitoring the implementation of change and the performance of the system as a whole, and listening to concerns of prisoners, staff and the public. Official Visitors give their time voluntarily for regular prison visits. The Department is extremely appreciative of the work undertaken by the Official Visitors.

Performance Indicators and Statistical Information

Work continued throughout 2002-03 towards ensuring that information collected is reliable and accurate. The implementation of the new Custodial Information System will greatly enhance Prison Service data collection, and management reporting capabilities.

Tasmania is represented on a national committee that is working towards increased comparability of data across jurisdictions and, eventually, the development of agreed corrective services benchmarks for Australia. There are many areas, such as cost-related information, that need considerable work, and efforts have continued this year to make progress toward more comparable data.

Indicators identified in the Prison Service Business Plan

Prisoner population

Whilst not a measure of performance of the Prison Service, a growing prison population creates challenges for staff in their pursuit of the Mission and Vision.

The population has continued to increase over recent years, with a further significant increase over the last financial year. The 'target' for 2002-03, set at the beginning of the financial year, was a daily average of 380 prisoners system wide. However, the population exceeded this figure for most of the year. It should be noted that while Prison Services may set prisoner population targets for planning purposes, the prison population is determined by factors beyond control of the Prison Service. The service must be able to provide accommodation and services to all prisoners irrespective of the size of the prison population.

The overall increase in population between 2000-01 and 2001-02 was approximately 4%. Between 2001-02 and 2002-03 the increase was approximately 14%. Table 9.1 provides details of the average daily prisoner population by sex.

Table 9.1 Daily average prisoner population 1999-00 to 2002-03

Daily Average Prisoner Population	1999-00	2000-01	2001-02	2002-03
Male	338	351	363	408
Female	21	19	23	34
TOTAL	359	370	386	442

Source: Department of Justice & Industrial Relations (Prison Service)

Containment and supervision

A key objective of a prison system relates to 'containment and supervision'. This focuses on ensuring that prisoners' liberty of movement and activity are sufficiently restricted and, where necessary, prisoners are protected from other inmates. One measure of the prison system's achievement of this objective is the number of escapes that occur.

Table 9.2 presents this measure as the number of escapes per one hundred prisoners (based on daily average population). Targets for 2002-03 were a secure custody rate of 0.00 (achieved) and an open custody rate of less than 2.00 (achieved).

Table 9.2 Escape rate of prisoners 1999-00 to 2002-03

	1999-00	2000-01	2001-02	2002-03
Escapes per 100 prisoner years				
Tasmania - escapes from secure custody	1.48	0.00	0.00	0.00
Australia - escapes from secure custody	0.16	0.13	0.06	na
Tasmania - escapes from open custody	7.89	5.36	0.00	1.12*
Australia - escapes from open custody	2.12	2.37	2.08	na
Total number of escapes - Tasmania	11	4	0	1

Source: Department of Justice & Industrial Relations (Prison Service)

* indicates one escape from Hayes Prison Farm in November 2002

Prisoner-related costs

The table below details the cost per prisoner day, which is a measure of the efficiency of the prison system. It is affected by a range of factors including: the average daily population and occupancy; prisoner security classifications; and administrative costs. The reliability and comparability of this measure will improve as all jurisdictions adopt consistent rules for assessing the costs of operating prisons. It should be noted that these costs include expenditure by other departments with responsibilities regarding the accommodation of inmates.

Table 9.3 Prisoner-related costs 1999-00 to 2002-03

	1999-00	2000-01	2001-02	2002-03
Cost per prisoner per day (\$)				
Tasmania	149	158	164	159
Australia	146	147	155	na

Source: Department of Justice & Industrial Relations (Prison Service) and 2003 *Report on Government Services*

Note Figures for 1999-00 to 2001-02 have been expressed in 2001-02 dollars.

Cost figures 2001-02 and 2002-03 include payroll tax. This may result in a slight difference between this cost data and the data published in the Report on Government Services.

Other indicators*Education and employment*

An indicator of effectiveness in the prison is the degree to which some form of reparation is undertaken while in prison. Prisoner work provides education to inmates and assists in preparing them for release to the community by increasing their opportunities for employment. The revenue received from the work undertaken by prisoners is used to offset the costs of these services.

Table 9.4 provides details on the proportion of sentenced prisoners who are required to work and remandees who volunteer to work, for whom work can be made available. Significant increases in inmate numbers have resulted in a reduced proportion of prisoners involved in employment in recent times while the number of prisoners employed has remained relatively stable.

Table 9.4 Proportion of eligible prisoners employed 1999-00 to 2002-03*

	1999-00	2000-01	2001-02	2002-03
Percentage employed				
Tasmania	70.9	73.5	59.3	67.7
Australia	72.9	76.6	78.4	na

Source: Department of Justice & Industrial Relations (Prison Service)

* Due to data restrictions, the Tasmanian figures reflect employment figures at 30 June in each year. The decrease between 2000-01 and 2001-02 is due to the significant increase in inmate populations – 347 on 30 June 2001 compared with 428 on 30 June 2002. The actual number of prisoner jobs remained stable.

Table 9.5 provides details of the proportion of eligible prisoners enrolled in education and training programs.

Table 9.5 Proportion of eligible prisoners enrolled in education and training 1999-00 to 2002-03

	1999-00	2000-01	2001-02	2002-03
Percentage enrolled				
Tasmania	31.9	39.9	36.5	42.5
Australia	46.2	46.4	44.3	na

Source: Department of Justice & Industrial Relations (Prison Service)

Note: Figures reflect involvement in accredited education – many prisoners are involved in less formal educational activities whilst in custody.

Prison capacity utilisation rates

Prison capacity utilisation rates are a measure of the efficient use of available prison accommodation. The following table shows the prison utilisation for the Tasmanian system over recent years. Note that these figures are based on 'design capacity' and do not include temporary accommodation such as bunk beds and demountable units in the denominator.

Table 9.6 Prison capacity utilisation rates 1999-00 to 2002-03

	1999-00	2000-01	2001-02	2002-03
Percentage Utilisation				
Tasmania	80.7	70.3	73.5	82.0
Australia	101.2	98.2	98.4	na

Source: Department of Justice & Industrial Relations (Prison Service)

Indigenous prisoners

Table 9.7 shows data for recent years regarding indigenous prisoners (note that indigenous data is based on self-reporting measures).

Table 9.7 Indigenous prisoners

	1999-00	2000-01	2001-02	2002-03
Daily average indigenous prisoner population	39	42	51	58
New indigenous receptions as a percentage of all receptions into custody	N/A	11%	12%	13%
Indigenous prisoners as % of daily average population	11%	11%	13%	13%

Source: Department of Justice & Industrial Relations (Prison Service)

Internet address

www.justice.tas.gov.au/cc/ps_hp.htm

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Community Corrections

The objective of Community Corrections is to enable people who are found guilty of offences to achieve socially responsible behaviour within the family and community, paying particular attention to the principles of Restorative Justice.

Community Corrections provides a range of non-custodial sentencing options including community service orders and probation supervision. Community Corrections is also responsible for parole supervision, pre-parole reporting to the Parole Board and pre-sentence reporting to the Courts. Provision of these services to the Courts and to the Parole Board is mandated by legislation including the *Sentencing Act 1997*, the *Corrections Act 1996* and miscellaneous Acts which include sentencing provisions such as the *Criminal Code Act 1924* and the *Justices Act 1959*.

These services are delivered through offices at Hobart, Clarence, Bridgewater, Burnie, Devonport, Launceston, Queenstown, George Town, Huonville and Ulverstone.

Community Corrections also has responsibility for the Mabbye Largenner Aboriginal Education and Training Program. An indigenous coordinator manages the Program on a day to day basis, working within the structure of Community Corrections, facilitating links to employment, education and training opportunities for indigenous offenders in community and custodial corrections settings.

Community Corrections oversees a range of non-custodial sentencing and post prison options, including:

- community service orders;
- probation supervision; and
- parole supervision.

Community Corrections provides an active intervention model of management of offenders subject to Court Orders and Parole, that includes:

- supervising offenders on a regular basis according to risk levels;
- individual counselling and group program facilitation;
- allocating offenders to community projects;
- sharing information and collaborating with the Prison Service;
- co-case managing with other Agencies, addressing co-morbid issues;
- providing pre-release support for offenders in custody; and
- providing linkages to indigenous specific programs.

Community Corrections is also responsible for:

- assessing offenders risk of re-offending;
- pre-sentence reporting to the Courts; and
- pre-parole reporting to the Parole Board.

Applications made by prisoners for early release from prison on parole are considered by the Parole Board. Administrative and secretarial assistance for the Board is provided by Prisoner Services, based at Risdon Prison.

Report on Major Issues for 2002-03

Cognitive Skills Programs

The cognitive behavioural "Offending is Not The Only Choice" is a group program provided to offenders to develop skills and abilities in realising and utilising pro-social forms of behaviour.

The target group for the program is male offenders who, through an actuarial risk assessment tool, have been defined as a medium or high risk of re-offending.

Facilitator training was completed during 2001-02 and programs commenced in 2002-03. The progression of Community Corrections to enable the provision of group programs to offenders is a major benefit to case management and rehabilitation of offenders.

During 2002-03, seven programs were completed Statewide – two in each of the south and north-west and three in the north. Each program runs for twelve weeks with two, two-hour sessions being completed each week. Participants also undertake work in their own time to consolidate work undertaken in the group setting.

The program will continue in 2003-04 but will be extended to include female offenders.

Information Systems – Development and enhanced utilisation of Information Technology Systems

The Offender Information System (OIS) provides a technological system for the management of offenders on community based orders and the provision of workload management.

During 2002-03, Community Corrections has maintained involvement in the Criminal Registry Information and Management Enquiry System (CRIMES) project, which will provide electronic access to court orders, and the Custodial Information System (CIS) project. The CIS project will provide shared access to specific levels of offender information across criminal justice agencies.

Preparations for staff training in the system commenced in 2002-03 and will be undertaken over the ensuing twelve months.

Review Community Service Order Scheme

A Community Service Order Steering Committee was established in 2001 to review the Community Service Order (CSO) operating manual and the consistency of practice standards.

In addition, the Auditor General completed a review "Managing Community Service Orders" in December 2002. The objective of the review was to assess the effectiveness and efficiency of the management of CSOs by Community Corrections.

The Audit opinion identified that Community Corrections: enforces orders imposed by the courts; has the highest rate of completion of orders in the Commonwealth; and identifies community-based projects for offenders subject to those orders.

Recommendations were also provided for system enhancements covering areas of the development of performance information, utilisation of information technology to support the system, consistency of practice and process improvements.

Over 2002-03, the Steering Committee has reviewed the operating manual and thereby set the framework for consistency of practice. In addition, the committee has been reviewing and developing standard forms. The forms will interface with the OIS management system and enhance the utilisation of that system.

It is expected that those two components of the review will be completed in 2003-04 and the steering group will then review other recommendations of the Audit Report.

Participate in the Drug Diversion Project

Community Corrections continues to be represented on the Illicit Drug Diversion Project. Whilst the project has not proceeded to date due to Commonwealth funding limitations, it is anticipated that there will be continued involvement to support the aims of the Illicit Drug Diversion Initiative and to provide sustained outcomes through appropriate offender management strategies.

Conduct an offender Risk/Needs Assessment Review

Community Corrections utilises an actuarial risk management tool - the "Wisconsin" model - to determine risk of re-offending based on the concepts of criminogenic need and risk principles. An internal review of the use of this tool has been undertaken.

During 2002-03, Community Corrections has been directly represented in the Agency program to "Reduce Re-offending". A component of this program is an agency review of assessment processes across all boundaries of the criminal justice system – particularly the court, prison and community corrections.

Future development of the Wisconsin model, beyond procedural and consistency of practice issues, will be held in abeyance pending the outcomes of the "Reducing Re-offending" project.

Mabbye Largener – Aboriginal Education and Training Program

The Mabbye Largener program is delivered under the auspices of Community Corrections with funding provided by the Commonwealth Department of Employment and Workplace Relations and the Department of Justice and Industrial Relations.

The aims of the program are to:

- reduce the rate of re-imprisonment among indigenous offenders;
- deliver information, advice and mentoring assistance to indigenous offenders regarding access to employment, education and training options on their release from prison;
- provide an effective referral service as a means of achieving improved employment, education and training outcomes for indigenous offenders; and
- promote coordination and liaison between providers of services to Indigenous offenders, which may in turn lead to the development of alternatives to incarceration.

During the last twelve months, five clients were assisted into employment. Two were assisted into pre-employment programs, one client was placed in a TAFE course. One newly-released client, although unsuccessful in an interview for a traineeship due to lack of a licence, impressed the interview panel to the extent that he was offered casual work as it arises.

Some major achievements during the life of the project include:

- An ex-inmate who gained a five-year traineeship, is now in his third year of the traineeship;
- Another long-term inmate has remained in employment for the last eighteen months;
- One inmate who has had a history of recidivism has now gained employment and has purchased his first home; and
- Another inmate with a similar history has remained in full time employment for the last twelve months.

Other Information

The following is a summary of the major objectives of Community Corrections in Tasmania.

Reporting on offenders

Relevant information is sought, compiled and made available for decision makers to assist in court dispositions or release from prison on parole.

Incarceration is avoided where appropriate, significantly reducing the inherent costs of managing an individual offender in prison and reducing the incidences of exposure to an environment which may have a negative effect and lead to increased offending.

Probation Supervision and Suspended Sentences

Offenders are supervised to minimise the risk of re-offending by encouraging offenders to achieve responsible behaviour through the administration and enforcement of orders and conditions imposed by the courts.

Programs

The focus is on offending behaviour, and referral to cognitive behavioural programs aimed at improving social attitudes and personal circumstances, in particular the "Offending is Not The Only Choice" program.

Community Service Orders

This Program is administered and enforced in a manner that reflects the penalty imposed by the courts, to encourage offenders to achieve responsible behaviour, including useful tasks that provide reparation to the community, especially victims of crime;- improve social attitudes and skills;- and improve interaction between offenders and the public.

Community Service Orders also involve the participation of community volunteers as supervisors on some projects, developing significant community linkages and recognising offending as a community issue.

Parole

Offenders are supervised to minimise the risk of re-offending by encouraging offenders to achieve responsible behaviour through the administration and enforcement of orders and conditions imposed by the Parole Board. Focusing on offending behaviour and referral to programs aimed at improving social attitudes and personal circumstances.

Enforcement of Orders

Probation Officers conduct prosecutions relating to breaches of supervised Probation Orders, Suspended Sentences and Community Service Orders in the Court of Petty Sessions.

In Supreme Court matters, briefs are prepared for the Director of Public Prosecutions.

Information is provided regarding breaches of conditions for the Parole Board to assist in decisions affecting parole.

Linkages to the Prison Service

Community Corrections has continued the development of integrated offender intervention strategies and methods, with a focus on consistent intervention, risk/needs assessment, program delivery, information sharing and the increased use of technology to improve services.

Victims

Ensuring that victims issues are taken into consideration during offender intervention by including relevant information/learning modules and reparation wherever appropriate and possible.

Strategic partnerships with other agencies

Seeking out and maximising opportunities to work together with other Agencies in developing programmes to address offending behaviour.

Collaboration in service delivery to indigenous offenders

Ensuring that service delivery to indigenous offenders is consistent with or complimentary to, cultural norms whilst addressing offending behaviour.

Performance Indicators

The Output is responsible for the supervision of offenders subject to a range of Community Supervision Orders including:

- Probation and Suspended Sentence Supervision;
- Community Service Orders; and
- Parole Orders.

Quantity Measures: Number of Orders
 Number of Orders completed
 Number of Orders revoked

Quality measures: Reoffending rates

Cost Measures: Daily cost of service provision per offender

Community Supervision Orders

Community Supervision Orders include all orders that are supervised through Community Corrections – probation, parole and community service orders.

A priority for the supervision of offenders serving community based sentences is the successful completion of the court order. This means maximising the likelihood of offenders complying with the conditions of the order and identifying and taking necessary action where there is a breach of the order.

Table 9.8 provides information on the successful completion of community supervision orders for the past five financial years.

Table 9.8 Community Supervision Orders completed, 1998-99 to 2002-03

	1998-99	1999-00	2000-01	2001-02	2002-03
Percentage of community supervision orders completed	91	85	92	89	90
Number of community supervision orders imposed	1,899	1,865	1,407	1,503	1,266
Number of community supervision orders completed	1,745	1,697	1,299	1,358	1,139
Number of community supervision orders revoked or breached	154	168	108	145	127

Source: Department of Justice OIS system and Community Corrections files

In summary, the report shows that Tasmania achieves a very high successful completion rate. However, this figure should be treated with caution, as absconders in relation to whom no breach action has been taken are not included. They would add to the number of unsuccessful completions. In addition the recording of successful completions includes community service orders that may have been the subject of court action as a means of ensuring completion of the outstanding hours.

Cost of community supervision

The cost of community supervision per offender day is a measure of the efficiency of the Community Corrections system. It is affected by a range of factors, including the intensity of the supervision, the mix of different types of orders, and the scale of the operation.

The following table provides information on the average cost per offender day for Tasmania and Australia.

Table 9.9 Cost of Community Supervision, 1998-99 to 2002-03 (\$ per offender day)

	1998-99	1999-00	2000-01	2001-02	2002-03
Cost per offender per day					
Tasmania	\$6.38	\$6.62	\$7.80	\$9.34	\$10.00
Australia	\$6.45	\$5.96	\$6.50	8.40	na
Tasmania					
Total expenditure (\$'000)	3,056	3,082	3,097	3,220	3,211
Number of Persons	1,149	1,218	1,039	933	879

Source: Department of Justice OIS system, Community Corrections files and Report on Government Services

Notes: The decrease in numbers in 2001/02 appears to be directly related to the implementation of the Youth Justice Act, which raised the age of the group of offenders DHHS (Youth Justice) takes responsibility for. Youth Justice captures a significant number of offenders who have been or otherwise would have been managed by Adult Corrections.

The Tasmanian figures for average number of persons serving Community Supervision Orders include orders where the offender has absconded and breach of the order has not been finalised.

Probation Supervision Orders completed

Offenders are supervised to minimise the risk of offending and its effect on the community by encouraging offenders to achieve responsible behaviour through the administration and enforcement of orders and conditions imposed by the courts. The focus is on offending behaviour, and development of, or referral to, programs aimed at improving social attitudes and personal circumstances.

This category also includes supervision of suspended sentences where supervision by a Probation Officer is one of the conditions of the order.

The following table provides information on the successful completion of Probation Supervision Orders for Tasmania.

Table 9.10 Probation Supervision Orders completed, 1998-99 to 2002-03

	1998-99	1999-00	2000-01	2001-02	2002-03
Percentage of probation supervision orders completed	86	94	97	96	97
Number of probation supervision orders imposed	618	589	495	569	384
Number of probation supervision orders completed	598	558	482	548	371
Number of probation supervision orders revoked or breached	20	31	13	21	13

Source: Department of Justice OIS system and Community Corrections files

Parole Orders Completed

These Orders are made by the Parole Board to enable prisoners to serve a portion of their sentence of imprisonment under supervision in a community setting.

The desired outcome of a period of supervision is to minimise the risk of offending and its effect on the community by encouraging offenders to achieve responsible behaviour. The supervision focuses on offending behaviour, and development of, or referral to, programs aimed at improving social attitudes and personal circumstances.

The following table provides information on the successful completion of Parole Orders for Tasmania.

Table 9.11 Parole Orders completed, 1998-99 to 2002-03

	1998-99	1999-00	2000-01	2001-02	2002-03
Percentage of Parole Orders completed	73	70	71	60	62
Number of Parole Orders imposed	52	76	115	111	71
Number of Parole Orders completed	41	53	89	75	44
Number of Parole Orders revoked or breached	11	23	26	36	27

Source: Department of Justice OIS system and Community Corrections files

Notes: Parole supervision is monitored stringently and the repercussions for breach of conditions are highly likely to lead to revocation.
After several years of fairly consistent outcomes, revocations of Parole have increased during the reporting period and it is difficult to measure the factors contributing to this. Monitoring over the next reporting period or two may help to identify the reasons.

Community Service Orders

These are imposed by the Courts and require a specified amount of community service work or personal development under the supervision of Community Corrections. This program is administered and enforced in a manner that reflects the penalty imposed by the courts, to encourage offenders to achieve responsible behaviour, including; performing useful tasks that provide reparation to the community; improve social attitudes and skills; and improve interaction between offenders and the public.

The following table provides information on the successful completion of Community Service Orders for Tasmania.

Table 9.12 Community Service Orders completed, 1998-99 to 2002-03

	1998-99	1999-00	2000-01	2001-02	2002-03
Percentage of Community Services Orders Completed	80	80	88	81	89
Number of Community Service Orders imposed	1,292	1,245	912	801	811
Number of Community Service Orders completed	1,168	1,108	817	713	724
Number of Community Service Orders revoked or breached	124	137	95	88	87

Source: Department of Justice OIS system and Community Corrections files

Notes: The successful completion rate for Community Service Orders in 2000-01 was higher than the two previous years. This may be due to the return to Court of outstanding matters over time during that period. In the last reporting period there was a return to similar numbers as the 98-2000 periods.
The figures include as successful completions those orders that may have been the subject of court action as a means of ensuring that the hours were completed.

Reporting on Offenders

Community Corrections prepares written and verbal reports for decision makers to assist in court dispositions or release from prison. When a request for a report is received it specifies the date by which the report is required.

The table below provides information on the number of reports prepared by Community Corrections during the reporting period, including pre-sentence, pre-parole and CSO assessments.

Table 9.13 Court & Parole Board reports completed, 1998-99 to 2002-03

	1998-99	1999-00	2000-01	2001-02	2002-03
Total Reports prepared	1,496	1,055	1,043	1,000	1,247
Written	642	Na	664	536	764
Oral	854	Na	379	464	483
Percentage Oral Reports	57	Na	43	46	39

Source: Department of Justice OIS system and Community Corrections files.

Notes: The oral reports for the most part provide assessments for the court as to the suitability of an offender to undertake community service and the availability of suitable projects.

There is a significant variation in the number of reports prepared per annum, and there has been some variation in the mix of oral and written reports. Oral reports consume less resources in preparation and presentation because the range of issues canvassed is less complex.

Internet address

www.justice.tas.gov.au/cc/ccs_hp.htm

Contact Officer

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10. Other Services

This Output Group involves the licensing, inspection, supervision and control of the poppy industry from growing, through to manufacture and dispatch from Australia. The cultivation of poppy plants (*Papaver Somniferum*) is carried out in accordance with provisions of the Poisons Act 1971.

The aim of these services is to provide a secure and controlled poppy industry in accordance with United Nations Single Convention on Narcotic Drugs.

Supervision of Poppy Crops

The Poppy Advisory and Control Board provides policy coordination and preparation of advice to the Government on matters of relevance to the poppy industry, and liaises with relevant Commonwealth and State Government agencies, private enterprise and growers on matters related to industry development.

Report on Major Issues for 2002-03

To assist with the development of an integrated system solution for contemporary licensing and security operations, including information technology requirements and to consider the possible introduction of 5 year licences and provisional licences.

Following an in-depth review of the computerised licensing system by IBM Global Services, it was decided to retain the system of annual licensing. It was also considered desirable for some limited application enhancements to be built into the current platform and for consideration to be given to limited database migration as a potential way forward.

To ensure that the interests of the Tasmanian industry are addressed in the new International Narcotic Control Board reporting requirements regarding Narcotic Alkaloids, particularly with reference to thebaine and oripavine (ATA & AOA).

Satisfactory International reporting arrangements have been developed through the Commonwealth Department of Health and Ageing, which protects the commercial in-confidence nature of Australia's production details.

To continue to support the establishment of the Poppy Advisory and Control Board on a legislative basis.

The Poppy Advisory and Control Board was established in order to meet Australia's commitment to the Single Convention on Narcotic Drugs 1961. However the Board was not established with any legislative force and has been using powers derived from the *Poisons Act 1971* to regulate the industry to date.

Cabinet is considering a proposal for the drafting of Legislation to place the Board on a statutory basis. The proposed legislation will give the board regulatory responsibility for the industry including the licensing of the growers and pharmaceutical companies.

Refine and develop market analysis, safe stock holding analysis and world trends analysis, in order to be in a position to provide quality advice regarding the annual crop estimates.

Substantial analysis sheets have been developed and are being used to track market trends, and to assist in determining annual requirements and safe holding stocks verification.

Closely monitor G.E. technology as it develops, and assist in presenting industry views.

One "bee proof" enclosed trial was approved. This trial was regularly monitored by the Board. A photographic record was made of each inspection visit, and of the controlled harvest and cleanup.

Pursue any opportunities to develop useful synergies with stake-holders for the use of computer based mapping technology.

The Board continues to work closely with both licensed manufacturers in the use of hand held GPS units.

Keep up-to-date with industry development initiatives, (as far as commercial realities will allow), particularly any new synthetic drugs which could render poppies (as an organic raw material source) less relevant.

This matter is under constant consideration and observation.

Maintain public and grower awareness of potential health risks associated with interference of poppy material, particularly with increased hectares of high thebaine poppies.

Public warnings were issued and information provided to interested groups. Warning signs were again affixed to all roadside crops.

Promote the high level of security of the poppy crop now that the number of growers and overall crop production has become of major State, National and International significance.

The Board Chairman and Board Manager represented the interests of the industry at the United Nations Commission on Narcotic Drugs meeting in Vienna during April 2003.

The Board again provided industry information and addressed many community groups throughout the year.

Performance Indicators

The performance measure focuses on the efficiency of the supervision and protection activities of the Poppy Advisory and Control Board. The Department of Police and Public Safety provides a separate assessment of the effectiveness of the protection of the crops. Its Output Group 4 - Protection of Primary Industry and Fisheries Resources, reports on the number of interferences to poppy crops.

The following table outlines information on the activities of the Poppy Advisory and Control Board including data on the cost per hectare sown for the Poppy Advisory and Control Board to supervise and protect poppy crops.

Table 10.1 Poppy Advisory and Control Board Performance Measure Criteria

	2000-01	2001-02	2002-03
Number of Poppy Licences Issued	1,381	1,240	1,152
Number of Supplementary Poppy Licences Issued	2	2	3
Number of Inspections of Poppy Crops	12,833	12,967	11,785
Number of Kilometres traveled by field staff (Calculated by poppy season, ie.1 April - 31 March)	273,046	267,640	265,410
Number of Poppy Regrowth Reports Submitted	105	120	133
Number of Interference Reports Submitted	20	27	27
Number of Capsules Stolen	7,765	15,946	20,223
Number of Security Clearances Processed	3,220	674	227
Cost per Hectare of Securing Poppy Crops	\$26	\$27	\$30
Total Expenditure (\$'000)	530	546	546
Cost per licence issued of Securing Poppy Crops	\$384	\$440	\$474
Number of capsules stolen per hectare sown	0.39	0.81	1.11

The cost per hectare remained stable in recent financial years primarily due to an increase in the number of hectares sown. This increase in the crop was a result of strong world demand plus an attempt by the manufacturers to build safe raw material stock levels. Crop hectares are now levelling out and reducing slightly, which will impact on this benchmark indicator in the future.

Currently the output does not have any indicators of the effectiveness of the service. Effectiveness indicators need to reflect the contribution of the output to a desired agency or government outcome.

The Agency outcome for this output is "to provide a secure and controlled poppy industry in accordance with United Nations Conventions". This outcome is in effect a shared responsibility with contributions being made by the Board, by Tasmania Police and by the growers themselves. Performance against this outcome is also affected by a range of external factors such as the timing of the poppy harvest.

The Board's contribution comes through its licensing of growers which is based in part on a security assessment of the grower and proposed site of the fields in which the crops are grown. Its secondary role is through the monitoring of security breaches.

A general indicator of overall security outcomes is the detected number of poppy heads per hectare illegally removed. Tasmania Police, as one of the other Agencies contributing to this outcome, currently reports against this indicator.

Other Information

In November 2000 the United States' Drug Enforcement Authority advised that the method of calculating narcotic raw material for compliance with the '80/20 Rule' will remain based solely on the amount of anhydrous morphine alkaloid present in opium, poppy straw and concentrate of poppy straw. This method will be used when calculating imports from traditional and non-traditional sources, and is to remain in effect until at least January 1st 2006. This decision was very important for the future of the industry, and represents a considerable benefit to the State.

Internet address

www.justice.tas.gov.au/pacb/index.htm

Contact Officer

Chairman	Dr Peter Patmore	(03) 6429 8781
Manager	Terry Stuart	(03) 6429 8781

11. Consumer Services

This Output Group provides services to the public and policy advice to the Government on issues concerning the maintenance of a fair, safe and equitable marketplace. The Office of Consumer Affairs and Fair Trading delivers the services provided under this Output Group by:

- operating effective compliance programs on laws administered by the Output;
- ensuring accurate trade measurement;
- maintaining product safety;
- registering business names, associations, and cooperatives;
- providing policy advice to Government on issues which may contribute to, or have an effect on, the maintenance of a fair, safe and equitable marketplace;
- developing relationships and partnerships with various industry groups which will assist in the development of legislative models to achieve a desired outcome without unduly impeding competition;
- assisting consumers with advice on the purchase of goods and services, and providing guidance on dispute resolution;
- offering secretariat services to the Travel Agents Licensing Board in administering the *Travel Agents Act 1987*, and the Products Safety Committee in the administration of the *Sale of Hazardous Goods Act 1977*; and
- providing investigative services for the Residential Tenancy Commissioner.

Consumer Affairs and Fair Trading

General Overview

The Office of Consumer Affairs and Fair Trading (OCAFT) provides advice to the Government on legislative and other policy issues within its area of responsibility. It provides a business registration service and gives advice and information to the public, including individual business operators, on matters affecting the interests of consumers. The Output Group also provides enforcement of product safety standards and trade measurement, and participates in national moves towards greater uniformity in standards and legislation between all jurisdictions. It produces information to promote compliance with legislation within the Consumer Affairs and Fair Trading portfolio.

In addition to its responsibilities under the *Trade Measurement Act 1999*, the Measurement and Standards Branch of OCAFT is a Verifying Authority under the Commonwealth *National Measurement Act 1960*, and provides the calibration and traceability of measurements used for technical, scientific, trade, legal and quality assurance purposes.

The Travel Agents Licensing Board issues licences to travel agents in Tasmania. Licences are conditional upon the agent being a participant in the Travel Compensation Fund. The Fund covers consumers from financial loss arising from the failure of a travel agency.

Report on Major Issues for 2002-03

Security and Investigations Agents Act 2002

This Act came into effect on 1 January 2003. The key purpose of the Legislation is to establish and maintain appropriate standards of service delivery and conduct for those engaged in security, debt collection and investigation activities. These standards are intended to provide confidence to the public in the people who provide these services and promote the safety and security of people who are employed in the industry.

The legislation replaces the *Commercial and Inquiry Agents Act 1974*, which, prior to 1 January 2003 was administered by the Magistrates Court. The new Legislation was developed following a National Competition Policy Review.

The review found that some existing processes were onerous and restrictive. The new Act creates clearer rules that are easier for business and consumers to follow but will still maintain the same standards of protection and professionalism.

The major changes to the security industry are:

- the introduction of competency standards for licensees;
- a reduction in the total number of licenses in the market;
- an ability to appeal to the Magistrates Court (Administrative Appeals Division) against determinations made by Consumer Affairs; and
- the introduction of an effective compliance regime to ensure high standards are maintained.

Website Redevelopment

The Consumer Affairs and Fair Trading website has been reviewed to ensure that the design, functionality and content of the site is relevant. The review was needed to ensure that the site served the diverse needs of the Office and the wide variety of clients using the site. The office engaged a consultant to redesign the graphics and layout of the site in a manner that complements the purpose, type of information and the range of clients using the site.

The Consumer Affairs and Fair Trading site can still be accessed as part of the Department of Justice and Industrial Relations site at: www.justice.tas.gov.au/ca but is now also available via a direct address at: www.consumer.tas.gov.au. The new site is now operational.

Residential Tenancy (Boarding Premises) Amendment Bill 2003

Amendments to the *Residential Tenancy Act 1997* to remove an exemption for tenants of boarding premises were introduced into the Parliament in April 2003. The amendments will prohibit bonds for boarding premises and will mandate up-front information to assist tenants to better understand their rights and obligations under the Residential Tenancy Act.

The Bill will also provide additional responsibilities for the Residential Tenancy Commissioner who will be able to mediate disputes and make orders that a party comply with the Act or residential tenancy agreement.

Residential Tenancy Amendment Bill 2003

Following extensive consultation with the wider community and in particular, the Tenants Union and the Real Estate Institute of Tasmania, an amendment Bill has been prepared and submitted to Government. The bill is expected to be introduced into Parliament during the 2003 Spring Session.

Fair Trading Amendment (Unconscionable Conduct) Act 2003

The Fair Trading Amendment Act draws down section 51AC of the *Trade Practices Act 1975* (Commonwealth) into the *Fair Trading Act 1990* (Tasmania). This has the effect of vesting jurisdiction in State courts to deal with allegations of unconscionable conduct by larger businesses against smaller ones. These provisions provide for redress by small business against unfair exploitation in business dealings. They prohibit unconscionable conduct, and prescribe a list of things a court can consider in determining whether or not unconscionable conduct has occurred.

Fuel Quality Standards

Trade Measurement inspectors from the Measurement and Standards Branch undertake fuel sampling and investigations for the Commonwealth Department of the Environment and Heritage in accordance with the *Commonwealth Fuel Quality Standards Act 2000*. This arrangement provides an efficient use of resources and a mechanism by which Tasmanian consumers should be assured that they are receiving fuel that meets mandatory quality standards. All samples taken in Tasmania during 2002-03 complied with mandatory quality specifications. While Ethanol is not currently added to Tasmanian fuel, the Commonwealth has introduced a maximum limit of 10% and will require mandatory labelling of dispensers of blended fuels.

New Equipment for the Measurement and Standards Branch

A comprehensive program of equipment replacement and upgrading was completed during 2002-03 with \$400,000 provided in capital funding.

The Measurement and Standards laboratory is the only Verifying Authority (appointed under the *National Measurement Act 1960*) in Tasmania for the calibration and certification of reference standards of measurement. The laboratory calibrates standards used by various Government agencies for enforcement of Regulations. It is also a source of traceable measurement calibrations, essential for legal, trade, technical, scientific, sporting and quality assurance purposes.

The measurement system underpins commercial activity and the economic development of Tasmanian industry. Accurate and consistent measurement facilitates marketplace acceptability of Tasmanian products, provides consumer confidence, minimises transaction costs and maximises the social and economic benefit to the community.

This injection of funds makes the standards laboratory one of the best equipped in Australia and it is one of only three State and Territory Verifying Authorities that have achieved the National Association of Testing Authorities (NATA) accreditation.

The new equipment was selected from the best technology available and has been sourced from local, national and international suppliers, in some instances incorporating custom modifications to suit the laboratory needs. The new equipment enables more effective and efficient use of resources and improved service delivery. Improved occupational health and safety has also been achieved.

The new equipment also provides an expanded range of calibration capacity. For instance temperature calibration, traceable to national and international standards will now be available in Tasmania. This supports a number of Government regulatory functions and will assist industries such as food processing to meet quality assurance needs.

New equipment was also purchased for market place monitoring of measurements used in trade and commerce. Inspectors are active throughout Tasmania and amongst other activities, regularly check scales, petrol pumps and pre-packaged articles.

Performance Indicators

Table 11.1: Compliance Actions 2002-03 (incorporating figures from all operational branches of the Output)

Total number of enquiries	38,102
Total number of complaints	698
Travel Agents License audits	57
Housing Indemnity audits	76
Fair Trading audits	14
Measurement and Standards audits/verifications	12,611
Business Affairs transactions	47,519
Residential Tenancy applications	113
Public awareness activities	105
Ministerial Referrals	245
TOTAL COMPLIANCE ACTIVITIES	99,540

Table 11.2: Calculation of Compliance Costs of each Branch

	\$
Measurement and Standards Branch	607,000
Business Affairs Branch	434,000
Compliance and Advisory Branch	339,000
TOTAL COST OF COMPLIANCE ACTIONS	1,380,000
COST PER COMPLIANCE ACTION	13.86

Statistical Information for 2002-03:

Table 11.3 Conciliation Complaints and Enquiries - by Product Classification

Product Category	Number of Complaints	%	Number of Enquiries	%
Building	64	9.2	505	3.6
Communication & Information	49	7.0	526	3.7
Credit, Finance & Investment	75	10.7	590	4.2
Food & Clothing	23	3.3	724	5.1
General Goods (Consumer)	101	14.5	2,389	16.9
General Services	84	12.0	1,752	12.4
Household Goods (Consumer)	51	7.3	1,027	7.3
Insurance	22	3.2	377	2.7
Marketing Methods	50	7.2	143	1.0
Motor Vehicles & Products	62	8.9	1,537	10.9
Policy/Legislation			1,129	8.0
Real Estate & Accommodation	52	7.4	1,658	11.8
Scam			425	3.01
Travel, Hospitality, Tourism	47	6.7	268	1.9
Unspecified Product or Service	18	2.6	1,063	7.5
TOTAL	698	100.0	14,113	100.0

Note: Complaints comprise general issues requiring further investigation, and compliance issues requiring investigation into possible breaches of legislation administered by OCA. Enquiries are issues where advice is given to members of the public either by telephone or personal interview.

Table 11.4 Conciliation Complaints and Enquiries - by Practice Classification

Practice Category	Number of Complaints	%	Number of Enquiries	%
Advertising	8	8.3	374	2.7
Contract	77	11.0	1,970	14.0
Credit	32	4.6	100	0.7
Miscellaneous	37	5.3		
Policy/Legislation			2,410	17.1
Price	49	7.0	627	4.4
Product Labeling	19	2.7	113	0.8
Quality	160	22.9	1,883	13.4
Representation	78	11.2	1,036	7.3
Sales Methods	172	24.6	135	1.0
Scam			332	2.4
Self Help Advice Consumers			2,456	17.4
Self Help Advice Traders			547	3.9
Tenancy			1,382	9.8
Warranties & Guarantees	16	2.3	748	5.30
TOTAL	698	100.00	14,113	100.00

Note: Each complaint or enquiry has a practice code (description) defining the problem with the product or service.

Table 11.5 Prosecution Actions

Act	Number of Actions	Outcome
<i>Business Names Act 1962</i>	2	2 proven
<i>Fair Trading (Code of Practice for Motor Traders) Regs 1996</i>	1	1 proven
<i>Fair Trading Act 1990</i>	1	1 dismissed
<i>Housing Indemnity Act 1992</i>	8	7 proven 1 dismissed
<i>Trade Measurement Act 1999</i>	12	12 proven
<i>Sale of Hazardous Goods Act 1977</i>		
Warnings issued	32	32 warnings
Total	56	22 proven 2 dismissed 32 warnings

Table 11.6 Product Safety Investigations

Product Category	Number	%
Food, Beverages, Tobacco	nil	
Household Goods	21	49
Toys	13	30
Nursery	9	21
Other		
TOTAL	43	100

Table 11.7 Number of Incorporated Associations registered including revenue figures 1999-00 to 2002-03

	1999-00	2000-01	2001-02	2002-03
Registered	215	170	236	218
Struck off	27	72	141	387
Total Registered	3,556	3,654	3,775	3,471
Fees (\$'000)	120	149	162	180

Table 11.8 Number of business names registered including revenue figures 1999-00 to 2002-03

	1999-00	2000-01	2001-02	2002-03
Registered	4,625	3,787	3,292	3,702
Renewed	5,010	5,117	5,080	6,215
Total Registered	28,705	29,598	29,065	28,423
Revenue (\$'000)	1,024	942	902	1,113

Note: These figures were not dissected in previous years

Table 11.9 Number of securities registered, re-registered and registration fees 1999-00 to 2002-03

	1999-00	2000-01	2001-02	2002-03
Bills of Sale	11,005	10,187	9,594	11,838
Stock, Wool and Crop Mortgages	14	12	9	8
Fees (\$'000) *	611	643	605	737

* Includes fees payable for 4 year renewal period

Table 11.10 Number of limited partnerships registered 1999-00 to 2002-03

1999-00	2000-01	2001-02	2002-03
167	168	168	169

Table 11.11 Number of registrations under *Cooperatives Act 1999*, 1999-00 to 2002-03

Classification	1999-00	2000-01	2001-02	2002-03
Trade Cooperatives	14	15	14	13
Primary Producers	15	16	16	12
Miscellaneous	30	30	32	32
Total	59	61	62	57

Table 11.12 Number of licenses processed 1999-00 to 2002-03

	1999-00	2000-01	2001-02	2002-03
Security Guards	185	324	284	316
Security Agents	97	103	160	143
Inquiry Agents	50	76	80	52
Process Servers	27	59	42	14
Commercial Agents	8	9	8	18
Commercial Sub-agents	10	11	5	10
Provisional Licenses	141	131	162	110
Total	506	713	741	663

Internet address

www.justice.tas.gov.au/ca/index.htm

Contact Officers

Director, Consumer Affairs and Fair Trading	Roy Ormerod	(03) 6233 4555
Manager, Measurement and Standards	Murray Gordon	(03) 6233 7665
Manager, Legislation and Policy	Chris Batt	(03) 6233 4512
Manager, Business Affairs	Kerry Shepherd	(03) 6233 2829
Manager, Compliance and Advisory	Phil Marriott	(03) 6233 4500

Office of the Residential Tenancy Commissioner

The *Residential Tenancy Act 1997* and the Residential Tenancy Regulations 1997 came into effect on 1 July 1998, replacing the *Landlord and Tenant Act 1935*. Development of the Act took place over a number of years and involved extensive consultation with property owners, managers, tenants and tenant organisations.

A total of 578 security deposit dispute applications have been received since the inception of the Office.

1998–99	43
1999–00	166
2000–01	124
2001–02	92
2002–03	153

This represents an average of 9.5 new applications per month. In total \$29,605.76 was disbursed during the year. Of this 50.3% was disbursed to tenants and 49.7% was disbursed to property owners. In 14 matters the whole of the disputed amount was returned to the tenant, and in 18 matters the whole of the disputed amount was returned to the property owner.

This year the Office requested prosecution proceedings be instituted against three individuals for refusing or neglecting to forward disputed security deposit monies to the Office. One person was fined \$1,000.00. The other matters are yet to be decided by a magistrate.

One property owner relocated interstate and refused to forward monies. The Office was able to negotiate a financial contribution from the persons' former partner and then proceed with the matter to determination. While this matter was successfully resolved it does highlight the difficulty of successfully resolving matters where the property owner relocates to another jurisdiction.

There have been two appeals from decisions of the Commissioner. In one of these the Commissioner's decision was upheld, in another it was varied. Seven matters have been resolved by negotiation without the need for a formal determination. Two matters have been referred to the Magistrates Court because of legal action by the property owner to recover amounts in excess of the security deposit.

During the year the Office manager has been co-presenter on two occasions with Legal Aid at Adult Education courses on the law concerning 'Residential Leases'.

The classes were conducted in Hobart and Launceston and were well attended. The Office continues to receive requests from members of the Real Estate industry for guidance in dealing with tenancies that have the potential to become disputes. Particular areas of concern are with respect to early vacation, rental increase, heating, mould, and liability to refill water tanks or to empty septic tanks in rural areas.

The Office manager has attended a working party on unhealthy premises. The working party developed draft referral protocols on dealing with unhealthy premises. The Office has sought guidance from councils on several occasions with respect to concerns about mould, and availability of potable water where these become the basis of a security deposit dispute.

The Office has had considerable dialogue with industry over the correct way to calculate and apportion re-letting costs in the event of early vacation. The Residential Tenancy Commissioner has followed a policy of allowing actual re-letting costs on a pro rata basis where there is a fixed term agreement. While there is some acceptance by industry of the logic of this approach, most real estate agencies still levy some form of flat charge, or charge an amount that is a proportion of annual rental.

The Office has also had discussion with industry over the nature of the agency relationship, specifically whether it is appropriate to require disputed security deposit monies from the agent where the property owner is outside Tasmania's jurisdiction, not findable, bankrupt, or is a company that has been sold to another company.

The Office has developed some draft guidelines to address the above issues with the intention that these be used to formally amend the Residential Tenancy Guidelines.

The Office has kept records of application forms given out to individuals and to the Tenants Union of Tasmania. Of those given out approximately one third have been received by the Office as applications. The Office has also compiled and analysed statistics on applications and determinations over the last five years. Applications were received from all over the State including very small towns and communities. The number of applications received from various areas and towns was proportional to their population and did not show any significant skewing between different parts of the State. Statistics indicated a widespread awareness of the availability of a dispute resolution service for security deposits outside the courts.

Internet address

www.justice.tas.gov.au/ca/index.htm

Contact Officer

Manager, Office of the Residential
Commissioner

Erik Barratt-Peacock (03) 6233 4588

12. Industrial Relations Services

This Output Group covers industrial relations services provided by the Department of Justice and Industrial Relations. These services include:

- research, analysis and policy development on industrial relations issues for the Minister;
- advocacy, on behalf of the Government, before State and national industrial tribunals;
- services provided by the Tasmanian Industrial Commission in accordance with the provisions of the *Industrial Relations Act 1984* include the making of awards, approval of industrial and enterprise agreements and the settling of industrial disputes, including disputes over long service leave. These services are available to registered organisations, and employers and employees from the public and private sectors and the relevant Ministers. Former employees may also notify disputes regarding the termination of their employment, severance pay in cases of redundancy and alleged award or agreement breaches by a former employer; and
- support for the Workers Rehabilitation and Compensation Tribunal, which makes decisions on matters brought before it by employers and employees.

Industrial Relations Policy and Advocacy Services

This Output covers industrial relations services provided by the Department of Justice and Industrial Relations.

These services are provided by the Office of Industrial Relations, which implements and promotes the Government's industrial relations program and provides advice to the Minister on policy matters arising from current and emerging industrial relations issues.

Report on Major Issues for 2002-03

Implementation and promotion of Government policy commitments was the principal issue for 2002-03.

Internet address

www.justice.tas.gov.au/oir/index.htm

Contact Officer

Director

Clive Willingham

(03) 6233 6546

Services of the Tasmanian Industrial Commission

In accordance with the provisions of Section 5 of the *Industrial Relations Act 1984* the Tasmanian Industrial Commission consists of such number of members as the Governor considers is necessary to perform the functions of the Commission. As at 30 June 2003 the Commission comprised four members:

President	Patricia Leary
Deputy President	Robert Watling
Commissioners	Pauline Shelley
	Tim Abey

The Commissioners, including the President and Deputy President, are empowered to make, amend and rescind awards relating to industrial matters affecting permanent, temporary, full-time, part-time, casuals and piecework employees. The Commissioners responsibility covers employees employed in private industry, in the State Service or in any State Authority outside the State Service, where those private and public employers and employees are not covered by Federal awards.

The Acting Industrial Registrar is Allan Mahoney.

Report on Major Issues for 2002-03

Legislative Change

There were no changes made to the *Industrial Relations Act 1984* during the year.

Heads of Tribunals Meetings

During the year the President of the Australian Industrial Relations Commission, Justice G Giudice, convened meetings of the Heads of all State Tribunals and the Federal Tribunal for the purpose of furthering cooperation between the various tribunals and exchanging information of mutual interest to all tribunals.

Relocation to new Premises

On 2 September 2002, the Commission completed its relocation to the 4th floor of the Commonwealth Law Courts, 39-41 Davey Street.

The new premises better suit the operational requirements of the Commission and have alleviated concerns the Commission has raised over a number of years regarding accommodation shortfall at 'Lyndhurst', especially in the provision of hearing rooms and conferencing facilities and the lack of secure facilities for Commission members.

Unfair Dismissals

The Commission has continued listing section 29 hearings within the short time frames customary in this jurisdiction.

Whilst Commission members are still devoting a significant portion of their time to the settlement of industrial disputes relating to unfair dismissals, they are now placing more emphasis on conciliated and negotiated results and are adjourning

hearings into conference, which has resulted in a high rate of dispute settlement prior to arbitration.

Educational Activities

Members of the Commission have continued to respond to requests from educational institutions to participate in industrial relations forums by giving formal or informal presentations to students about the role and function of the Commission.

Awards

Sixty-nine applications to vary existing awards, and three applications to make the following new awards were received in the period under review:

- Impact Fertilisers Enterprise Award
- NGT Tasmania – Group Employment Award

The applicant subsequently applied to discontinue the application to make the NGT Tasmania – Group Employment Award after a hearing before the Commission.

Web Page

In the period under review work has continued towards developing the Commission's Internet website that can be accessed at:

www.justice.tas.gov.au/tic

The Commission would welcome comments on the content or any other aspect of the website.

Performance Indicators

General client satisfaction with the process involved in the:

- Settling of disputes;
- Making of awards;
- Approval of industrial agreements;
- Approval of enterprise agreements; and
- Registration of employer and employee organisations.

Other measures are:

- The number of applications received;
- The number of enterprise agreements approved;
- The number of industrial agreements approved;
- The number of awards varied, the number of appeals lodged under s70 of the *Industrial Relations Act 1984*; and
- Actions taken in the Supreme Court if a matter of law is involved.

Table 12.1 Statistical Overview of Applications Lodged

	2000-01	2001-02	2002-03
Awards and Award Variations (s23)	44	56	69
New awards	1		3
Award Variations (s65A)	5	2	2
Disputes (s29)			
Dismissals	265	263	254
Breach of award	114	103	119
Severance pay	30	56	74
Long service leave	3	11	14
Total	412	433	461
Recessions of Awards			3
Interpretations (s43)	3	4	4
Registered Agreements (s55)			
Approved	49	56	58
Varied	1	1	
Retirements	18	26	17
Total	68	83	65
Full Bench Proceedings			
Appeals (s70)	11	8	11
Award Variations	6	8	9
Appeals (s14)		1	
Total	17	17	20
Long Service Leave Disputes			
Long Service Leave Act 1976	4	5	2
Long Service Leave (State Employees) Act 1994	5		
Total	9	5	2
Award Variations printed	237	190	182
Private Arbitration	1	1	
Records of Employment (s75(7A))		3	1
Transmission of Business (s47(A))			1

Table 12.2 Statistical Overview of Enterprise Agreements [Section 61]

	2000-01	2001-02	2002-03
Agreements Lodged	119	95	53
Agreements Approved	95	93	46
Agreements Withdrawn	14	16	8
Agreements Refused	1		1
Agreements Awaiting Approval	9	10	4
Agreements not renewed	137	93	111
Employees covered by lodged agreements	3,893	2,047	545
Employees covered by approved agreements	4,859	2,070	603
Employees covered by non renewed agreements	2,420	799	1,574

Table 12.3 Number of Agreements by Duration

	2000-01	2001-02	2002-03
6 months or less	11	5	4
1 year	22	8	7
2 years	11	15	6
3 years	60	56	23
4 years	2	3	0
5 years	7	6	6

Table 12.4 Statutory Functions of the Registrar

Registrar	2001-02	2002-03
Supported Wage Applications	127	124
Registration of Organisations	0	2
Cancellation of Registration	0	1
Alterations to Rules	0	2
Prosecutions for failure to comply with an Order of the Commission	14	10

Contact Officer

Chief Commissioner	Stephen Carey	(03) 6233 4926
Registrar	Earl Simmons	(03) 6233 4694

13. Office of the Secretary

The Office of the Secretary is responsible for;

- Ministerial Liaison and management of the Attorney' General's legislative program;
- Policy, planning and reporting functions for the Department;
- Business Analysis and Special Projects (such as the Prison Infrastructure Redevelopment Program (PIRP), and the Monetary Penalties Enforcement Project (MPEP));
- Intra/inter Government relations, including Cabinet, business, and local government partnerships;
- Communications; and
- Organisational Development.

It includes the following units, in addition to its corporate leadership functions:

- the Secretariat Support Unit (SSU);
- the Organisational Development Unit (ODU); and
- the Office of Legislation Development and Review (OLDR).

The Office of the Secretary has recently enhanced its capacity to:

- Improve the co-ordination of the Department's operations;
- Improve stakeholder management and communication;
- Improve project management; and
- Improve corporate and public leadership.

Workplace Diversity

The Department of Justice and Industrial Relations is committed to Workplace Diversity through the development and implementation of a Workplace Diversity Program.

The program integrates and builds on the success of previous EEO strategies, but broadens the concept of EEO to maximise the use of the talents, skills and experiences of all employees in the workplace.

The Workplace Diversity Program encompasses both the recognition and utilisation of diversity in the workplace and the community it serves; and the provision of a workplace free from discrimination, harassment, favouritism and bias.

The Department has established a Diversity Steering Committee consisting of representatives from the Department to further develop the program.

Full details of the Department's workplace diversity program are available to staff through the Department's intranet site.

Organisational Development

In 2002, the Organisational Development Unit was established within the Office of the Secretary. The Organisational Development Unit has the responsibility of providing strategic programs for the development of staff within the organisation. In addition it has the responsibility for managing whole of agency training activities.

The Organisational Development Unit is also responsible for the development of strategic policy for human resources across the whole agency, these include: Human Resources Strategic Planning, Performance Management, Grievance Resolution and Workplace Diversity. In addition the unit provides a number of other key functions such as induction programs, staff mobility schemes and Exit processes for employees.

Report on Major Issues for 2002-03

During 2002-03 a significant activity of the Office of the Secretary was to consolidate the skills, resources and systems needed to deliver these services.

In addition, the following specific issues were identified as major issues or initiatives in the Office of the Secretary's business plan for 2002-03.

Major projects undertaken in 2002-03

Prison Infrastructure Redevelopment Program (PIRP)

During 2002-03 the PIRP project made significant progress toward the construction of the new Prison. By the end of the financial year funding arrangements had been finalised with the project proceeding through the Government project approval process. Planning approval has been sought from the Clarence City Council. In addition, tenders will be considered early in the new financial year for the Managing Contractor. It is anticipated that work will begin on the new prison late in 2003. Further information is provided under Prison Service above.

Monetary Penalties Enforcement Project (MPEP)

During 2002-03, the business case for this project was put forward for consideration as part of the 2003-04 Budget. Funding has been approved for the project to proceed. Further information is provided under Enforcement of Monetary Penalties above.

Custodial Information System (CIS)

Work has progressed with the completion of CIS Stage 1. The new information system will be implemented in September 2003.

Sex Offender Program for Risdon Prison

Work has been undertaken on the development of appropriate sex offender program at Risdon Prison. The program was commenced in August 2003.

Refinement of existing Agency planning and reporting systems

During 2002-03, the Agency has further refined its planning activities. By the end of 2002-03 a Corporate Plan for 2003-08 had been prepared and approved. Business Plans for the majority of the Business Units within the Department for 2003-04 had received the preliminary approval of the Departmental Executive pending the finalisation of the Budget allocations for 2003-04. In addition more structured reporting has been put in place for Business Managers to monitor and report on their units achievements towards achieving the targets in its Business Plan.

Review and consolidation of reporting structures and business systems

The Office of the Secretary has assisted many areas of the Department to improve reporting and business systems. Examples include:

- Active participation in a working group to improve the performance of Prison Industries;
- Provision of detailed demand analysis to identify demand for justice services in the short term;
- Promoting the development and use of new data systems to better understand and manage services provided; and
- The development of broad performance measures to monitor the Office of the Secretary's activities against target.

Acquisition of new skills

Additional resources made available to the Office of the Secretary for 2002-03 have enabled additional staff to undertake the expanded functions of the Office of the Secretary. In addition, training has been provided to assist staff acquire new skills to enable them to undertake the work required.

The application of a team based approach

The Office of the Secretary recognises the advantages to be gained from a team based approach for project management, organisational change and legislative development. During 2002-03, this approach was used on a number of projects and activities within the Department. Some of the most significant activities where this approach was used include:

- Prison Infrastructure Redevelopment Program and associated Organisational Development project within the Prison Service;
- The Monetary Penalties Enforcement Project;
- The development and implementation of new information systems to improve information and management, in particular the Custodial Information System (CIS) and the Criminal Registry Information Management and Enquiry System (CRIMES);
- The development of a sex offender program within the prison system; and
- The development of the new relationships legislation.

Performance Indicators

The Office of the Secretary had not established performance indicators for 2002-03. However, the Office of the Secretary undertook to develop some appropriate performance indicators during 2002-03.

The nature of the work undertaken by the Office of the Secretary makes it difficult to aggregate into a measure of activity, efficiency or effectiveness. The performance indicators for the Office of the Secretary have been based on the priorities of the Office of the Secretary, to operate within the resources available and to ensure that tasks are completed in accordance with agreed time frames.

During 2002-03 the Office of the Secretary developed the following performance indicators for 2003-04.

- Expenditure by the Office of the Secretary will be at or below 100% of its budget allocation.
- The Office of the Secretary will complete 85% of significant tasks by the due date.

Internet address

The Office of the Secretary does not have a specific internet site. However readers are directed to the following internet address for the Department of Justice and Industrial Relations to obtain any additional information they require on the Department.

www.justice.tas.gov.au

Contact Officer

Secretary	Richard Bingham	(03) 6233 3201
Deputy Secretary	Peter Hoult	(03) 6233 2366

14. Corporate Services

The Division provides the following services:

Finance Branch – provides a wide range of specialist financial, budgeting and accounting services and facilities management services;

Information Technology Services Branch - provides a range of IT services including management and support of the state wide computer network, corporate databases and servers, IT security and hardware leasing, including the installation and maintenance of IT hardware and software, provision of a Helpdesk service, desktop training and business consultancy;

Library and Record Services - supports the essential information needs of the agency by providing services which collect, manage, and provide access to, relevant internal and external information sources; and

Human Resources Branch - provides a range of human resource management and personnel administration services through the provision of advice, operational policy and procedural guidelines.

Report on Major Issues for 2002-03

Finance Branch

The Finance One Asset System was implemented in May 2003. The new asset system meets mandatory asset recording and reporting requirements and provides Output Managers with a powerful asset reporting tool.

In accordance with AASB 1041 Revaluation of Non-Current Assets, the Finance Branch revalued all non-current physical assets controlled by the Department. The Australian Valuation Office was contracted to provide independent valuation of the assets and the details were loaded into the new Asset System.

The Corporate Services Division and Office of the Secretary was successfully relocated from 15 Murray Street to the Trafalgar Building in Collins Street. The removal was undertaken on Friday 7 March 2003 and the Office was operational on Monday 9 March.

A review of the chart of accounts was undertaken and a revised chart was finalised and implemented for use on 1 July 2003.

Information Technology Services Branch

The Information Technology Services Team has completed the implementation and rollout of Office 2000 to all devices. The implementation of Windows 2000 on desktops and servers is well advanced, and should be completed by end June 2004. In addition some 273 new/replacement PCs, servers and printers were installed and well over 100 other PCs were moved.

Servers are now 'Accommodated' in TMD's server room.

Greater protection against viruses is now fully managed through Sophos Anti-virus software with automatic updates throughout the Department. All patches are also being applied as required. Test environments will be established to

prevent patches and other changes being applied to live production environments.

In addition to the State-wide upgrade of Windows 2000, the consolidation of servers and the establishment of a number of new applications, assistance and support was provided to all development projects. Databases were created or enhanced with major involvement from the ITS Team. The Corporate Services and Office of the Secretary were moved to level 14 Trafalgar Building. Risdon response was improved and many other WAN links were upgraded.

Numerous helpdesk calls were adequately dealt with and a range of projects were completed.

Library and Record Services

A combined budget for the integrated library collections – the Andrew Inglis Clark, Launceston, and North West Law Libraries was achieved; with funding arrangements from the participating organizations, the Law Society of Tasmania, the Supreme Court, the Magistrates Courts, and the Department negotiated, agreed and put in place.

A dramatically increased number of electronic legal information services was made available in all libraries. There has also been a very successful uptake of the redeveloped journal and report updating service, which is sent out regularly by e-mail.

Good progress was made on the centralisation of technical services from the regional integrated collections, with most acquisitions functions now being carried out centrally, and many processes streamlined.

Serials subscriptions have been restructured to provide better accessibility across the state by decreasing multiple copies of print materials, in particular, reports; and increasing spending on loose-leaf services and texts.

The Records Office began upgrading the management of the Human Resources files and their procedures.

Human Resources Branch

Human Resources Branch staff have worked closely with the Prison Service to increase the quality, timeliness and breadth of HR services provided to staff and managers. The allocation of staff from the Human Resource Branch has well exceeded the envisaged 20% Level 8 (as reported last year) and from 1 July 2003 responsibility for the Prison Service payroll and the associated staffing resource has been transferred to the Human Resources Branch.

Work has commenced on a project to develop the functionality for the Occupational Health and Safety module of the Empower system, to support an increase in the capture and management of safety data. The planning and development process has also proved to be an effective audit of a number of the Department's present processes.

Workers Compensation processes have continued to be refined to provide increasing support and clarification to employees and managers in respect of the impact of the 2001 legislative changes.

Revision of the Grievance Resolution procedures was finalised in 2002-03. The amended procedures incorporate a broader range of options for progressing grievances, which in application have proved to be flexible and conducive to achieving meaningful outcomes in less confrontational ways.

With the increasing emphasis on the effective and appropriate management of employment arrangements within the State Service, the Human Resources Branch and the Director Corporate Services have worked to improve the allocation and management of staffing resources within budgetary parameters. This has been achieved through the re-development of the Agency establishment, and has increased the transparency, accuracy and reporting of position data.

Workplace Health and Safety

2002-03 has seen a continuation of the Department's ongoing commitment to providing a safe and healthy workplace for all Departmental employees, visitors and members of the public.

The workplace health and safety committee structure has continued to be a key means of capturing and disseminating a range of OH&S data and promoting the education of all staff in safe working practices. Human Resources staff continue to provide support to the members of the various committees and to Divisional managers in resolving emerging OH&S issues.

Following the previous focus on the increasing management of stressors in the workplace, in 2002-03 has seen an increasing focus on the fundamental areas of incident reporting and investigation and hazard identification and management. This has been occurring both in a proactive sense with the ongoing development of new recording systems in accordance with the functionality available in the Empower OH&S module, and in practical reactive terms, with an increase in Corporate resources being allocated to support managers working with workplace hazards or incidents.

The Stress Detectives workshops trialed last year proved to be successful and have continued in 2002-03 to assist in the identification and peer management of employees experiencing coping difficulties within the workplace. The Health and Wellbeing program also continued, promoting a healthier work environment and a reduction in health risks in the workplace through providing staff with an insight into the motivational, dietary and fitness related aspects of stress management, supporting them in their management of their wellbeing in the workplace.

Recruitment Policies

The Department of Justice and Industrial Relations complies with: the requirements of the *State Service Act 1984*; Employment Instructions issued by the Commissioner for Public Employment; and Administrative Instructions issued by the Government, for its recruitment of staff.

The Department has developed a manual to provide guidelines and information on its policies and practices in relation to staff recruitment, selection and staff movements to assist staff to comply with the *State Service Act 1984* and the above instructions.

The manual is regularly updated and is available to staff through the Department's intranet site.

Employee Participation in Industrial Relations

The Department of Justice and Industrial Relations supports the participation of its employees in industrial relations issues, and regularly uses a variety of mechanisms to achieve this. This includes working groups and consultation strategies.

Should a dispute arise, employees are encouraged to use internal grievance procedures, but where agreement is not reached through this process, the Industrial Relations system in Tasmania provides an opportunity to resolve differences between the Department and its employees on an equitable basis.

Internal Grievance Procedures

The Department is committed to assisting all employees to resolve grievances constructively and in a way that contributed to the creation and maintenance of a positive working environment.

All grievances and complaints will be dealt with promptly and fairly. In dealing with a grievance or complaint, the confidentiality of all parties will be respected to the greatest extent possible in each circumstance. The Department uses both formal and informal processes to resolve conflict and grievances in the workplace.

In August 2002, the Department released its policy documentation on Grievance Resolution Procedures. This document is available to staff through the Department's intranet site.

Internet address

The Corporate Services Division does not have a specific internet site. However readers are directed to the following internet address for the Department of Justice and Industrial Relations to obtain any additional information they require on the Department.

www.justice.tas.gov.au

Contact Officer

Director, Corporate Services	Brian Smith	(03) 6233 2161
Manager, Finance	Kaylene Bentley	(03) 6233 2426
Manager, IT Services	Andrew Schulze	(03) 6233 4181
Manager, Library and Record Services	Alison Jekimovics	(03) 6233 7916
Manager, Human Resources	Linda Urh	(03) 6233 2364

15. Legislation Administered by the Department

The following is a complete list of the legislation administered by the Department. Comments regarding changes to legislation are contained in the body of the Report under the Output responsible.

Access to Neighbouring Land Act 1992
Acts Enumeration Act 1947
Acts Interpretation Act 1931
Administration and Probate Act 1935
Admission to Courts Act 1916
Advertisements (Terms of Purchase) Act (Repeal) Act 1993
Age of Majority Act 1973
Aliens Act 1913
Alternative Dispute Resolution Act 2001
Anti-Discrimination Act 1998
Anzac Memorial Hostel Act 1924
Appeal Costs Fund Act 1968
Appointments Act 1876
Apportionment Act 1871
Associations Incorporation Act 1964
Auctioneers and Real Estate Agents Act 1991
Bail Act 1994
Baker Trusts Act 1993
Bills of Sale Act 1900
Births, Deaths and Marriages Registration Act 1999
Boy Scouts Association Act 1954
Business Names Act 1962
Cinema Act (Repeal) Act 1992
Civil Construction Services Corporation Act 1994
Civil Liability Act 2002
Civil Process Acts 1839, 1870 and 1985
Classification (Publications, Films and Computer Games) Enforcement Act 1995
Collections for Charities Act 2001
Commercial Arbitration Act 1986
Commissioner for Corporate Affairs Act 1980
Commissions of Inquiry Act 1995
Common Law (Miscellaneous Actions) Act 1986
Commonwealth Powers (Family Law) Act 1987
Companies (Acquisition of Shares) (Application of Laws) Act 1981
Companies (Acquisition of Shares) (Tasmania) Code
Companies (Application of Laws) Act 1982
Companies (Tasmania) Code
Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981
Companies and Securities (Interpretation and Miscellaneous Provisions) (Tasmania) Code
Companies and Securities Legislation (Miscellaneous Amendments) Act 1982
Companies and Securities Legislation (Miscellaneous Amendments) Act (No. 2) 1982
Companies Auditors and Liquidators Disciplinary Board Act 1982
Constitution (Legislative Council) Special Provisions Act 1997
Consumer Affairs Act 1988
Consumer Credit (Tasmania) Act 1996
Contractors' Debts Act 1939

Cooperatives Act 1999
Co-operative Schemes (Administrative Actions) Act 2001
Coroners Act 1995
Corporations (Administrative Actions) Act 2001
Corporations (Ancillary Provisions) Act 2001
Corporations (Commonwealth Powers) Act 2001
Corporations (Tasmania) Act 1990
except in so far as it relates to the superannuation entitlements of transferred members of the Australian Securities Commission (see *Department of Treasury and Finance under the Treasurer*)
Corrections Act 1997
Costs in Criminal Cases Act 1976
Council of Law Reporting Act 1990
Crime (Confiscation of Profits) Act 1993
Crimes at Sea Act 1999
Criminal Code Act 1924
Criminal Code Amendment (Life Prisoners and Dangerous Criminals) Act 1994
Criminal Injuries Compensation Act 1976
Criminal Investigation (Extra-Territorial Offences) Act 1987
Criminal Justice (Mental Impairment) Act 1999
Criminal Law (Detention and Interrogation) Act 1995
Criminal Law (Territorial Application) Act 1995
Criminal Procedure (Attendance of Witnesses) Act 1996
Crowd Controllers Act 1999
Crown Proceedings Act 1993
Crown Remedies Act 1891
De Facto Relationship Act 1999
Debtors Acts 1870 and 1888
Defamation Act 1957
Director of Public Prosecutions Act 1973
except in so far as it relates to the pension or other superannuation of the Director of Public Prosecutions (see *Department of Treasury and Finance under the Treasurer*)
Disposal of Uncollected Goods Act 1968
Domicile Act 1980
Door to Door Trading Act 1986
Electoral (Registered Parties) Act 1995
Electoral Act 1985
Electricity Ombudsman Act 1998
Electronic Transactions Act 2000
Evidence (Audio and Audio Visual Links) Act 1999
Evidence Act 2001
Evidence (Children and Special Witnesses) Act 2001
Evidence on Commission Act 2001
Factors Act 1891
Fair Trading Act 1990
Fatal Accidents Act 1934
Federal Courts (State Jurisdiction) Act 1999
Financial Transaction Reports Act 1993
Flammable Clothing Act 1973
Forensic Procedures Act 2000
Freedom of Information Act 1991
Futures Industry (Application of Laws) Act 1987
Futures Industry (Tasmania) Code
Girl Guides' Association Act 1957
Goods (Trade Descriptions) Act 1971
Guardianship and Administration Act 1995
Guardianship and Custody of Infants Act 1934

Guesdon Bequest (Administration) Act 1972
Health Complaints Act 1995
Housing Indemnity Act 1992
Independent Order of Rechabites (Agreement) Act 1981
Industrial Relations Act 1984
except section 29(1C) and [section 87A\(1\)](#) and except in so far as it relates to the appointment, duties and functions of inspectors (see *Department of Infrastructure, Energy and Resources under the Minister for Infrastructure*)
International Transfer of Prisoners (Tasmania) Act 1997
Judicial Review Act 2000
Jurisdiction of Courts (Cross-Vesting) Act 1987
Jury Act 1899
Justices Act 1959
Justices of the Peace (Validation) Act 2002
Landlord and Tenant Act 1935
Launceston Gas Company Act 1982
Law of Animals Act 1962
Legal Aid Commission Act 1990
Legal Profession Act 1993
Legislative Council (Division of Hobart) By-election Validation Act 1992
Legislative Council Boundaries Expenses Act 1995
Legislative Council Electoral Boundaries Act 1995
Limitation Act 1974
Limited Partnerships Act 1908
Listening Devices Act 1991
Magistrates Court (Administrative Appeals Division) Act 2001
Magistrates Court (Children's Division) Act 1998
Magistrates Court (Civil Division) Act 1992
Magistrates Court (Small Claims Division) Act 1989
Magistrates Court Act 1987
Married Women's Property Act 1935
Mental Health Act 1996
in so far as it relates to the appointment, functions and operation of the Mental Health Tribunal and the appointment of the registrar and other officers of that Tribunal (otherwise see *Department of Health and Human Services under the Minister for Health and Human Services*)
Mercantile Law Act 1935
Minors Contracts Act 1988
Misuse of Drugs Act 2001
National Literature Board of Review Act 1967
Notaries Public Act 1990
Oaths Act 2001
Offshore Waters Jurisdiction Act 1976
Ombudsman Act 1978
Parole Orders (Transfer) Act 1983
Partnership Act 1891
Penalty Units and Other Penalties Act 1987
Perpetuities and Accumulations Act 1992
Presumption of Survivorship Act 1921
Prisoners (Interstate Transfer) Act 1982
Prisoners (Removal of Civil Disabilities) Act 1991
Promissory Oaths Act 1869
Public Interest Disclosures Act 2002
Public Trustee Act 1930
Records of Offences (Access) Act 1981
Referendum Procedures Act 1994
Residential Tenancy Act 1997
Royal Society Act 1911

- Rules Publication Act 1953*
Sale of Goods (Vienna Convention) Act 1987
Sale of Goods Act 1896
Sale of Hazardous Goods Act 1977
Salvation Army (Tasmania) Property Trust Act 1930
Sea-Carriage Documents Act 1997
Search Warrants Act 1997
Second-hand Dealers and Pawnbrokers Act 1994
Securities Industry (Application of Laws) Act 1981
Securities Industry (Tasmania) Code
Security and Investigations Agents Act 2002
Senate Elections Act 1935
Sentencing Act 1997
Settled Land Acts 1884 and 1911
Sheriff Act 1873
Solicitor-General Act 1983
 except in so far as it relates to the pension or other superannuation of the Solicitor-General (see *Department of Treasury and Finance under the Treasurer*)
Status of Children Act 1974
Statute Law Revision (Repeals) Act 2000
Statutory Authorities (Protection from Liability of Members) Act 1993
Statutory Office Holders (Validation) Act 2000
Stock, Wool, and Crop Mortgages Act 1930
Supreme Court (Judges' Independence) Act 1857
Supreme Court Acts 1856, 1887 and 1959
Supreme Court Civil Procedure Act 1932
Syme Trusts Act 1989
Tasmanian Film Corporation Act (Repeal) Act 1993
Tasmanian Government Officers' Salaries Attachment Act 1927
Terrorism (Commonwealth Powers) Act 2002
Testator's Family Maintenance Act 1912
Trade Measurement (Tasmania) Administration Act 1999
Trade Measurement Act 1999
Trades Unions Act 1889
Travel Agents Act 1987
Trustee Act 1898
 except in so far as it relates to the authorisation of trustee investments (see *Department of Treasury and Finance under the Treasurer*)
Trustee Companies Act 1953
Trustee Companies (Merger) Act 2001
Unauthorized Documents Act 1986
Unordered Goods and Services Act 1973
Variation of Trusts Act 1994
Victims of Crime Compensation Act 1994
Wills Act 1992
Workers Rehabilitation and Compensation Act 1988
 in so far as it relates to the appointment, functions and powers of the Workers Rehabilitation and Compensation Tribunal and the appointment of the Registrar and deputy registrars of that Tribunal (*otherwise see Department of Infrastructure, Energy and Resources under the Minister for Infrastructure*)
Wrongs Act 1954
Youth Justice Act 1997
 in so far as it relates to the establishment and operation of the Magistrates Court (Youth Justice Division) (*otherwise see Department of Health and Human Services under the Minister for Health and Human Services*)

16. Location of Services

The Department is accommodated at the following locations. Rented properties are marked with an *.

ANTI-DISCRIMINATION COMMISSIONER	Level 5, Executive Building 15 Murray Street, HOBART*
COMMUNITY CORRECTIONS	19-29 Liverpool Street, HOBART 111 Cameron Street, LAUNCESTON* Reece House, 46 Mount Street, BURNIE * 8 Griffiths Street, DEVONPORT 31A King Edward Street, ULVERSTONE* 27 Greenpoint Road, BRIDGEWATER* 30 Bayfield Street, ROSNY PARK* 16 Anne Street, GEORGE TOWN* Sale Street, HUONVILLE Court House, Circle Street NEW NORFOLK
CORONER'S OFFICE	23-25 Liverpool Street, HOBART 73 Charles Street, LAUNCESTON
CORPORATE SERVICES	
Andrew Inglis Clark Library	Lower Level, Supreme Court, HOBART
D M Chambers Library	Level 8, Executive Building 15 Murray Street, HOBART*
Finance and Accounts Branch	Level 14, Trafalgar Building 110 Collins Street, HOBART*
Human Resources Branch	Level 14, Trafalgar Building 110 Collins Street, HOBART*
IT Services	Level 14, Trafalgar Building 110 Collins Street, HOBART*
CORRECTIVE SERVICES	
Ellesmere	Kilderry Road, NEW NORFOLK*
Hayes Prison Farm	Kilderry Road, NEW NORFOLK
Launceston Prison	Cimitiere Street, LAUNCESTON
Remand Centre	31 Liverpool Street, HOBART
Risdon Prison	672 East Derwent Highway, RISDON VALE
CROWN LAW	
Office of the Crown Solicitor	Level 9, Executive Building 15 Murray Street, HOBART*
Office of the Director of Public Prosecutions	Level 8, Executive Building 15 Murray Street, HOBART* 112 Cameron Street, LAUNCESTON*
Office of the Solicitor-General	Level 8, Executive Building 15 Murray Street, HOBART *
ELECTORAL OFFICE	Level 2, Telecom Building 70 Collins Street, HOBART*
ELECTRICITY OMBUDSMAN	Level 1, 99 Bathurst Street, HOBART*

FREEDOM OF INFORMATION UNIT	Level 1, 99 Bathurst Street, HOBART*
GUARDIANSHIP AND ADMINISTRATION BOARD	Level 1, 99 Bathurst Street, HOBART*
HEALTH COMPLAINTS COMMISSIONER	Level 1, 99 Bathurst Street, HOBART*
LEGAL OMBUDSMAN	Level 3, Executive Building 15 Murray Street, HOBART*
LEGISLATION DEVELOPMENT AND REVIEW	Level 14, Trafalgar Building 110 Collins Street, HOBART*
MAGISTRATES COURTS	19-29 Liverpool Street, HOBART 73 Charles Street, LAUNCESTON 38 Alexander Street, BURNIE 8 Griffiths Street, DEVONPORT and on an occasional basis in country centres such as Campbell Town, Currie*, Fingal*, Gagebrook*, Georgetown, Huonville, New Norfolk, Oatlands*, Queenstown, Scottsdale*, Smithton*, St Helens*, Swansea, Triabunna*, Ulverstone*, Westbury*, Whitemark*.
MENTAL HEALTH REVIEW TRIBUNAL	Level 1, 99 Bathurst Street, HOBART*
OFFICE OF CONSUMER AFFAIRS AND FAIR TRADING	Level 3, Executive Building 15 Murray Street, HOBART* 24 Paterson Street, LAUNCESTON* 8 Griffith Street DEVONPORT Cnr Marine Terrace and Spring Street, BURNIE* 56A Gormanston Road, MOONAH*
OFFICE OF INDUSTRIAL RELATIONS	Level 4, 144 Macquarie Street, HOBART*
OFFICE OF THE SECRETARY	Level 14, Trafalgar Building 110 Collins Street, HOBART*
OMBUDSMAN	Level 1, 99 Bathurst Street, HOBART*
POPPY ADVISORY AND CONTROL BOARD	12-16 Short Street, ULVERSTONE*
PUBLIC GUARDIAN	Level 3, Executive Building 15 Murray Street, HOBART*
REGISTRY OF BIRTHS, DEATHS AND MARRIAGES	Level 3, Executive Building 15 Murray Street, HOBART*
SUPREME COURT	Salamanca Place, HOBART 116 Cameron Street, LAUNCESTON 38 Alexander Street, BURNIE
TASMANIAN INDUSTRIAL COMMISSION	41 Davey Street, HOBART*
VICTIMS ASSISTANCE UNIT	Ground Floor, 169 Liverpool Street, HOBART*

WORKERS REHABILITATION AND Level 4, 169 Liverpool Street, HOBART*
COMPENSATION TRIBUNAL

17. Details of Current Fees and Charges

The following information provides a summary of the fees and charges imposed and collected by the Department's respective Outputs.

Output	Description of Fee	Date Last Increase	Authority	Receipt Item
Supreme Court Services	Filing fees and provision of services	Jul 2002	<i>Rules of Supreme Court Administration and Probate Act</i> <i>Civil Process Act</i>	Y328 and Operating Account
Magisterial Court Services	Filing fee	Jul 2002	<i>Magistrates Court (Civil Division)(Fees) Regulations</i> <i>Justice Act 1959</i>	Y328 and Operating Account
	Filing fee	Jul 2002	<i>Magistrates Court (Small Claims Division) Act</i> <i>Magistrates Court (Small Claims Division) Regulations</i>	Y328 and Operating Account
Enforcement of Monetary Penalties	No fees			
Support and Compensation for Victims of Crime	No fees			
Legal Aid	No fees			
Mental Health Review Tribunal and Guardianship Board Decisions	No fees			
Crown Law	Commercial work		Budget Committee of Cabinet	Operating Account
	Conveyancing	Mar 1985	<i>Homes Act 1935</i> <i>Solicitors' Remuneration Rules 1981</i> <i>Solicitors' Remuneration Act 1883</i>	Operating Account
Legal Policy Advice and Law Reform	No fees			
Registration, Maintenance and Dissemination of Statutory Information	Search and issue fee Certified copies of register entries	Jul 2002	<i>Births, Deaths and Marriages Registration Act 1999</i>	Y328
Decisions on Complaints Referred to the Ombudsman, Health Complaints Commissioner, Freedom of Information and Electricity Ombudsman	Activities undertaken for other bodies Electricity subsidy, RAEMOC sales and Professional Development Training			Operating Account
Anti-Discrimination Commission	Activities undertaken for other bodies			Operating Account
Elections and Referendums	Activities undertaken for local government reimbursed Penalty for not voting		<i>Electoral Act 1985</i>	Operating account Y328
Prison Service	Prices for goods and services produced in prison and farming industries	Continuous		Operating account

Community Corrections Service No fees

Output	Description of Fee	Date Last Increase	Authority	Receipt Item
Supervision of Poppy and Hemp Crops	No fees			
Maintenance of Fair, Safe and Equitable Marketplace	Fees for weights and measures activities	Jul 2002	<i>Trade Measurement Act 1999</i> <i>Trade Measurement (Tasmania) Administration Act 1999</i> <i>Trade Measurement (Tasmania) Administration Regulations 2000</i>	Y328 and Operating Account
	Business name registration fees	Jul 2002	<i>Business Names Act 1962</i>	Y328
	Incorporated associations' registration fees	Jul 2002	<i>Associations Incorporation Act 1964</i>	Y328
	Co-operative Societies and limited partnerships	Jul 2002	<i>Co-operatives Act 1999</i> <i>Limited Partnerships Act 1908</i>	Y328
	Commercial and Inquiry Agents' licences	Jul 2002	<i>Security and Investigations Act 2002</i>	Y328
Industrial Relations and Policy Advocacy Service	No fees			
Services of the Tasmanian Industrial Commission	No fees			
Workers Rehabilitation and Compensation Tribunal Decisions	Activities undertaken for other bodies			Operating account

18. Staffing Comparisons

Details of the Department's State Service staffing levels and their distribution between Outputs, the changes in the gender and age composition, information on the salary profile of both female and male employees and the basis upon which staff are employed by the Department are set out in the following tables. Also provided is a table showing the Department's full time and part time Non State Service staffing levels which includes Judicial and Statutory Officers.

Note: The *Public Sector Superannuation Reform Act 1999* requires that each agency must provide a statement in its Annual Report that it has met the requirements of the Commonwealth's *Superannuation Guarantee Act* in respect of those employees who are not covered by the provisions of the *Retirement Benefits Act 1993* or the TAS scheme. This Agency has met those requirements.

Table 18.1 Staffing comparisons – State Service – excluding casuals

Output Name	Persons 30 June 2002	Persons 30 June 2003	FTEs 30 June 2002	FTEs 30 June 2003
Administration of Justice				
Supreme Court Services (1)	37.0	35.0	34.5	32.1
Magisterial Court Services (2)	67.0	70.0	58.6	67.0
Enforcement of Monetary Penalties	10.0	12.0	10.0	12.0
Support & Compensation for Victims of Crime	3.5	4.0	3.5	3.5
Legal Aid	64.0	68.0	49.0	52.7
Mental Health Review & Guardianship Board Decisions	8.5	7.0	8.3	7.0
	190.0	196.0	168.9	174.4
Legal Services				
Crown Law	52.0	57.0	49.3	53.5
Legal Policy Advice & Law Reform	3.0	4.0	2.8	3.5
	55.0	61.0	52.1	57.0
Registration Services				
Births Deaths and Marriages (3)	18.0	12.0	12.3	12.0
Review Services				
Decisions on Complaints Referred to the Ombudsman, Health Complaints Commissioner and Freedom of Information	15.0	16.0	14.3	15.0
Anti - Discrimination Commission	8.0	12.0	7.6	11.6
	23.0	28.0	22.2	26.6
Electoral Services				
Elections and Referendums	10.0	11.0	9.2	10.2
Corrective Services				
Prison Service (4)	250.0	280.0	250.0	278.8
Community Corrections Service	45.0	44.0	41.4	42.9
	295.0	324.0	291.4	321.7

Table 18.1 Staffing comparisons – State Service – excluding casuals (continued)

Output Name	Persons 30 June 2002	Persons 30 June 2003	FTEs 30 June 2002	FTEs 30 June 2003
Other Services				
Supervision of Poppy and Hemp Crops	7.0	8.0	7.0	8.0
Consumer Services				
Maintenance of a Fair, Safe and Equitable Market Place	36.0	38.0	31.3	34.6
Industrial Relations Services				
Industrial Relations and Policy Advocacy Service	5.0	4.0	4.5	3.5
Services of the Tasmanian Industrial Commission	10.0	10.0	9.0	9.4
Workers' Rehabilitation and Compensation Tribunal Decisions	9.0	8.0	8.0	7.0
	24.0	22.0	21.5	19.9
Corporate Support	49.0	54.0	45.0	48.0
TOTALS	707.0	754.0	660.8	712.3

Notes:

1. The full time equivalent count as at 30/06/2002 in last year's annual report was shown as 39.5. This was incorrect. The correct figure of 34.54 is shown in the current report.
2. The full time equivalent count as at 30/06/2002 in last year's annual report was shown as 58.6. This was incorrect. The correct figure of 63.6 is shown in the current report.
3. Nine disabled persons, engaged on a project to transfer Births, Deaths and Marriage data from manual records to an electronic format, ceased their fixed term part time employment during the first half of the financial year.
4. The Prison Service has seen an increase over the twelve months. An increase has occurred in custodial staff in particular in the prison hospital. A further increase in staff associated with non-custodial roles ie administrative roles (such as in the Prison Corporate area), Prisoner Services Unit positions and operational positions (such as Food Services and Fire Management) has also occurred.

Table 18.2 Staffing comparisons – non State Service employees

Output Name	Persons 30 June 2002	Persons 30 June 2003	FTEs 30 June 2002	FTEs 30 June 2003
Administration of Justice				
Supreme Court Services	7.0	7.0	7.0	7.0
Magisterial Court Services	12.0	12.0	12.0	12.0
Mental Health Review & Guardianship Board Decisions	1.0	2.0	0.6	1.2
	20.0	21.0	19.6	20.2
Legal Services				
Crown Law	2.0	2.0	2.0	2.0
Industrial Relations Services				
Services of the Tasmanian Industrial Commission	3.0	3.0	3.0	3.0
Workers Rehabilitation and Compensation	2.0	2.0	2.0	2.0
	5.0	5.0	5.0	5.0
TOTALS	27.0	28.0	26.7	27.2

Table 18.3 Comparison of employees by gender and age (excluding casuals) as at 30 June

Age Range	Females	Females	Males	Males	Total	Total
	2002	2003	2002	2003	2002	2003
15-19	5	3	1	0	6	3
20-24	26	30	8	8	34	38
25-29	31	26	12	20	43	46
30-34	56	59	51	44	107	103
35-39	54	59	48	50	102	109
40-44	36	45	69	78	105	123
45-49	42	49	60	64	102	113
50-54	46	48	68	64	114	112
55-59	30	30	38	47	68	77
60-64	8	10	18	17	26	27
65 +	0	2	0	1	0	3
TOTAL	334	361	373	393	707	754

Table 18.4 Salary profile as at 30 June 2003

Salary Range	No. of Employees		
	Female	Male	Total
Under 25,000	3		3
\$25,001-\$30,000	15	9	24
\$30,001-\$35,000	126	174	300
\$35,001-\$40,000	64	58	122
\$40,001-\$45,000	42	21	63
\$45,001-\$50,000	39	47	86
\$50,001-\$55,000	28	14	42
\$55,001-\$60,000	16	15	31
\$60,001-\$65,000	14	17	31
\$65,001-\$70,000	5	4	9
Over \$70000+	9	34	43
Total	361	393	754

Table 18.5 Authority profile of employees as at 30 June 2003

Authority	Female	Male	Total
STATE SERVICE STAFF			
Head of Agency, Prescribed			
Officers & Senior Executives	3	10	13
Permanent Full Time	206	320	526
Permanent Part Time	57	5	62
Fixed Term Full Time	64	57	121
Fixed Term Part Time	31	1	32
Fixed Term Casual *	49	26	75
NON STATE SERVICE			
Full Time	3	23	26
Part Time		2	2
Total	413	444	857

* Staff who worked during 2002-03

19. Senior Officers of the Department

Office of the Secretary

Secretary	Richard Bingham
Deputy Secretary	Peter Hault
Principal Consultant, Office of the Secretary	Liz Little
Principal Consultant, Office of the Secretary	Jonathon Rees

Administration of Justice

Registrar, Supreme Court	Ian Ritchard
Administrator of Magistrates Court	Jim Connolly
Manager, Fines Enforcement	Seth Hills
Manager, Victims Assistance Unit	Debra Rabe
Director, Legal Aid Commission	Norman Reaburn
President, Mental Health Tribunal	Debra Rigby
President, Guardianship and Administration Board	Anita Smith
Registrar, Guardianship Board and Mental Health Tribunal	Steve Clennett

Legal Services

Solicitor-General	W C R Bale QC
Crown Solicitor	Cameron Leslie
Director of Public Prosecutions	Tim Ellis SC
Manager Crown Law	Tracey Rodgers
Director, Office of Legislation Development and Review	Lisa Hutton

Registration Services

Registrar of Births, Deaths and Marriages	Tony Wright
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Review Services

Ombudsman, Health Complaints Commissioner, Electricity Ombudsman	Jan O'Grady
Anti-Discrimination Commissioner	Jocelyne Scutt

Electoral Services

Chief Electoral Officer	Bruce Taylor
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Corrective Services

Director of Prisons	Graeme Barber
Director of Community Corrections	Beth Chapman

Other Services

Manager, Poppy Advisory and Control Board	Terry Stuart
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Consumer Services

Director of Consumer Affairs and Fair Trading	Roy Ormerod
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Senior Officers of the Department (Continued)

Industrial Relations Services

Director, Industrial Relations and Policy Advocacy	Clive Willingham
President, Tasmanian Industrial Commission	Patricia Leary
A/Registrar, Tasmanian Industrial Commission	Allan Mahoney
Chief Commissioner, Workers Rehabilitation and Compensation Tribunal	Steve Carey
Registrar, Workers Rehabilitation and Compensation Tribunal	Earl Simmons

Corporate Services

Director, Corporate Services	Brian Smith
Manager Finance	Kaylene Bently
Manager, IT Services	Andrew Schulze
Manager, Library and Records	Alison Jekimovics
Manager Human Resources	Linda Urh

20. Format of this Report

Legislative Requirements

This Report includes specific information required under statute, by the Auditor-General or by the Treasurer's Instructions.

In particular, the Report on the functions and exercise of powers of the Secretary, Department of Justice and Industrial Relations required by the *State Service Act 2000*, Section 36(1)(c), the *State Service Regulations 2001*, Regulation 9, and the *Financial Management and Audit Act 1990*, Section 27(1), is contained within the various sections of the Report.

A compliance index, which provides a guide to the other legislative requirements, and the way in which this Report deals with them, is included at the end of this section.

Court Functions

The Department provides administrative support to the Supreme and Magistrates Courts. Consistent with the principle of judicial independence, these Courts do not form part of the Executive.

As a result of legislation passed by the Parliament early in the 2000-01 financial year, both the Supreme Court and the Magistrates Court now prepare separate Annual Reports.

Reports of Statutory Officers

The Solicitor-General, the Director of Public Prosecutions, the Ombudsman, the Health Complaints Commissioner, and the Anti-Discrimination Commissioner are independent officers who report separately to Parliament. The Parole Board also reports separately to Parliament. The Legal Aid Commission reports separately to the Attorney-General.

In each case, this Annual Report contains only a brief outline of the functions of each office or organisation. Readers are referred to the Annual Reports from these statutory officers for further information.

The following senior statutory office holders employed in the Agency do not report independently to Parliament, and their reports are therefore required to be included in this Report (*State Service Act 2000*, Section 36(1)(c), *State Service Regulations 2001*, Regulation 9, *Financial Management and Audit Act 1990*, Section 27(1)):

- The Report of the Registrar of Births, Deaths and Marriages is included within Section 6: Registration Services (page 31).
- The Report of the Chief Electoral Officer is included within Section 8: Electoral Services (page 39).

- The Report of the Director of Corrective Services is included within Section 9: Corrective Services (page 44).
- The Report of the Director of Consumer Affairs is included within Section 11: Consumer Services (page 68). The Director is also required to present a separate report under the *Consumer Credit (Tasmania) Act 1996*, section 11, and this appears at page 110

Index to Legislative Compliance

REQUIREMENT	LEGISLATION	SECTION OF THIS REPORT
	<i>State Service Act 2000 s.36(1)(c) State Service Regulations 2001 Regulation 9</i>	
Overview of Strategic Plan	<i>R9(a)(i)</i>	Overview, page 4
Organisation Chart	<i>R9(a)(ii)</i>	Organisation of the Department, page 7 Location of Services, page 96 Senior Officers, page 105
Organisational structure and program management structure relationship	<i>R9(a)(iii)</i>	Output Structure and Organisational Responsibility, page 8
Major changes in programs, aims, functions or organisational structure	<i>R9(a)(iv)</i>	Output Reports, commencing on page 15
Major initiatives to develop and give effect to Government policy	<i>R9(a)(v)</i>	Output Reports, commencing on page 15
Recruitment policies and programs	<i>R9(b)(i)</i>	Human Resources Issues, page 90
Officer and employee development activities	<i>R9(b)(ii)</i>	Human Resource Issues, page 85
Workplace diversity programs	<i>R9(b)(iii)</i>	Workplace Diversity, page 84
Processes established to ensure employee participation in industrial relations matters and any disputes affecting the Agency	<i>R(9)(b)(iv)</i>	Human Resource Issues, page 91
Internal grievance procedures	<i>R(9)(b)(v)</i>	Human Resource Issues, page 91
Occupational health and safety strategies	<i>R(9)(b)(vi)</i>	Workplace Health and Safety, page 90
Community awareness, services and publications	<i>R(9)(c)(i)</i>	Output Reports, commencing on page 15 Publication, page 116
Contact officers and points of public access	<i>R(9)(c)(ii)</i>	Output Reports, commencing on page 15 Location of Services, page 96
Appeal processes	<i>R(9)(c)(iii)</i>	Ombudsman, page 35
Legislation administered by the Agency	<i>R(9)(d)</i>	Legislation administered by the Department, page 92
Contracts and consultancies awarded	<i>Financial Management and Audit Act 1990 s.27(1)(c)</i>	Contracts and Consultancies Awarded 2002-03, page 112
Financial Statements	<i>Financial Management and Audit Act 1990 s.27(1)(c)</i>	Financial Statements, page 118
Auditor-General's Report on Financial Statements	<i>Financial Management and Audit Acts, 27(1)(c).</i>	Auditor-General's Report, Financial Statements, page 151

21. Consumer Credit (Tasmania) Code

The following is a report on the administration of the Consumer Credit (Tasmania) Code by the Director of Consumer Affairs and Fair Trading as required by section 11 of the *Consumer Credit (Tasmania) Act 1996*.

Background

The *Consumer Credit (Tasmania) Act 1996* commenced on 15 October 1996 as part of a uniform national scheme and adopts the Consumer Credit Code and the Consumer Credit Regulations in Tasmania.

The Uniform Consumer Credit Code is underpinned by the Uniform Credit Laws Agreement of 1993 and is administered nationally by the Ministerial Council of Consumer Affairs. All states and territories, except Tasmania and Western Australia, adopted the Queensland template Code by passing enactment of laws legislation.

The Queensland Parliament, following approval by the Ministerial Council, makes amendments to the Code and the Regulations. In those jurisdictions with template Acts, amendments made in Queensland are adopted automatically. Western Australia adopted alternative consistent legislation, which requires local Parliamentary approval of amendments. Tasmania adopted a modified template approach where amendments are adopted by proclamation but a draft of the proclamation must first be approved by the Parliament.

The Impact of the Code During 2002-2003

Compliance and market issues

Valuation Fees prohibited

The principal issue identified during 2002/3 was a local practice of lending money for household white goods and charging high valuation fees. Not only was the money lent at high interest rates but also high valuation fees were capitalised as part of the amount financed. In addition, there was some doubt about the application of the Code to contracts for the sale of goods by instalment. The *Consumer Credit (Tasmania) Amendment Act 2003* removed doubt about the application of the Code to goods sold by instalment and prohibited valuation fees for household goods.

Payday Lending

The *Payday Lenders Moratorium Act 2001* lapsed in December 2002. This Act was originally introduced to prevent exploitation of Tasmanian consumers while policy issues were resolved on a national basis. Uniform amendments to the Code were adopted prior to December to ensure that the Code applies to certain types of payday loans. The Ministerial Council is considering further intervention to deal with high cost loans and has sought public input on a discussion paper detailing a range of options.

National Administration of the Code

On a national basis, the Uniform Consumer Credit Management Committee (UCCMC), which comprises officials from all jurisdictions, manages operational aspects of the Code. UCCMC has responsibility for liaison with industry and

consumer organisations and in making recommendations on amendments to the Code in consultation with the Consumer Credit Code Legislative Working Party. Victoria is currently the national Chair of UCCCMC.

Consumer Credit Code Review

The Post Implementation Review of the Code, comprising a stage 1 policy review and a stage 2 National Competition Policy Review of the Code, has been completed.

It is anticipated that a series of amendments will arise from this review and will be implemented during 2004. The amendments will involve simplification of the disclosure regime and amendments to facilitate electronic commerce. There will be extensive consultation with stakeholders in relation to these changes.

Mandatory Comparison Rate Bill

During 2002, the Template Act was amended by the *Consumer Credit Code (Queensland) Amendment Act 2002*, which mandates a comparison rate for fixed term credit products. The comparison rate incorporates fees and charges and establishes a single rate that represents the total cost of credit. The provisions commenced on 1 July 2003. The Ministerial Council will monitor the impact of the provisions to ensure their effectiveness and to determine whether it is feasible to extend the provisions to continuing credit products.

Mortgage and Finance Brokers

Mortgage lending continues to be an issue in the community and a working party of the Standing Committee of Officials on Consumer Affairs considered a range of options during July 2003. The Ministerial Council has endorsed a general approach and a national legislative framework is currently being developed.

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22. Contracts and Consultancies Awarded

Table 22.1 Contracts with a value greater than \$50,000 for 2002-03

Name of Contractor	Location of Contractor	Description of Contract	Length of Contract	Total \$
Matrix Management Group Pty Ltd and Wilde & Woollard Pty Ltd	TAS	Quantity Surveying Services	-	470,100
Interlink Workspace	TAS	Workstations - Trafalgar Building	-	94,640
Co-operative Motors Ltd	TAS	10,000 kg GVM Truck - Measurement Standards	-	50,700
Mettler-Toledo Ltd	VIC	Specialist Measurement Equipment	-	94,272
Advanced Security Systems	NSW	Risdon Prison CCTV	-	110,052
De Jong & Sons Pty Ltd	TAS	Tasmanian Industrial Commission (Office Works Level 4, 39 Davey Street Hobart)	2 months	96,626
Tascon Pty Ltd	TAS	Risdon Prison Cell Remedial Works	3 months	300,000
Lifeline Hobart and Lifeline North and North West	TAS	Services to Victims of Crime	3 years	296,258

Table 22.2 Consultants with a value greater than \$50,000 for 2002-03

Name of Contractor	Location of Contractor	Description of Contract	Length of Contract	Total \$
Bush Parkes Shugg & Moon Pty Ltd	TAS	PIRP Stage C -Design Services - Architecture	6 months	2,530,250
GHD Pty Ltd	TAS	PIRP Stage C -Design Services - Mechanical & Electrical Engineering	6 months	608,720
Johnstone McGee & Gandy Pty Ltd	TAS	PIRP Stage C -Design Services - Civil, Structural & Environmental Engineering	6 months	1,130,000
CCD Pty Ltd	VIC	PIRP Stage C -Design Services - Hydraulic Engineering	6 months	203,383
Connel Mott MacDonald Pty Ltd	VIC	PIRP Stage C -Design Services - Fire Engineering	6 months	204,550
Barry Webb & Assoc Pty Ltd	QLD	PIRP Stage C -Design Services - Security & Communications Engineering	6 months	718,029
Barwick & Assoc and Prue Slatyer Design	TAS	PIRP Stage C -Design Services - Landscape Architecture	6 months	141,235
Roy Cordiner	TAS	PIRP Project Advisory Service - Post Stage C	-	75,000
Knowledge Consulting Pty Ltd	QLD	PIRP Corrections Advisory Service	-	75,000

**Table 22.3 Summary of Participation by Local Business for 2002-03
(for contracts and tenders greater than \$50,000)**

Total number of contracts awarded	17
Total number of contracts awarded to Tasmanian suppliers	11
Total value of contracts awarded	7,198,815
Total value of contracts awarded to Tasmanian suppliers	5,793,529
Total number of tenders called	16
Total number of bids received	82
Total number of bids received from Tasmanian businesses	57

Table 22.4 Consultancy contracts with a value less than or equal to \$50,000 for 2002-03

Name of Consultant	Description of the contract	Value \$
Alphawest	Network Consulting	9,900
Anna Campbell	Assessment Stenographic Support for PIRP tender	1,450
Anne Cunningham	Conciliation Conferences	1,656
Barnes-Keoghan Consulting	CCMS System Maintenance	4,455
Barnes-Keoghan Consulting	CICA Conversions - Victims Assistance Unit	420
Barnes-Keoghan Consulting	Data Work - Elections	5,513
Barnes-Keoghan Consulting	Data Entry Project - Births, Deaths and Marriages	11,610
Brian Risby	Statutory Planning Services	29,017
Butler McIntyre & Butler	Inquest Services	3,630
Butler Consultancy Pty Ltd	Data Entry Project - Births, Deaths and Marriages	2,775
Butler Consultancy Pty Ltd	Open Practice System Upgrade	9,863
Carol Farbotko	Walker Model - PIRP	2,910
CMI Consultants	Anti-Discrimination Commission	13,500
CMI Consultants	Health Complaints Commission	20,940
CMI Consultants	Tas Industrial Commission	700
Community Focus	Meeting Facilitation - PIRP	19,160
Connell Mott MacDonald	Fire Safety Report/Schematic Design - PIRP	46,550
Corporate Risk Solutions	Risk Management Consultancy	20,934
D J Asten	Technical Advice Electricity Ombudsman	3,164
David Menzies Architects	Architect Services - Hayes Shower Block	14,980
David Menzies Architects	Architect Services - Trafalgar Office	45,727
Davis Langdon Australia	Quantity surveying services	41,055
Deloitte Touche Tomatsu	Probity Advice - Mortuary Ambulance	920
Deloitte Touche Tomatsu	Probity Advice - PIRP	30,580
Department of Premier and Cabinet	Rehabilitation/Nature Conservation Report - PIRP	1,509
Department of Premier and Cabinet	Monetary Penalties Project - Quality Review	2,730
Department of Premier and Cabinet	Project Quality Advisory Service - PIRP	2,485
Dr Sonia Grover	Reports for Guardianship Board	2,000

Eijdenberg Graphic Design	Graphic design services - PIRP	2,611
Elaine Stratford	Research Services - PIRP Stage C: Demand Analysis	6,364
Elizabeth Hallam	Consultancy - Health Complaints	600
Farley Consulting Group	Meeting Facilitation - Hayes	1,712
Fire Fighting Enterprises	Upgrade and installation of fire panel	18,000
Frances Killion & Associates	Workshop/Transport Special Visitors	800
GHD Management Engineering	Technical Advice - Electricity Ombudsman	180
Greening Australia	Horticultural Services - PIRP	23,018
HEMSEM	Human Resources Case Review	750
Human Solutions Pty Ltd	Scope study for website development	9,091
Image World	Perpetrator Scoping Report	1,509
Independent Energy Advisory Services	Technical Advice Electricity Ombudsman	888
Information Solution Works	System Service and Consulting - CRIMES	21,925
IPP Consulting	Video Conference Maintenance Tender	10,000
Johnstone McGee Gandy Pty Ltd	Northern Courts Maintenance Management	4,162
Johnstone McGee Gandy Pty Ltd	Advice on Fire Services Tender	2,900
Julia Dineen Designer	Web Page Design	2,423
Julie Davidson	Research Services - PIRP Stage C: Demand Analysis	6,818
Keith Drew Architects	Architect Services for Office Accommodation Risdon - PIRP	40,663
Knowledge Enterprises (Australia) Pty Ltd	Corrections advisory services	3,920
KPMG	Financial Appraisals - PIRP	2,713
Lifestyle Management Systems	Ergonomic Assessment and Training	4,208
Lifestyle Management Systems	Workshops (Stress Detective)	3,190
Matt Bradshaw	Research Services - PIRP Stage C: Demand Analysis	16,809
Melanie Bartlett	Conference - Magistrates Court	434
Noga Consulting Services Pty Ltd	Cultural Survey and Meeting Facilitation - Risdon	8,154
Noga Consulting Services Pty Ltd	PIRP	10,000
Paul Davies Pty Ltd	Consultancy - Risdon Prison	6,576
Personal Strengths (Aust)	Development Workshops - Risdon Prison	2,520
Peter Sharman	Prison Services Health Project	7,188
Philip Lighton Architects	Burnie Courts Lift Car Installation	23,570
Positive Solutions	Pre-mediation Services	200
Price Waterhouse Coopers	Poppy Licensing Scoping Report	10,497
Quill Australia Pty Ltd	Business Processes for Preferred Methodology Report - MPEP	21,000
Quill Australia Pty Ltd	Costing model/data migration for business case - MPEP	18,000
Quill Australia Pty Ltd	Life of IT Systems Report - MPEP	14,000
Quill Australia Pty Ltd	Present Progress Consultancy MPEP	41,400
Quill Australia Pty Ltd	IT Options Project - MPEP	20,000
Quill Australia Pty Ltd	Design specifications document - MPEP	29,600
Quill Australia Pty Ltd	Design of reports - MPEP	21,000

Quill Australia Pty Ltd	Microsoft Project Schedule - MPEP	8,500
Quill Australia Pty Ltd	Develop Training Plans for CIS/OIS	5,945
QX Management & Training	Frontline Workshop - Ombudsman	7,550
Roy H Cordiner	Probity Advisory Services - Magistrates Court	2,340
Roy H Cordiner	Probity Advisory Services - Victims of Crime	1,850
SEMF Holdings Pty LTd	Assessment of data wiring on Trafalgar	510
SGS Australia Pty Ltd	Surveillance Audit	960
Skytron Pty Ltd	Technical Advice - Electricity Ombudsman	480
Stephen Firth	Architectural services	14,450
StudioQ	Post Meeting Analysis - Victims of Crime	1,085
StudioQ	Specification Design for CIS	735
Tasmanian Electrical Security Co	Technical Advice - Electricity Ombudsman	390
Tasmanian Fire Service	Building Plan Report	170
Technology One	FMIS Maintenance	14,910
Thomas Whayman & McCarthy	EEO Investigation	7,178
Tony Peters	Risdon traffic access study services	1,800
University of South Australia	Prisoner rehabilitation and prisoner programs consultancy service	3,644
University of Tasmania	Research papers on Community Corrections Services	4,500
University of Tasmania	Adoption by Same Sex Couples Project	21,849
University of Tasmania	Inside Out Evaluation	6,500
Verdant Programming Pty Ltd	Raemoc System Support	5,512
Veronika Maddock	Human Resource Management Advice	1,680
William C Cromer Pty Ltd	Geotechnical Services - PIRP	7,613
Wise Lord & Ferguson	Team Building Session	790
Wise Lord Consulting Pty Ltd	Coaching Sessions	4,390
J McL Hunn	Health Complaints Review	1,500

23. Departmental Publications

In addition to the Annual Reports which are made available through the internet, the following publications were made available by the Department during 2002-03.

Ombudsman

- 'Do you have a complaint about Government Services?' (Brochure)
- 'Don't Waste Your Complaint' (Brochure)
- Ombudsman 'Fact' sheet (Brochure)

Health Complaints Commissioner

- Information for health care providers (Brochure)
- Information for users of health care services (Brochure)
- Tasmanian Charter of Health Rights and Responsibilities (Brochure)
- Health Complaints 'Fact' sheet (Brochure)

Freedom of Information Advisory Service

- A users guide (Brochure)

Anti-Discrimination Commissioner

- ADC Tasmania
- What is discrimination and what can you do about it?
- Timelines - Claim Processes
- Community Education
- Representation
- Anti-Discrimination Australia (Training)
- Bullying
- What happens to my claim?
- Conciliation Conference
- How to lodge a claim
- What is Sexual Harassment?
- Age Discrimination
- How to Advertise without Discriminating!
- Who can make a Discrimination Claim? Agents and Claims 'on Behalf of' Another Person.
- Disability Discrimination
- Witness Statements or Other Information.
- Discrimination and Pregnant Workers
- Rights and Obligations of Claimants & Respondents
- Responding to a Claim of Discrimination.

Answering the Commission's Questions in a Discrimination Claim

What is Section 97? Can I be required to provide answers to the Commission?

Employers & Service Providers

Workplace Diversity -1

Tasmanian Industrial Commission

Decision Summary – a list of all decisions of the Commission each Month

24. Financial Statements

For the year ended 30 June 2003

**DEPARTMENT of JUSTICE AND INDUSTRIAL RELATIONS
FINANCIAL STATEMENTS**

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*STATEMENT OF COMPLIANCE WITH CONSOLIDATED FUND APPROPRIATION AND
OTHER EXTERNAL REQUIREMENTS*

FOR THE YEAR ENDED 30 JUNE 2003

	Note	2002 Actual \$'000	2003 Estimate \$'000	2003 Actual \$'000	Variation \$'000
OPENING BALANCE		5,244	4,537	6,275	(1,738)
Receipts					
Consolidated Fund					
Recurrent Services		48,834	49,372	52,007	(2,635)
Works and Services		1,315	4,309	4,309	
Reserved by Law		9,896	10,537	10,628	(91)
Total Consolidated Fund		60,045	64,218	66,944	(2,726)
Other Receipts					
Proceeds from sale of assets					
Commonwealth receipts not paid into Consolidated Fund		47	86	56	30
Non-government contribution		1,040	1,053	1,195	(142)
Department revenue not paid into Consolidated Fund		13,742	12,753	18,008	(5,255)
GST collections and input tax credits		2,329	1,700	2,831	(1,131)
Total Other Receipts		17,158	15,592	22,090	(6,498)
TOTAL SOURCE OF FUNDS		82,447	84,347	95,309	(10,962)
EXPENDITURE BY OUTPUTS					
Output Group 1 – Administration of Justice					
1.1 – Supreme Court Services	1	5,837	5,509	6,335	(826)
1.2 – Magisterial Court Services	2	7,921	7,761	8,374	(613)
1.3 – Enforcement of Monetary Penalties		1,480	1,852	1,930	(78)
1.4 – Support and Compensation for Victims of Crime	3	374	434	566	(132)
1.5 – Legal Aid	4	5,954	5,899	6,429	(530)
1.6 – Mental Health Tribunal and Guardianship Board Decisions		1,001	1,047	1,052	(5)
Total Output Group		22,566	22,502	24,686	(2,184)
Output Group 2 – Legal Services					
2.1 – Crown Law	5	5,422	5,549	5,924	(375)
2.2 – Legal Policy Advice		560	531	553	(22)
Total Output Group		5,982	6,080	6,477	(397)
Output Group 3 – Registration Services					
3.1 – Birth, Deaths and Marriages	6	861	710	1,146	(436)
Total Output Group		861	710	1,146	(436)

**STATEMENT OF COMPLIANCE WITH CONSOLIDATED FUND APPROPRIATION
AND OTHER EXTERNAL REQUIREMENTS
FOR THE YEAR ENDED 30 JUNE 2003 (continued)**

	Note	2002 Actual \$'000	2003 Estimate \$'000	2003 Actual \$'000	Variation \$'000
Output Group 4 – Review Services					
4.1 – Decisions on Complaints Referred to the Ombudsman and Health Complaints Commissioner and Freedom of Information		1,383	1,598	1,554	44
4.3 – Anti Discrimination Commissioner	7	782	769	827	(58)
Total Output Group		2,165	2,367	2,381	(14)
Output Group 5 – Electoral Services					
5.1 – Elections and Referendums	8	1,720	4,358	4,085	273
Total Output Group		1,720	4,358	4,085	273
Output Group 6 – Corrective Services					
6.1 – Prison Services	9	22,840	21,519	24,154	(2,635)
6.2 – Community Corrective Services		3,301	3,262	3,210	52
Total Output Group		26,141	24,781	27,364	(2,583)
Output Group 7 – Other Services					
7.1 – Supervision of Poppy and Hemp Crops		573	586	609	(23)
Total Output Group		573	586	609	(23)
Output Group 8 – Consumer Services					
8.1 – Maintenance of Fair, Safe and Equitable Market Place		2,829	2,702	2,625	77
Total Output Group		2,829	2,702	2,625	77
Output Group 9 – Industrial Relations Services					
9.1 – Industrial Relations and Policy Advocacy Services		460	472	475	(3)
9.2 – Services of the Tasmanian Industrial Commission	10	1,849	1,889	1,600	289
9.4 – Workers Rehabilitation and Compensation Tribunal		1,159	1,147	1,130	17
Total Output Group		3,469	3,508	3,204	304
TOTAL		66,306	67,594	72,578	(4,984)
ADMINISTRATIVE PAYMENTS	12	8,455	7,970	9,523	(1,553)
CAPITAL INVESTMENT PROGRAM		1,315	4,309	4,350	(41)
INFRASTRUCTURE PROGRAM		96		21	(21)
TOTAL OUTPUT EXPENDITURE		76,172	79,873	86,472	(6,599)
CLOSING BALANCE		6,275	4,474	8,837	(4,363)

**STATEMENT OF ITEMS RESERVED BY LAW
FOR THE YEAR ENDED 30 JUNE 2003**

	Note	2002 Actual \$'000	2003 Estimate \$'000	2003 Actual \$'000	Variation \$'000
Items Reserved by Law					
R008 – Salary Solicitor General		244	251	257	(6)
R009 – Salary Director of Public Prosecution		258	269	273	(4)
R010 – Salaries of Magistrates		2,267	2281	2,404	(123)
R011 – Salaries of Judges		1,538	1622	1,602	20
R012 – Salary and Travelling Allowance, Master of the Supreme Court		217	226	225	1
R051 – Expenses of Parliamentary Elections and By-Elections		650	2356	2,232	124
R072 – Criminal Injuries Compensation Act 1976 Section 11 (4) Payments		4,715	3512	3,631	(119)
R075 – Expenses under the Legislative Council Electoral Boundaries Act 1955		2	10	3	7
R077 – Expenses of Aboriginal Land Council of Tasmanian Elections		9	10	1	9
Total		9,900	10,537	10,628	(91)

THE PURPOSE OF EACH SPECIAL DEPOSIT AND TRUST FUND ACCOUNT

ACCOUNT NUMBER AND NAME	ACCOUNT PURPOSE
T404 – Prisoner Earnings Deposit Account	To record transactions related to earnings and allowances paid to inmates of the Prison.
T434 – Magistrates Court (Civil Division) Litigants	This account was established in accordance with the provisions of the Local Courts Act 1896 to record transactions.
T451 – Appeals Cost Fund Deposit Account	This account was established in accordance with the Appeals Cost Fund Act 1968 to record transactions for fees collected and payments to persons who appeal to a higher jurisdiction where payment is authorised by the registrar of the Supreme Court
T460 – Supreme Court Suitors Fund Deposit Account	To record transactions relating to payments into the Supreme Court pending settlement of civil cases.
T516 – Department of Justice and Industrial Relations Operating Account	To record transactions within the Department's operating Account.
T658 – Local Government and Other Elections Operating Account	To record transactions associated with the conduct of local government and other elections by the Electoral Office.
T740 – Criminal Injuries Fund	To record transactions associated with the receipt of funds and subsequent disbursement of those funds in accordance with section 38 of the Criminal Injuries Compensation Amendment Act 1996.
T764 – Crime (Confiscation of Profits) Account	This account was established in accordance with the provisions of the Crime (Confiscation of Profits) Act 1993 to record transactions related to the confiscations of profits.
T766 – Criminal Injuries Compensation Fund	This account was established with the provisions of the Criminal Injuries Compensation Act to record transactions related to criminal injuries compensation.

**EXPLANATION OF MATERIAL VARIANCES BETWEEN
APPROPRIATION AND EXPENDITURE
FOR YEAR ENDED 30 JUNE 2003**

1. The Supreme Court incurred additional expenditure in relation to the cost of jurors and witnesses. Additional funding amounting to \$200,000 was provided in accordance with Section 11(2) of the Public Account Act 1986. The remainder of the variance relates to disbursements to third parties from funding held in the Special Deposits and Trust Fund.
2. Additional funding was provided to cover the cost of additional security measures at the Launceston Magistrates Court and to correct the Reserve By Law estimate for Magistrates salaries and associated costs. Funding amounting to \$241,000 was provided in accordance with Section 11(2) of the Public Account Act 1988.
3. Additional funding was provided to cover the cost the Victims of Crime Counselling Service. This service was tendered during the year and the price of this service was considerably higher than the previous contract. Funding amounting to \$131,000 was provided in accordance with Section 11(2) of the Public Account Act 1988.
4. The increased expenditure is the result of a change in accounting processes to reflect the correct expenditures for Legal Aid.
5. The variation is the result of higher than anticipated expenditure, which is funded from commercial revenue earned and retained in the Special Deposits and Trust Fund.
6. Additional funding amounting to \$100,000 was provided in accordance with Section 11(2) of the Public Account Act 1988. This additional expenditure was offset by increased revenue collections.
7. Funding was transferred from savings in Output Group 9 to cover additional expenditure.
8. The variation is the result of lower than anticipated expenditure from Reserved By Law items and the Special Deposits and Trust Fund for House of Assembly elections and Local Government elections.
9. Funding amounting to \$2.1million was provided to cover the cost of additional operating costs at the Prison. This funding was provided in accordance with Section 11(2) of the Public Account Act 1988.
10. The reduction is the result of savings in operational expenditure. These savings were used to fund over-expenditure in other Output Groups.
11. Additional funding was provided to cover the cost of additional expenditure on victims of crime compensation claims. The remainder of the variation relates to higher than anticipated expenditure from administered Trust Accounts, primarily GST.

STATEMENT OF FINANCIAL PERFORMANCE

FOR THE YEAR ENDED 30 JUNE 2003

	Notes	2003 \$'000	2002 \$'000
Revenue from ordinary activities			
Recurrent appropriations		52 008	48 834
Other appropriations		6 996	5 184
Capital appropriations		4 309	1 315
Commonwealth grants		57	47
User charges	3.1	5 767	6 522
Gross proceeds from the disposal of assets		-	-
Other revenue from ordinary activities	3.2	10 014	6 378
Recognition of assets not previously identified	6.5	1 371	-
Total revenue from ordinary activities		<u>80 522</u>	<u>68 280</u>
Expenses from ordinary activities (excluding borrowing costs)			
Employee entitlements	4.1	48 310	41 260
Depreciation and amortisation	4.2	2 782	5 502
Grants and Subsidies	4.3	3 422	3 197
Other expenses from ordinary activities	4.4	26 094	22 315
Loss on asset valuation write-downs	6.5	4 976	-
Total expenses from ordinary activities (excluding borrowing costs)		<u>85 584</u>	<u>72 274</u>
Borrowing costs expense		<u>-</u>	<u>-</u>
Net operating surplus (deficit) from ordinary activities		<u>(5062)</u>	<u>(3 994)</u>
Equity interests			
Net surplus (deficit) attributable to the State			-
			-
Net increase (decrease) to asset revaluation reserve		13 102	-
			-
Direct changes to equity on implementation of new accounting standards			-
			-
Total revenues, expenses and valuation adjustments recognised directly in equity			-
			-
Total changes in equity other than those resulting from transactions within Tasmanian State Government in its capacity as owner		<u>8 040</u>	<u>(3 994)</u>

The above Statement of Financial Performance should be read in conjunction with the accompanying notes.

STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2003

	Notes	2003 \$'000	2002 \$'000
Assets			
Current assets			
Cash on hand and deposit accounts	6.1	6 088	3 023
Receivables	6.2	728	1 796
Other current assets	6.3	318	252
Total current assets		<u>7 134</u>	<u>5 071</u>
Non-Current assets			
Plant equipment and vehicles	6.4	2 050	1 137
Land and buildings	6.4	51 602	68 234
Prison Buildings and Structures	6.4	22 840	-
Other non-current assets	6.4	1 105	1 179
Total non-current assets		<u>77 597</u>	<u>70 550</u>
Total assets		<u>84 731</u>	<u>75 621</u>
Liabilities			
Current liabilities			
Employee entitlements	7.1	5 689	4 785
Payables		1 510	1 221
Other current liabilities			263
Total current liabilities		<u>7 199</u>	<u>6 269</u>
Non-current liabilities			
Employee entitlements	7.1	5 324	5 184
Total non-current liabilities		<u>5 324</u>	<u>5 184</u>
Total Liabilities		<u>12 523</u>	<u>11 453</u>
Net assets (liabilities)		<u>72 208</u>	<u>64 168</u>
Equity			
Asset Revaluation Reserve		13 102	
Equity		59 106	64 168
Total Equity		<u>72 208</u>	<u>64 168</u>

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30 JUNE 2003

	Notes	2003 \$'000	2002 \$'000
Cash flows from operating activities			
Cash inflows			
Recurrent appropriations		59 004	54 018
Capital appropriations		4 309	1 315
Commonwealth grants		57	47
User charges, fees and fines		4 797	4 573
GST refunds		-	-
Other cash receipts		11 703	6 802
Total cash inflows		79 870	66 755
Cash outflows			
Employee entitlements		47 101	40 385
GST payments		-	-
Other cash payments		28 748	25 261
Total cash outflows		75 849	65 646
Net cash from (used by) operating activities		4 021	1 109
Cash flows from investing activities			
Cash inflows			
Gross proceeds from the disposal of assets		-	-
Total cash inflows		-	-
Cash outflows			
Payments for acquisition of assets		355	450
Total cash outflows		355	450
Net cash from (used by) investing activities		(355)	(450)
Net increase (decrease) in cash held		3 666	659
Correction of Westpac Clearing Account		(601)	-
Cash at the beginning of the reporting period		3 023	2 364
Cash at the end of the reporting period		6 088	3 023

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Notes To And Forming Part Of The Financial Statements
FOR THE YEAR ENDED 30 JUNE 2003

Note	Description
1.	Summary of significant accounting policies
1.1.	Objectives and funding
1.2.	Basis of accounting
1.3.	Revenue from ordinary activities
(a)	<i>Revenues from Government – Appropriation</i>
(b)	<i>Commonwealth grants</i>
(c)	<i>User charges</i>
(d)	<i>Interest</i>
(e)	<i>Taxation, fees and fines</i>
(f)	<i>Gross proceeds from the disposal of assets</i>
(g)	<i>Resources received free of charge</i>
(h)	<i>Assets assumed/(liabilities transferred)</i>
(i)	<i>Other revenue from ordinary activity</i>
(j)	<i>Correction of fundamental errors</i>
1.4.	Expenses from ordinary activities
(a)	<i>Employee entitlements</i>
(b)	<i>Depreciation and amortisation</i>
(c)	<i>Grants and subsidies</i>
(d)	<i>Written down value of disposed physical assets</i>
(e)	<i>Write down of assets</i>
(f)	<i>Resources provided free of charge</i>
(g)	<i>Correction of fundamental errors</i>
(h)	<i>Other expenses from ordinary activities</i>
1.5.	Assets
(a)	<i>Cash on hand and deposit accounts</i>
(b)	<i>Receivables</i>
(c)	<i>Inventories</i>
(d)	<i>Other assets</i>
(e)	<i>Property, plant, equipment, vehicles and infrastructure</i>
1.6.	Liabilities
(a)	<i>Payables</i>
(b)	<i>Provisions for employee entitlements</i>
(c)	<i>Superannuation</i>
1.7.	Leases
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6.	Assets	
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12.4.		Administered other cash payments
12.5.		Administered cash flow reconciliation
12.6.		Administered financial instruments terms, conditions and accounting policies

Note 1: Summary of Significant Accounting Policies

1.1 Objectives and Funding

The Department of Justice and Industrial Relation's vision is that:

'As a partner with other bodies in the community it will be the national leader in Government in managing systems of justice which are effective, and which enjoy the confidence of the community.'

Our success will be measured in accordance with the objectives of Government, and by:

- the confidence of the community in the justice system; and
- the extent to which the needs of users are met.

The Department seeks to act in accordance with the following values:

- equity;
- encouraging participation at all levels;
- a close focus on results;
- high standards of probity, integrity and conduct;
- a strong commitment to accountability;
- maximising the potential of individual employees; and
- ensuring a high quality of service.

To achieve its vision and to contribute to a just and safe society the Department will provide systems and services for the promotion and maintenance of rights and responsibilities, and the resolution of disputes, for the benefit of the Tasmanian Community.'

The Department recognises that in order to achieve the desired outcomes it must work closely with the community and other areas of government. In particular, it will coordinate, facilitate and monitor initiatives undertaken by the courts, Tribunals and statutory officers who are linked to the Department.

The Department of Justice and Industrial Relations provides administrative support for the Supreme and Magisterial Courts, the Tasmanian Industrial Commission, the Tasmanian Legal Aid Commission and the Workers' Rehabilitation and Compensation Tribunal. It also supports the statutory Offices of the Solicitor-General, the Director of Public Prosecutions, the Ombudsman, the Health Complaints Commissioner, the Electricity Ombudsman, the Legal Ombudsman and the Anti Discrimination Commissioner. Each of these areas are separately accountable to Parliament.

The Department includes Corrective Services, Crown Law, the Office of Consumer Affairs and Fair Trading, the Office of Industrial Relations, the Registries of Births, Deaths and Marriages and Business Affairs, the Tasmanian Electoral Office, the Public Guardian, the Guardianship and Administration Board, and the Poppy Advisory and Control Board.

The Department is predominantly funded through Parliamentary appropriations. The financial report encompasses all funds through which the Department controls resources to carry on its business.

In the process of preparing accrual based reports for the Department as a single entity, all intra-entirety transactions and balances have been eliminated.

1.2 Basis of Accounting

The financial statements are a general purpose financial report and have been prepared in accordance with:

the Treasurer's Instructions issued under the provisions of the Financial Management and Audit Act 1990 ; and

Australian Accounting Standards in particular AAS 29 'Financial reporting by Government Departments' and Urgent Issues Group Abstracts.

Except where stated, the financial statements have been prepared on an accrual basis and are in accordance with historical cost convention. The accounting policies are generally consistent with the previous year.

Assets and liabilities are recognised in the Department's Statement of Financial Position when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured.

Revenues and expenses are recognised in the Department's Statement of Financial Performance when the flow or consumption or loss of economic benefits has occurred and can be reliably measured. Control arises in the period of appropriation.

The continued existence of the Department in its present form, undertaking its current activities, is dependent on Government policy and on continuing appropriations by Parliament for the Department's administration and activities.

Transactions and Balances Administered on a Whole of Government Basis

The Department administers, but does not control, certain resources on behalf of the Government as a whole. It is accountable for the transactions involving such administered resources, but does not have the discretion to deploy resources for the achievement of the Department's objectives.

Administered assets, liabilities, expenses and revenues are disclosed in the notes to the financial statements, forming a part of the general purpose report for the Department. The administered items are disclosed on the same basis as is described for the financial statements of the Department.

The schedules of administered revenues and expenses, assets and liabilities, and cash flows are prepared on the same basis, and using the same policies as for Departmental items, except where otherwise stated.

Transactions by the Government as Owner – Restructuring of Administrative Arrangements

Net assets received under a restructuring of administrative arrangements are designated as contributions by owners and adjusted directly against equity. Net assets relinquished are designated as distributions to owners. Net assets transferred are initially recognised at the amounts that they were recognised by the transferring agency immediately prior to the transfer.

1.3 Revenue from ordinary activities

Revenues are recognised in the Statement of Financial Performance when it is probable that the inflow or other enhancement or saving in outflows of future economic benefits has occurred and can be measured reliably.

a) Revenues from Government - Appropriations

Appropriations, whether recurrent or capital are recognised as revenues in the period in which the Department gains control of the appropriated funds. Control arises in the period of appropriation.

b) Commonwealth Grants

Grants payable by the Commonwealth Government are recognised as revenue when the Department gains control of the underlying assets.

c) User Charges

Amounts earned in exchange for the provision of goods and services are recognised when the good or service is provided.

d) Interest

Interest revenue is recognised as it accrues.

e) Taxation, Fees and Fines

Revenue from State taxation and from fees and fines is recognised upon the first occurrence of either:

- receipt by the State of a Taxpayer's self-assessed taxes and fees; or
- the time the obligation to pay arises, pursuant to the issue of an assessment.

Interest is charged on outstanding amounts and is brought to account, where possible, on an accrual basis, otherwise as it is received. The collectability of debts is assessed at balance date and specific provision is made for doubtful debts.

f) Gross Proceeds From the Disposal of Assets

Revenue from the sale of non-current assets is recognised when control of the asset has passed to the buyer.

g) Resources Received Free of Charge

Services received free of charge by the Department, are recognised as revenue when a fair value can be reliably determined and at the time the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

h) Assets Assumed, (Liabilities Transferred)

Contributions of assets at no cost of acquisition or for nominal consideration are recognised at their fair value when the asset qualifies for recognition, unless received from another government agency as a consequence of restructuring of administrative arrangements, when book values from the transferor Department may be used.

i) Other Revenue From Ordinary Activity

Revenue from other sources is recognised when the good or service is provided. Control is normally obtained upon receipt.

j) Correction of Fundamental Errors

Fundamental errors, which render past financial reports unreliable, are disclosed separately on the face of the statement. Their nature is disclosed in the notes, as well as the amount of the correction relating to prior periods including, where practicable, a restatement showing the information that would have been recognised had the error not been made.

1.4 Expenses From Ordinary Activities

Expenses are recognised in the Statement of Financial Performance when it is probable that the consumption or loss of future economic benefits resulting in a reduction in assets and/or an increase in liabilities has occurred and the consumption or loss of future economic benefits can be measured reliably.

a) Employee Entitlements

Employee entitlements include entitlements to wages and salaries, annual leave, sick leave, long service leave, superannuation and other post-employment benefits.

b) Depreciation and Amortisation

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner that reflects the consumption of their service potential. Land, being an asset with an unlimited useful life, is not depreciated.

A reassessment of the useful lives of Risdon Prison building facilities occurred as at 30 June 2003. The Maximum Security Prison, Hospital and Administration Block will no longer be demolished.

The useful life of the Ron Barwick Medium Security Prison was assessed downwards from six years to six months, as its demolition will begin in January 2004 as part of the Prison Infrastructure Redevelopment Program.

The depreciation method has been changed to the straight-line basis. Major depreciation rates are:

Plant and Equipment	2-20%
Buildings Risdon Prison	4 %
Buildings Other	2%
Library	5%
Vehicles	10-15%

Depreciation rates and methods will continue to be reviewed annually.

c) Grants and Subsidies

Grants are recognised as expenses when paid.

d) Written Down Value of Disposed Physical Assets

The written down value reflects the carrying value of the asset at the time of disposal.

e) Write Down of Assets

A revaluation increment is credited directly to the asset revaluation reserve equity account except to the extent that the net increment reverses a net decrement previously recognised as an expense. In that case the amount is recognised as revenue in the Statement of Financial Performance.

Where there is a credit balance in the asset revaluation reserve, a revaluation decrement debits the reserve and any remainder of the revaluation decrement is recognised as an expense in the Statement of Financial Performance.

f) Resources Provided Free of Charge

Services provided free of charge by the Department, to another entity, are recognised as an expense when fair value can be reliably determined.

g) Correction of Fundamental Errors

Fundamental errors, which render past financial reports unreliable, are disclosed separately on the face of the statement. Their nature is disclosed in the notes, as well as the amount of the correction relating to prior periods including, where practicable, a restatement showing the information that would have been recognised had the error not been made

h) Other Expenses From Ordinary Activities

Other expenses from ordinary activities are recognised when the goods or services has been provided.

1.5 Assets

Assets are recognised in the Statement of Financial Position when it is probable that the future economic benefits embodied in the asset will eventuate and the asset possesses a cost or other value that can be measured reliably.

a) Cash on Hand and Deposit Accounts

Cash means notes, coins any deposits held at call with a bank or financial institution, as well as funds held in the Special Deposits and Trust Fund.

b) Receivables

Receivables are recognised at the amounts receivable as they are due for settlement. Collectability of receivables is reviewed on an ongoing basis. Debts which are known to be uncollectable, are written off. A provision for doubtful debts is raised where some doubts exist as to collection.

c) Inventories

Inventories not held for resale are valued at cost unless they are no longer required, in which case they are valued at net market value.

d) Other Assets

Other assets are recognised at fair value.

*e) Property, plant and equipment.**(i) Valuation basis*

The Australian Valuation Office (AVO) conducted an independent valuation of the Department's non-current physical assets on 30 June 2003. The AVO provided both a replacement cost and fair value of these assets. A majority of the Department's library assets have been recognised at historical cost, however, selected library items have not been recognised in the Statement of Financial Position due to the reliable measurement criteria for asset recognition not being met. Those items include archival material considered irreplaceable, other historic materials, and parliamentary material for which values could not be obtained. The AVO did not value any of the old or historical assets owned by the Department. Livestock is valued at net market value.

Under the fair value basis assets are have been valued at an amount for which the asset could be exchanged between knowledgeable, willing parties in an arm's length transaction at the reporting date.

(ii) Asset recognition threshold

The asset capitalisation threshold adopted by the Department is \$5,000. Assets valued at less than \$5,000 are charged to the Statement of Financial Performance in the year of purchase (other than where they form part of a group of similar items which are significant in total).

(iii) Revaluations

The Department has revalued all non-current physical assets as at 30 June 2003. It will continue to revalue these assets on a 5 yearly basis.

Assets are grouped on the basis of having a similar nature or function in the operations of the Department.

1.6 Liabilities

Liabilities are recognised in the Statement of Financial Position when it is probable that the future sacrifice of economic benefits will be required and the amount of the liability can be measured reliably.

a) Payables

Payables, including accruals not yet billed, are recognised when the Department becomes obliged to make future payments as a result of a purchase of assets or services.

b) Provisions for Employee Entitlements

Liabilities for wages and salaries and annual leave are recognised, and are measured as the amount unpaid at the reporting date at current pay rates in respect of employees' services up to that date.

A liability for long service leave is recognised, and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date.

c) Superannuation

No superannuation liability is recognised for the accruing superannuation benefits of Departmental employees. This liability is held centrally and recognised within the Finance-General Division of the Department of Treasury and Finance.

During the reporting period, the Department paid 11 per cent of salary in respect of contributory members of the Retirement Benefits Fund into the Superannuation Provision Account within the Special Deposits and Trust Fund. The Department paid the appropriate Superannuation Guarantee Charge into the nominated superannuation fund in respect of non-contributors.

1.7 Leases

The Department has entered into a number of operating lease agreements for buildings and office equipment, where the lessors effectively retain all of the risks and benefits incidental to ownership of the items leased. Equal instalments of lease payments are charged to the Statement of Financial Performance over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

1.8 Comparative Figures

Comparative figures have been adjusted to conform to changes in presentation in these financial statements where required

1.9 Rounding

All amounts in the financial statements have been rounded to the nearest thousand dollars unless otherwise stated.

1.10 Departmental Taxation

The Department is exempt from all forms of taxation except fringe benefits tax, payroll tax and the goods and services tax.

In the Statement of Cash Flows the GST component of cash flows arising from investing or financing activities which is recoverable from, or payable to, the Australian Taxation Office is, in accordance with the Australian Accounting Standards, classified as operating cash flows.

Note 2: Events Occurring After Balance Date

There have been no material events which have occurred after the reporting date.

Note 3: Revenue From Ordinary Activities**3.1 User Charges**

	2003	2002
	\$'000	\$'000
Conduct of elections	1 248	417
Hayes Gaol farm - produce sales	1 019	1 381
Legal Practice commercial and civil fees	2 291	3 016
Provision of Statistical data relating to births Deaths and Marriages	323	151
Risdon Prison Industry sales	886	1 557
Total	5 767	6 522

3.2 Other Revenue

	2003	2002
	\$'000	\$'000
Internal Sales of Goods and Services	213	
Legal Aid Grant Contract	3 040	
Other Grant Contracts	69	
Rent Received	23	
Trainee Funding	58	
Retained Revenue	653	
Other Revenue	5 958	
Total	10 014	6 378

A breakdown of Other Revenue was not provided in the notes in 2001/02.

Note 4: Expenses from Ordinary Activities**4.1 Employee Entitlements**

	2003	2002
	\$'000	\$'000
Wages and salaries	40 230	34 644
Superannuation	4 146	3 644
Workers compensation premium	728	631
Payroll Tax	2 432	2 139
Other employee expenses	774	202
Total	48 310	41 260

4.2 Depreciation and Amortisation

Depreciation expense for the reporting period was charged in respect of:

	2003	2002
	\$'000	\$'000
Buildings	734	5 384
Prison Buildings and Structures	1 957	-
Library Equipment	51	42
Office Equipment		24
Plant	40	33
Motor Vehicles		19
Total	2 782	5 502

During the revaluation of the Risdon Prison building facilities, it was determined that the Maximum Security Prison, Hospital and Administration Block will no longer be demolished as part of the Prison Redevelopment Infrastructure Program. As a result, the depreciation rate of these buildings has been decreased in comparison to 2001/02.

4.3 Grants and Subsidies

	2003	2002
	\$'000	\$'000
Legal Aid Commission	3 055	3 197
Other	367	
	3 422	3 197

4.4 Other Expenses From Ordinary Activities

	2003	2002
	\$'000	\$'000
General administration	2 571	4 223
Information Technology	2 185	1 179
Personnel expenses	335	283
Travel and transport	1 457	1 480
Property expenses	7 565	5 472
Operating expenses	11 981	9 678
Total	26 094	22 315

Note 5: Outputs of the Department

5.1 Department's Outputs

Information about the Department's outputs and the expenses and revenues, which are reliably attributable to those outputs, is set out in the Output Schedule. Information about expenses and revenues administered by the Department is given in the Schedule of Administered Expenses and Revenues

5.2 Outputs Summary

(i) Output Group 1 - Administration of Justice

This Output Group provides a range of judicial services to the public, and aims to resolve civil disputes and determine criminal matters in a manner which is just, timely, and cost effective for the parties involved.

The Outputs are provided through both the Supreme and Magisterial Courts, as well as coronial services, support and compensation for victims of crime, Legal Aid, the Mental Health Review Tribunal, the Guardianship and Administration Board and the enforcement of monetary penalties.

The Outputs are:

- Supreme Court Services
- Magisterial Court Services
- Enforcement of Monetary Penalties
- Support and Compensation for Victims of Crime
- Legal Aid
- Mental Health Review Tribunal and Guardianship Board Decisions

(ii) Output Group 2 - Legal Services

This Output Group involves the provision of various legal services and advice to the Government, including legal policy advice.

The Outputs are produced by Crown Law - which includes the Office of the Solicitor-General, the Crown Solicitor's Office and the Office of the Director of Public Prosecutions - and the Department's Legislation Development and Review Division.

The outputs are:

- Crown Law
- Legal Policy Advice

(iii) Output Group 3 - Registration Services

This Output Group involves the registration, maintenance and dissemination of various forms of statutory information.

These services are provided by the Registry of Births, Deaths and Marriages.

The Output is:

- Births Deaths and Marriages.

(iv) Output Group 4 - Review Services

This Output Group involves the provision of review services to the public and government employees in relation to government administration, the provision of health services, electricity services and public employment matters.

These Outputs are provided by the Ombudsman, the Health Complaints Commissioner, the Electricity Ombudsman, the Commissioner for Review, the Freedom of Information Unit and the Anti Discrimination Commission.

The outputs are:

- Decisions on Complaints Referred to The Ombudsman and The Health Complaints Commissioner and Freedom of Information; and
- Anti Discrimination Commission

(v) Output Group 5 - Electoral Services

This Output Group is composed of a single output, which provides electoral services that contribute to the protection of Tasmania's robust parliamentary democracy.

The Output is delivered by the Electoral Office.

The Output is:

- Elections and Referendums.

(vi) Output Group 6 - Corrective Services

The objective of this Output Group is to enable people who are found guilty of offences to achieve socially responsible behaviour within the family and the community.

The Outputs are delivered by the Prison Service and the Community Corrections Service.

The Outputs are:

- Prison Service
- Community Corrections

(vii) Output Group 7 - Other Services

This Output Group is composed of a single output, which involves the licensing, inspection, supervision and control of all aspects of the poppy industry from growing, through to manufacture and dispatch from Australia; and the licensing, inspection, supervision and control of industrial hemp within Tasmania.

The Output is produced by the Poppy Advisory and Control Board.

The Output is:

- Supervision of Poppy and Hemp Crops.

(viii) Output Group 8 - Consumer Services

This Output Group is composed of the single output, which is the provision of services to the public and the Government to ensure appropriate marketplace behaviour.

The services provided under this Output Group are delivered by the Office of Consumer Affairs and Fair Trading, and the Office of Business Affairs.

The Output is:

- Maintenance of a Fair, Safe and Equitable Marketplace.

(ix) Output Group 9 - Industrial Relations Services

This Output Group provides a range of industrial relations and related services to the government and the public, and aims to resolve industrial matters in a manner which is just, timely and cost effective for the parties involved.

The Outputs are provided through the Tasmanian Industrial Commission, and the Workers Rehabilitation and Compensation Tribunal and advocacy services are also provided on behalf of the Government before State and national industrial boards.

The outputs are:

- Industrial Relations and Policy Advocacy Service
- Services of the Tasmanian Industrial Commission
- Workers Rehabilitation and Compensation Tribunal Decisions

5.3 Statement of Outputs

5.3 Statement of Outputs

Note: the following information has been prepared on an accrual accounting basis.

Output Group	1		2		3		4		5		6		7		8		9		General-not attributed		Totals	
	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000
Revenue																						0
Recurrent appropriations	20 263	18 189	3 637	3 596	771	648	1 913	1 746	2 917	1 327	24 287	22 909	586	573	2 474	2 618	2 154	2 400		12	59 004	54 018
Capital appropriations																			4309	1 315	4 309	1 315
User charges / Fees Fines/ other	4 409	2 918	2 806	2 996	658	155	709	456	1 315	428	3 981	4 593	29	3	327	254	1 177	1 144	1 799	-	17 209	12 947
	24 672	21 107	6 443	6 592	1 429	803	2 622	2 202	4 232	1 755	28 268	27 502	615	576	2 801	2 872	3 331	3 544	6 108	1 327	80 522	68 280
Expenses from ordinary activities (excluding borrowing costs)																						
Employee entitlements	15 028	11 811	4 909	4 467	482	411	1 647	1 504	1 879	757	19 690	17 587	398	379	1 770	1 798	2 125	2 256	383	-	48 310	40 970
Depreciation and amortisation	530	677	8	39	1		1	1	6	8	2 224	4 764			4	6	7	7		-	2782	5 502
Other expenses from ordinary activities	9 352	9 365	1 815	1 535	681	480	761	676	2 149	1 054	12 981	9 334	226	200	907	1 061	1 152	1 232	4 468	1 315	34 492	26 252
Total expenses from ordinary activities	24 910	21 853	6 732	6 041	1 164	891	2 409	2 181	4 034	1 819	34 895	31 685	624	579	2 681	2 865	3 284	3 495	4 851	1 315	85 584	72 724
Total changes in equity other than those resulting from contributions of the Tasmanian Government as owner	(238)	(746)	(288)	551	265	(88)	212	21	198	(64)	(6 626)	(4 183)	(9)	(3)	120	7	47	49	1 257	12	(5 062)	(4 444)

OUTPUT GROUP 1 – ADMINISTRATION OF JUSTICE	1.1 – Supreme Court Services 1.2 – Magisterial Court Services 1.3 – Enforcement of Monetary Penalties 1.4 – Support and Compensation for Victims of Crime and Others 1.5 – Legal Aid 1.6 – Mental Health Review and Guardianship Board Decisions
OUTPUT GROUP 2 – LEGAL SERVICES	2.1 – Crown Law 2.2 – Legislation Development and Review
OUTPUT GROUP 3 – REGISTRATION SERVICES	3.1 – Births, Deaths and Marriages
OUTPUT GROUP 4 – REVIEW SERVICES	4.1 – Decisions on Complaints Referred to the Ombudsman and Health Complaints Commissioner and Freedom of Information 4.2 – Anti Discrimination Commission
OUTPUT GROUP 5 – ELECTORAL SERVICES	5.1 – Elections and Referendums
OUTPUT GROUP 6 – CORRECTIVE SERVICES	6.1 – Prison Services 6.2 – Community Corrective Services
OUTPUT GROUP 7 – OTHER SERVICES	7.1 – Supervision of Poppy and Hemp Crops
OUTPUT GROUP 8 – CONSUMER SERVICES	8.1 – Maintenance of a Fair, Safe and Equitable Market Place
OUTPUT GROUP 9 – INDUSTRIAL RELATIONS	9.1 – Industrial Relations Policy and Advocacy Service 9.2 – Services of the Tasmanian Industrial Commission 9.3 – Workers’ Rehabilitation and Compensation Tribunal Decisions

Note 6: Assets

6.1 Cash on Hand and Deposit Bank

	2003	2002
	\$'000	\$'000
Westpac Clearing Account	-	601
Public Account	6 088	2 422
Total	6 088	3 023

6.2 Receivables

	2003	2002
	\$'000	\$'000
User fees and charges	971	1 995
Less: Provision for doubtful debts	243	199
Total	728	1 796

6.3 Inventories

	2003	2002
	\$'000	\$'000
Inventories not held for sale	318	252
Total	318	252

6.4 Property, Plant, Equipment, Vehicles and Infrastructure

	2003 \$'000	2002 \$'000
Land		
At Management Valuation (1/7/96)		5 410
At Independent Valuation (30/6/03)	5 390	
Total Land	5,390	5 410
Buildings		
At Management Valuation (1/7/96)		125 466
At Cost		22 107
At Independent Valuation (30/6/03)	46 212	
Less: Accumulated Depreciation	-	-85 199
Total Buildings	46 212	62 374
Building work in progress	-	450
Prison Buildings and Structures		
At Independent Valuation (30/6/03)	22 840	-
Plant, equipment and vehicles		
At Management Valuation (1/7/96)		4 383
At Cost		678
At Independent Valuation (30/6/03)	2 050	
Less: Accumulated Depreciation	-	-3 924
Total Plant, equipment and vehicles	2 050	1,137
Other Non Current Assets		
Library at Management Valuation	1 016	1 178
Less: Accumulated Depreciation	-266	-377
Livestock at market value	355	379
Total Other Assets	1,105	1 180
Total Property, Plant and Equipment	77 597	70 551

A reassessment of the useful lives of Risdon Prison building facilities occurred as at 30 June 2003.

The Maximum Security Prison, Hospital and Administration Block will no longer be demolished as part of the current stage of the Prison Infrastructure Redevelopment Program.

The useful life of the Ron Barwick Medium Security Prison was assessed downwards from six years to six months, as its demolition is likely to begin in January 2004.

6.5 Reconciliation of Non-Current Physical Assets

Reconciliation of the carrying amounts of each class of property, plant and equipment at the beginning and end of the current and previous financial year are set out below.

2003	WIP	Land	Buildings	Prison Buildings and Structures	Plant & Equipment	Other Assets	<i>Total</i>
	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000
Carrying amount at 1/7/02	450	5 410	62 374		1 137	1 179	70 550
Additions					355		355
Assets Identified for the first time			225		1 146		1 371
Disposals						(23)	(23)
Transfer to other asset category			(29 205)	29 205			-
Depreciation/Amortisation			(734)	(1 957)	(40)	(51)	(2 782)
Revaluation Increment/(Decrement)		(20)	13 102	(4 408)	(548)		8 126
Change in work in progress during the year	(450)		450				-
Carrying amount at 30/6/03	0	5 390	46 212	22 840	2 050	1,105	77 597

Note 7: Liabilities

7.1 Employee Entitlements

	2003	2002
	\$'000	\$'000
Current		
Accrued salaries	1,505	1,163
Annual leave	3,458	3,149
Long service leave	726	473
Total	5,689	4,785
Non-current		
Long Service Leave	5,324	5,184
Total	5,324	5,184

7.2 Schedule of Commitments

Schedule of Commitments as at 30 June 2003

	2003 \$'000	2002 \$'000
Lease Commitments		
Operating Leases	23 101	22,205
Total Lease Commitments	23 101	22,205

By Maturity

Operating Lease Commitments

One year or less	3 566	355
From one to five years	9 121	2,186
Over five years	10 414	19,664
Total Operating Lease Commitments	23 101	22,205

Current	3 566	3,443
Non-current	19 535	18,762
Total	23 101	22,205

NB: Commitments are GST exclusive.

Note 8.1: Equity and Movements in Equity

Equity	Accumulated results		Asset revaluation reserves		Total other reserves		Total equity	
	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000
Balance at 1 July 2002	64 168	68 162	-	-			64 168	68 162
Net surplus/deficit	(5 062)	(3 994)		-			(5 062)	(3 994)
Revaluation Increment			13 102				13 102	
Balance as at 30 June 2003	59 106	64 168	13 102	-			72 208	64 168

Note 9: Cash Flow Reconciliation

	2003	2002
	\$'000	\$'000
(a) Reconciliation of cash per Statement of Financial Position to Statement of Cash Flows:		
Cash at year end per Statement of Cash Flows	6 088	3 023
Total Cash Per Statement of Financial Position	6 088	3 023
(b) Reconciliation of operating surplus to net cash provided by operating activities:		
Net surplus (deficit)	(5 062)	(3 994)
Depreciation/Amortisation	2 782	5,502
Asset Write-downs	4 976	
New Assets identified	(1 371)	
Movement in Provision for doubtful debts	44	37
Decrease (increase) in receivables	1 024	(353)
Decrease (increase) in other assets	(42)	63
Increase (decrease) in employee entitlements	1 044	(600)
Increase (decrease) in payables	289	240
Increase (decrease) in other liabilities	(263)	214
Net cash from operating activities	3 421	1 109

Note 10: Average Staffing Levels

	2003	2002
The average staffing levels (FTE) for the Department during the year were:	746.87	697.24

Note 11: Financial Instruments***Terms, Conditions and Accounting Policies***

Financial Instrument	Notes	Accounting Policies and Methods (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms & conditions affecting the amount, timing and certainty of cash flows)
<i>Financial Assets</i>		Financial assets are recognised when control over future economic benefits is established and the amount of the benefit can be reliably measured.	
Cash		Cash includes cash deposits which are readily convertible to cash on hand plus cash available in Treasury's Special Deposit and Trust Fund. Deposits are recognised at their nominal amounts. Interest is credited to revenue as it accrues. Cash is measured at nominal amounts and is also the net fair value.	The interest rate applicable at 30 June 2002 ranged from 0% to 4.5%. Exposure to interest rate and credit risks is considered to be minimal.
Receivables for user charges		These receivables are recognised at the nominal amounts due, less any provision for bad and doubtful debts. Collectability of debts is reviewed at balance date. Provisions are made when collection of the debt is judged to be less rather than more likely. The net fair value of receivables is the nominal amount	Credit terms are 30 days net.
Creditors		Creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having being invoiced). The net fair value of payables is the nominal amount.	Settlement is usually made within 30 days.

Note 12: Administered Statements

**SCHEDULE OF REVENUES AND EXPENSES ADMINISTERED ON BEHALF OF THE
WHOLE OF GOVERNMENT
FOR THE YEAR ENDED 30 JUNE 2003**

	Notes	2003 \$'000	2002 \$'000
Revenue from Ordinary Activities			
Recurrent appropriations		3 632	4 724
Other revenue	12.1.1	23 981	26 619
Total revenue from ordinary activities		<u>27 613</u>	<u>31 343</u>
Expenses from ordinary activities (excluding borrowing costs)			
Other expenses		8 190	10 341
Total expenses from ordinary activities (excluding borrowing costs)			<u>10 341</u>
Net operating surplus (deficit) from ordinary activities before transfers to Government		<u>19 423</u>	<u>21 002</u>
Transfers to the Consolidated Fund		<u>18 396</u>	<u>17 047</u>
Net operating surplus (deficit) from ordinary activities after transfers to Government		<u>1 027</u>	<u>3 955</u>

The above Schedule of Revenues and Expenses Administered on behalf of the Whole of Government should be read in conjunction with the accompanying notes.

**SCHEDULE OF ASSETS AND LIABILITIES ADMINISTERED ON BEHALF OF THE WHOLE
OF GOVERNMENT
AS AT 30 JUNE 2003**

	Notes	2003 \$'000	2002 \$'000
Assets			
Current Assets			
Cash on hand and deposit accounts		860	1 059
Receivables	12.2	11 212	10 590
Total current assets		<u>12 072</u>	<u>11 649</u>
Liabilities			
Current Liabilities			
Payables		81	673
Total current liabilities		<u>221</u>	<u>673</u>
Non-current Liabilities			
Payables		-	12
Total non-current liabilities		<u>-</u>	<u>12</u>
Total Liabilities		<u>81</u>	<u>685</u>
Net assets (liabilities)		<u>11 991</u>	<u>10 964</u>
Equity			
Accumulated surplus (deficit)		11 991	10 964
Total Equity		<u>11 991</u>	<u>10 964</u>

The above Schedule of Assets and Liabilities Administered on behalf of the Whole of Government should be read in conjunction with the accompanying notes

**SCHEDULE OF ADMINISTERED CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2003**

	Notes	2003 \$'000	2002 \$'000
Cash flows from operating activities			
Cash Inflows			
Recurrent appropriations		3 632	4 712
Fees and fines		12 887	10 986
Other cash receipts		10 486	12 226
Total cash inflows		27 005	27 924
Cash outflows			
Other cash payments	12.4	27 204	27 355
Total cash outflows		27 204	27 355
Net cash from (used by) operating activities		(199)	569
Net increase (decrease) in cash held		(199)	569
Cash at the beginning of the reporting period		1 059	490
Cash at the end of the reporting period		860	1 059

The above Schedule of Cash Flows Administered on behalf of the Whole of Government should be read in conjunction with the accompanying notes

12.1: Administered Revenue From Ordinary Activities

	2003 \$'000	2002 \$'000
12.1.1 Administered Other Revenue		
Fines & Infringements imposed	11 427	14 224
Registration Services	2 082	1 092
Other	10 472	11 303
	23 981	26 619

12.2 Fines Collection Administered Receivables

	2003 \$'000	2002 \$'000
Gross Receivables	33 598	31 649
Less: Provision for expected remissions	2 387	2,387
Less: Provision for doubtful debts	19 999	18,672
Total	11 212	10 590

12.3 Administered Equity and Movements in Equity

Equity	Accumulated results		Asset revaluation reserves		Total other reserves		Total equity	
	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000
Balance at 1 July 2002	10 964	7 009					10 964	7 009
Net surplus/deficit	1 027	3 955					1027	3 955
Balance as at 30 June 2003	11 991	10 964					11 991	10 964

12.4 Administered Other Cash Payments

	2003 \$'000	2002 \$'000
Transfer to Treasury	18 395	
Disbursements on Behalf of Third Parties	955	
Grants	3 632	
Costs Awarded	3 595	
Legal Costs	605	
Miscellaneous	23	
Total	<u>27 205</u>	<u>27 355</u>

A breakdown of Administered Other Cash Payments was not provided in the notes in 2001/02.

12.5 Administered Cash Flow Reconciliation

	2003 \$'000
(a) Reconciliation of cash per Statement of Financial Position to Statement of Cash Flows:	
• Cash at year end per Statement of Cash Flows	860
Total cash per statement of financial position	<u>860</u>
(b) Reconciliation of operating surplus to net cash provided by operating activities:	
Net surplus (deficit)	1 027
Decrease (increase) in receivables	(622)
(Decrease) increase in payables	(604)
Net cash provided (used) by operating activities	<u>(199)</u>

**12.6 Administered Financial Instruments
Terms, Conditions and Accounting Policies**

See note 11

STATEMENT BY DEPARTMENTAL SECRETARY AND PRINCIPAL ACCOUNTING OFFICER

The accompanying financial statements of the Department of Justice and Industrial Relations have been prepared in compliance with applicable accounting standards and with the provisions of the *Financial Management and Audit Act 1990* and are in agreement with the relevant accounts and records to present fairly the financial transactions for the year ending 30 June 2003 and the financial position as at 30 June 2003.

At the date of signing we are not aware of any circumstances, which would render the particulars included in the financial statements misleading or inaccurate.

Richard Bingham
SECRETARY

Brian Smith
DIRECTOR (CORPORATE SERVICES)

DATE:

28 AUGUST 2003

25. Audit Report