

2021 INCOMING GOVERNMENT BRIEF

Minister for Justice and Attorney-General, Minister for Corrections

JUSTICE CONNECT PROGRAM

Overview

- Justice Connect is a major program of work that will address shortcomings with existing systems, processes and data that support the criminal, correctional and civil jurisdictions managed by the Department of Justice. The chosen solution, which has been given the name *Astria*, will replace systems supporting the Magistrates Court, Supreme Court, Director of Public Prosecutions, Police Prosecutions, Tasmania Prison Service, Community Corrections, Victims Support Service and the Tasmanian Civil and Administrative Tribunal (TasCAT).
- Following a detailed procurement phase, Fujitsu Australia were appointed in 2020 to prepare a Minimum Viable Product (MVP) proof of concept to test the architecture, delivery approach, governance structures and team dynamics for the *Astria* solution. This contract was successfully completed in March this year following Steering Committee acceptance of the MVP evaluation report.
- The Justice Connect Program is currently preparing for the implementation phase. Signing of the implementation contract with Fujitsu Australia has been delayed during the caretaker period with a Letter of Intent in place to enable project continuation.
- The Implementation phase will deliver a user ready *Astria* solution. Implementation will occur in three stages – Criminal Jurisdiction, Civil Jurisdiction and then TasCAT. The current plan has the first major production release being deployed in the Q4 of 2022 with a final Program completing date in Q1 2024.
- The program is currently tracking on schedule and within budget.

Current Issues

- Contract signing has been held off during the caretaker period with a Letter of Intent in place to enable project continuation.

- [REDACTED]

Major Risks/Implications

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Actions Required

- Signing of the implementation contract with Fujitsu Australia to enable the program to formally commence implementation.

Background

- Fujitsu Australia were selected following a two-stage procurement process involving representation from all affected Output areas. Fujitsu Australia are the lead contractor and system integrator for a consortium involving two best of breed justice software solutions:
 - Journal Technologies, a provider of court case management systems to over 500 agencies globally including South Australia and Victoria; and
 - Syscon Justice Systems, who have experience working with complex corrections agencies across the world including NSW, the UK, Canada and the USA.

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2021 INCOMING GOVERNMENT BRIEF

Minister for Corrections

NORTHERN REGIONAL PRISON

Overview

- \$270 million has been committed for the construction of the Northern Regional Prison (NRP).
- The facility will house up to 270 prisoners across all security classifications and prisoner types, with construction expected to take around ten years to fully complete.
- A new contemporary prison, located in the north of the State will enable the Tasmania Prison Services to accommodate prisoners from that region closer to their families, local communities and support networks which is expected to result in reduced recidivism and improve reintegration opportunities.
- In 2018, approximately 45 per cent of prisoners originate from the north or north-west of Tasmania, or were required to appear in north or north-western courts. In 2020, that figure was approximately 50 per cent.

Current Issues

- The Department is progressing due diligence and planning for lodgement of a joint planning scheme amendment and Development Application (DA) with the Meander Valley Council in December 2021.
- A Request for Tender for appointment of a Design Team is being prepared by the Department. This work will progress the development of architectural plans as part of the December 2021 planning scheme amendment and DA submission.
- The submission will cover all aspects of the project including, site services, natural values, vulnerable use, bushfire, lighting, noise, traffic, heritage, statutory planning, and design and is designed to allow all the necessary planning and regulatory approvals to be obtained for the project.

- [REDACTED]

Major Risks/Implications

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Actions Required

- It is critical that the appointment of the consultant design team be progressed as soon as possible. This requires a Request for Tender currently being drafted which will be managed by the Department.

Background

Original Siting

- The original site on Birralee Road in Valley Central outside of Westbury was selected as it best met key criteria identified in the site selection EOI process.
- Key criteria included connectivity to major population centres in the north and north-west, suitability for a project of this scale and location relative to services and transport routes.

Social Economic Study and Consultation

- The Department commissioned a Social Economic Impact Study (SEIS) which was publicly released on 18 June 2020.
- [REDACTED]

Brushy Rivulet Site

- Following feedback from the Westbury and broader Meander Valley community, it was announced a new site on Crown Land at Brushy Rivulet had been designated for the Northern Regional Prison, subject to due diligence and planning processes.
- This site is further from the town centre of Westbury in response to feedback through the SEIS.
- The Department has been progressing due diligence for the new site since it was announced in June 2020, this includes investigation of:
 - Bushfire risk management;
 - Geotechnical conditions;
 - Impact of proposal on State policies;
 - Statutory planning issues;
 - Natural values,
 - Aboriginal and European Heritage;
 - Service infrastructure;
 - Traffic impacts and access to the site.

Concerned Residents Opposed to the Westbury Prison Site (CROWPS)

- The Department of Justice understands that CROWPS comprises property owners in the immediate vicinity of the Brushy Rivulet site on Birralea Road.
- Department representatives, Minister Archer, Department Secretary Ginna Webster, Minister Barnett and John Tucker MP have all met with CROWPS.
- Particular concerns raised at these meetings and in other correspondence include:
 - Negative impacts on their use and enjoyment of their properties, including light and noise impacts;
 - Reduction in property values;
 - Safety and security;
 - Environmental values of the site;
 - The decision making process in selecting the site;
 - Road safety and the condition of Birralea Road and increased traffic
 - The absence of services to the site;
 - Bushfire risk and mitigation;
 - Status of due diligence investigations;
 - Perception they have been prevented from clearing land for fence construction; and
 - Feeling that communication and updates have been insufficient, including the absence of revised timeline and artists impression.

Westbury Region Against the Prison (WRAP)

- WRAP is campaigning against the construction of a prison near Westbury.
- This group opposed the original site and continues to be active in opposition to the Crown Land site at Brushy Rivulet.

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2021 INCOMING GOVERNMENT BRIEF

Minister for Justice

MAGISTRATES COURT BACKLOGS

Overview

- The Magistrates Court's pending criminal caseload had started to decrease during 2017-18 and 2018-19, due to fewer lodgements. However, the adult criminal pending caseload increased 26 per cent during 2019-20.
- Most of the increase in pending caseload occurred in the period April to June 2020 when the impact of changes to Court processes in response to COVID-19 became apparent.
- The trend in 2020-21 to date is a gradual decrease in the pending caseload, of 6 percent between 30 June 2020 and 31 January 2021. The commencement of an additional magistrate, Magistrate Hartnett, on 29 June 2020, has contributed to the decrease in the pending caseload between 30 June 2020 and 21 January 2021.
- The Magistrates Court's criminal backlogs are the highest in the nation, and civil backlogs are the third-highest.
- These increases are occurring despite a number of strategies being implemented by the Court and the Government.

Current Issues

- The sentencing options that are now available to magistrates are more numerous than ever before, but properly assessing which option is best suited to the individual matter takes more time than imposing the more straightforward sentencing options.
- The increased use of and reliance on the therapeutic jurisdictions of the Court, and the specialist lists, require additional court time, and the types of matters listed in them tend to be more complex and time-consuming.
- Increasing use of electronic evidence, such as footage from police body-worn cameras, particularly in family violence offences and for bail applications often takes extra time to present in Court.
- Various inefficiencies impinge on the Court processes. Frequently adjournments must be given because file disclosure has not been provided by the prosecution to the defence. Other common delays are caused by the unavailability of counsel and/or witnesses.

Major Risks/Implications

- [REDACTED]
- [REDACTED]
- [REDACTED]

Actions Required

- [REDACTED]
- [REDACTED]
- [REDACTED]

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2021 INCOMING GOVERNMENT BRIEF

Minister for Justice and Attorney General

BURNIE COURT COMPLEX

Overview

- The Government committed \$15 million to the upgrade of the Burnie Court Complex on Alexander Street as part of the 2018 State election. During site investigations and the schematic design process a significant amount of issues related to latent conditions were discovered, particularly the presence of large quantities of friable asbestos throughout the building. The resulting high level of risk to the building occupants could not be satisfactorily mitigated during construction.
- The Department of Justice (DoJ) investigated other potential options, including a full decant during construction, development of a greenfield site, and identifying a suitable alternative building.
- The current university site at 16-20 Mooreville Road was identified as the government's preferred development option with the university expecting to relocate its operations to a new campus at West Park in 2021. This decision represents a significant change in scope from the original refurbishment of the existing court building.
- The new Complex development at Mooreville Road is currently in the schematic design phase.

Current Issues

- [REDACTED]
- [REDACTED]

Major Risks/Implications

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Actions Required

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Background

- The existing court complex at Burnie is no longer fit for purpose, although the original intention was to refit the existing facility as much as possible to meet contemporary standards.
- With the change in site, DoJ maintained the original scope with some minor additions to suit visiting services, etc. in consultation with the Registrars of the Supreme and Magistrate's Courts.
- The precinct at Mooreville Road will provide an opportunity to provide a Justice precinct in the longer term.
- [REDACTED]
- [REDACTED]
- ARTAS Architects is engaged as the principal consultant and has developed a concept plan for the Library Building at Mooreville Road, incorporating a replication of the areas provided at the existing court complex. This concept does not include scope definition for future developments, expansions for new government initiatives like witness intermediaries or user expectations, though the precinct will have the ability to absorb future development initiatives.

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2021 INCOMING GOVERNMENT BRIEF

Minister for Justice

SUPREME COURT – CRIMINAL & CIVIL BACKLOGS

Overview

In the past reporting year (2019-20) the Supreme Court has reported that:

- it currently has a backlog of cases above the national average, particularly in its criminal jurisdiction;
- the backlog includes unacceptable increases in the number of pending criminal cases, an increasing quantity of appeals, and an increasing number of applications by remand prisoners seeking bail;
- these increases are occurring despite a number of strategies being implemented by the Court and Government;
- there are many factors that contribute to court backlogs, some of which are beyond the control of the Court such as:
 - the availability of witnesses;
 - the availability of Crown resources to prepare cases for trial;
 - the availability of prosecution and defence counsel. The pool of senior lawyers who practise in criminal law in the Supreme Court, other than Legal Aid lawyers, has diminished over recent years. Trial listings need to accommodate the availability of counsel;
 - the availability of Legal Aid funding to the private defence bar can also restrict the ability of counsel to prepare matters for trial. Legal Aid funding is not unlimited, and the funds need to be managed in a cost-effective manner; and
 - an increase in miscellaneous applications in some areas – for example, the number of bail applications has increased significantly (by over 80%) in the last 5 years;
 - changes to the case mix can lead to a higher volume of longer and more complex criminal trials due to:
 - greater reliance by the Crown on coincidence and tendency evidence resulting in lengthy disputes as to the admissibility of such evidence;
 - an increased amount of surveillance device evidence, and forensic accountant analysis of financial records;
 - evidentiary rules relating to consent in sexual offence matters, with the requirement to seek leave to cross-examine on certain issues;

- more applications made during the course of trials, e.g. applications to have a witness declared unfavourable under s.38 of the *Evidence Act 2001*; and
- the introduction of special hearings to pre-record evidence of witnesses declared as special witnesses under the *Evidence (Children and Special Witnesses) Act 2001*; and applications for children to give evidence in Court in some cases, rather than remotely from the protected witness room;
- There are no backlog issues in the Court's civil caseload. The civil (non-appeal) pending caseload decreased by 15% during the last financial year. When civil cases are certified ready for hearing, the Supreme Court has no delays in civil cases awaiting trial. Civil matters can usually be listed for hearing before a judge within 3 months of being certified ready for trial.

Current Issues

- The number of first instance criminal cases awaiting finalisation has grown to an unacceptable level over the past 5 years, as the following table shows:

Date	Cases
30 June 2016	381
30 June 2017	448
30 June 2018	524
30 June 2019	680
30 June 2020	688
10 April 2021	685

- In percentage terms, Tasmania has the highest percentage of older cases in the backlog than most other Australian jurisdictions:

NSW	Vic	Qld	WA	SA	Tas	ACT	NT
41.0%	40.4%	11.4%	21.2%	22.6%	30.6%	22.1%	13.4%

Major Risks/Implications

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]

Actions Required

- Proclaim the commencement of the *Magistrates Court (Criminal & General Division) Act 2019*, and the *Justice Miscellaneous (Court Backlog and Related Matters) Act 2020* and as soon as practicable to achieve significant procedural efficiencies (listed in "Background" section below).
- [REDACTED]
- [REDACTED]

Background

Court Strategies to Address Backlog:

- allocating additional judicial time, adopting more active case management, focussing on older cases, and recommending a review of jurisdictional boundaries between the Court levels;
- acting Judges, first appointed in early 2017, allocated to sit in criminal and civil trials, as well as in appeal sittings, and numerous criminal plea, sentencing and bail matters in Hobart, Launceston and Burnie;
- Judges have conducted a series of "concentrated trial periods" in Hobart and Launceston during which a large number of criminal trials, and a great deal of other criminal work, particularly pleas of guilty, bail appeals, and directions hearings were completed;
- conducting directions hearings in relation to pending matters as a matter of routine case management of criminal cases, with a view to ensuring the parties are ready for trial as soon as possible, and expediting finalisation of cases;
- a more rigorous management of the appeal process has also been introduced to ensure that the Court of Criminal Appeal is able to hear and determine appeals within a shorter timeframe.

Government Strategies to Address Backlog

- Supplementing the Court's judicial resources: acting judges since 2017, and committing to the appointment of a seventh Judge from 1 July 2021;
- Introducing legislation (not yet commenced) to:
 - adjust the jurisdictional boundaries between the Supreme and Magistrates Courts;
 - create a number of summary offences that mirror the less serious indictable offences;
 - expand the categories of crimes which defendants may elect to have dealt with in the Magistrates Court;
 - confer a higher sentencing limit for Magistrates dealing with crimes triable summarily;
 - relocate the decision-making on preliminary proceedings applications from Judges back to Magistrates;
 - amend the bail legislation to restrict the circumstances in which appeals or applications to the Supreme Court may be lodged.

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2021 INCOMING GOVERNMENT BRIEF

Minister for Justice

LEGAL ASSISTANCE SECTOR - FUNDING FOR PROVIDERS

Overview

- The Commonwealth and State both provide funding for the delivery of legal assistance services. Other grants, such as those from the Solicitors' Guarantee Fund (SGF), also play an important role in supporting the work of providers.

Current Issues

- The Commonwealth funding contribution under the *National Legal Assistance Partnership 2020-2025* (NLAP) to the legal assistance sector increased from the previous *National Partnership Agreement* (NPA) by 9.6% in 2020-2021 and approximately 2% over the life of the NLAP. Despite this Tasmania received proportionally less than it should have. As a result, the State will provide 'top up' funding of \$3.18 million.
- Under the NLAP, the Commonwealth also provides funding for Family Advocacy and Support Services (FASS), and a Domestic Violence Unit (DVU) in Tasmania.
- The 2020-21 State Budget committed \$2.3 million over four years to Tasmania Legal Aid's (TLA) Serious Cases fund to assist in reducing the backlog of complex criminal cases before the Supreme Court.
- State funding allocation to TLA and Women's Legal Service Tasmania (WLST) of \$826,000 under the *Safe Homes, Safe Families, Communities: Tasmania's Action Plan for Family and Sexual Violence 2019-2022* ends on 30 June 2022. To date there has been no commitment to continue funding past that date. This is of particular concern to WLST who use the funding to operate their Launceston office.
- The State administered Commonwealth funds of \$1.4 million to contribute towards additional demands on service delivery as a result of the COVID-19 pandemic. Those funds expire on 30 June 2021 although advice from the sector is that increased demand continues.

Major Risks/Implications

- [REDACTED]

Actions Required

- Further advice will be provided in relation to ongoing discussions between the Commonwealth and States and Territories regarding the potential need to amend Schedule D to the NLAP. This relates to the need to collect certain data sets which have proved to be problematic.
- Grant Deeds for State funding for TLA, TALS and the CLC's are to be signed when settled by the Crown Solicitor's Office.

Background

- In the 2019-20 Federal Budget, the Commonwealth Government committed to a new *National Legal Assistance Partnership 2020-25*, (NLAP), which proposed to create a single national mechanism for the distribution of Commonwealth legal assistance funding to Legal Aid Commissions, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services (ATSILS) from 1 July 2020.
- The NLAP provides Commonwealth financial support to Tasmania Legal Aid (TLA) and Tasmanian CLC's (including TALS) to continue to deliver legal services in Tasmania.
- In the 2019-20 MYEFO, the Federal Government announced further funding of \$25.8 million over five years for frontline legal assistance services for family violence and family law related matters, as well as \$14.5 million over five years to support states and territories in administering the NLAP.
- The Commonwealth funding for Tasmanian CLCs and TLA under the NLAP increased from 2019-20 Commonwealth funding levels by 9.6%, and will continue to increase by approximately 2% over the life of the NLAP. This conforms with the Australian Government's principle of 'no state and territory loses' for baseline funding.
- The Tasmanian legal assistance sector contends that the increase in Commonwealth funding does not adequately take into account economic growth and increasing operating costs and salaries, which particularly affects TLA, as it appears, on its face, that they receive more Commonwealth funding.
- As a result, the Government has provided an additional \$640,000 per annum in state funding to address this shortfall.

- CLASS is a case management and reporting system that CLCs funded under the NLAP are required to use. The five NLAP funded CLCs all pay contributions for the cost of CLASS, and have done so previously under the NPA. Under the NLAP, CLASS contributions have increased by \$26,853.80 for Tasmania.
- The Commonwealth Attorney-General's Department advised that they would not be contributing funding to CLC Australia for CLASS in an ongoing way (i.e. for 5 years). As a result, CLC Australia requested States and Territories proportionally contribute to CLASS costs. Tasmania's contribution to CLASS costs is \$4,661.55.

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2021 INCOMING GOVERNMENT BRIEF

Minister for Justice and Attorney-General

VICTIMS SUPPORT SERVICES

Overview

- Victims Support Services (VSS) supports the needs of victims of crime in the community.
- VSS has had an increase in demand for services, particularly as a result of the Government's Family Violence initiatives, and responses to address sexual violence.

Current Issues

- There is currently a significant backlog in Victims of Crime Assistance (VoCA) applications. The backlog has occurred due to sustained high demand.
- The *Victims of Crime Assistance Act 1976* provides for awards of compensation to victims of crime. *The Victims of Crime Assistance Regulations 2010* provide for prescribed total awards, and expire in December 2021. A review of the regulations require consideration of the current maximum award levels and related matters.
- Apart from the lack of indexation, the current caps have not presented particular difficulties except for the cap of \$50,000 for related victims of the one incident.
- Management of the high demand for Victims of Crime (VoC) counselling services for the available staffing resource on the North West Coast. The Burnie Counsellor works Monday and Wednesday (0.4 FTE).

Major Risks/Implications

- [REDACTED]
- [REDACTED]
- [REDACTED]

Actions Required

- Victims Support Services is reviewing its staffing needs on the North West Coast, and considering options, such as increasing the staffing resource for the counsellor role in the Burnie Office from 0.4 FTE to 1 FTE. This would address the workload issues and strengthen counselling service delivery by the Victims of Crime Service on the North West Coast; this option is not currently funded.
- The Department will be preparing some further analysis on the caps provided for in regulations. The Minister will then be asked to provide initial direction on the options presented in relation to the review of the *Victims of Crime Assistance Regulations 2010*.

Background

- VSS continues to support the needs of victims of crime in the community by providing services across four areas:
 - Victims of Crime Assistance (VoCA)
 - Eligible Persons Register
 - Victims of Crime (VoC) and
 - Court Support and Liaison Service
- The Victims Assistance Unit (VAU) administers the *Victims of Crime Assistance Act 1976* and support the Criminal Injuries Compensation Commissioners.
- The VAU operates in a high volume environment that receives approximately 400 Victims of Crime Assistance (VoCA) claims every year. Not all applications are finalised in the year they are received. This may be as a result of the independent Criminal Injuries Compensation Commissioner requesting substantiating information and a delay in the provision of relevant reports.

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2021 INCOMING GOVERNMENT BRIEF

Attorney-General, Minister for Justice

LEGISLATION OVERVIEW

Overview

- [REDACTED]
- The Department of Justice has been progressing work on a large number of legislative projects as outlined below.

Current Issues

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
[REDACTED]
[REDACTED]
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Major Risks/Implications

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

Actions Required

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Background

- The Department has undertaken work on the following additional legislative projects for which draft Bills have not yet been finalised for public consultation. The Department will provide you with further advice on these projects in due course.

- *Electoral Act Amendment Bill*

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
[REDACTED]

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2021 INCOMING GOVERNMENT BRIEF

Minister for Justice

Child Abuse Royal Commission Response Unit (Commission of Inquiry)

Overview

- On 15 March 2021, the *Commission of Inquiry into Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings* (the Commission) was established by Order of Her Excellency Professor the Honourable Kate Warner AC, Governor of Tasmania.
- The Commission is led by the Honourable Marcia Neave AO, assisted by former Family Court Justice the Honourable Robert Benjamin AM, and Professor Leah Bromfield who is one of Australia's leading child protection researchers with expertise in child protection systems.
- The Commission will build on the investigation to determine the adequacy and appropriateness of the responses by the Department of Education to allegations of child sexual abuse in Tasmanian Government schools which commenced in 2020. The Commission will also continue the investigation into the responses of the Tasmanian Health Service and the Department of Health to allegations of child sexual abuse, particularly in the matter of James Geoffrey Griffin and the Launceston General Hospital; and the responses of the Department of Communities Tasmania to allegations of child sexual abuse at Ashley Youth Detention Centre.
- The previous Government determined that the Department of Justice would through a centralised unit be responsible for the coordination and management of the Tasmanian Government's response to the Commission. The development of protocols and procedures for the response, along with recruitment are in progress.
- An Interdepartmental Steering Committee, convened at Agency Executive Level, alongside a working group have been established to assist in consistent preparation across Agencies. These preparations include records remediation and an assessment and response to anticipated resourcing needs.
- To ensure the Commission is fully empowered to undertake its inquiry a number of amendments have been made to the *Commissions of Inquiry Act 1995* and other related legislation.
- The Commission of Inquiry will take into account the reforms already undertaken within the Government Departments and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse that have already been agreed to by the Tasmanian Government.

Major Risks/Implications

- [REDACTED]
- [REDACTED]

Actions Required

- Continued monitoring and engagement with the Commission of Inquiry will need to be undertaken by a centralised point, whilst Agencies continue to prepare for anticipated information requests and support for State Servants required to appear before the Commission.
- Continued monitoring and review of resource implications will need to be maintained by affected Agencies to ensure that the Commission and the Government's response to the Commission is resourced.

Background

- On 23 November 2020 the former Government announced the intention to establish a Commission of Inquiry under the *Commission of Inquiry Act 1995* to investigate the responses of Tasmanian Government Agencies in relation to the management of allegations of child sexual abuse.
- The Commission's work is intended to complement, not substitute, the work of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).
- The establishment of the Commission of Inquiry follows three specific investigations into the systems of the Tasmania Health Service, the Department of Health and other relevant Government Agencies in relation to the management of historical allegations of child sexual abuse, particularly in the matter of deceased former nurse James Geoffrey Griffin; an independent inquiry to examine whether the legislation, policies, practises and procedures used by the Department of Education now operate in a way that minimises the risk of child sexual abuse within Tasmanian Government schools; and an investigation of allegations of abuse at Ashley Youth Detention Centre.

- The Terms of Reference for the Commission were developed by the Department of Justice in conjunction with the Solicitor-General and a targeted consultation process including the President of the Commission, the Honourable Marcia Neave AO.
- The Order of Her Excellency includes all the necessary of the Commission such as the direction of the inquiry, functions and power of the Commission, appointment of additional Commissioners and President, and matters relating to the delivery of recommendations and a report.
- The Commission will establish and operate upon its own protocols and procedures, including referrals to police and prosecuting authorities; determining how it will take evidence, gather information – including the conduct of private sessions; and what matters it will be examined.
- It is noted that the Commission has a mix of legal, child-centric and government experience and expertise.

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2021 INCOMING GOVERNMENT BRIEF

Minister for Corrections

TASMANIA PRISON SERVICE (OVERVIEW)

Overview

- Similarly to most other Australian jurisdictions, the Tasmanian Prison system has experienced significant growth in the prisoner population over the last number of years.
- The TPS continues to implement strategies to manage capacity pressures until the Southern Remand Centre becomes operational in late 2021.
- In early 2020, the TPS implemented a number of preventative measures in response to the threat of COVID-19. The TPS continues to maintain some necessary preventative measures that were introduced including social distancing practices, the use of relevant PPE and increased hygiene awareness and practices. *Refer COVID-19 IGB.*
- A Service Level Agreement (SLA) between TasTAFE and the Department of Justice (DoJ) has been negotiated and signed and the TasTAFE Training Facility at Risdon prison became effective on 1 October 2020. The agreed delivery model is designed to increase:
 - engagement and enrolment in vocational education and training;
 - retention rates in VET courses;
 - work skill readiness for employment opportunities post-release;
 - pathways to continue with vocational education and training post-release.
- The Department of Justice's Justice Connect programme will replace current outdated systems used by the Tasmania Prison Service.
- A new communication strategy is being rolled out across the service which will promote a culture of direct, open and regular communication with all levels of the organisation.

Current Issues

- The TPS is operating at around 85% utilisation across the service. The TPS is, however, exceeding capacity across all male maximum accommodation units which causes significant pressure in those areas. *Refer Prison Capacity IGB.*
- Over the last year, staffing shortfalls (in both correctional and non-correctional staffing areas) have impacted on the operations of the service. The TPS continues

to implement recruitment strategies to address these shortfalls. *Refer Recruitment IGB.*

- From 1 July 2021, the TPS will assume responsibility for court security in the north-west of the State. The TPS continues to develop appropriate processes and staffing to ensure the success of this project.
- In the 2021 Report on Government Services (RoGS), Tasmania reported low prisoner education and employment rates in comparison to the other States and Territories. As noted above, the TPS is working closely with the TasTAFE to improve education outcomes for prisoners through the delivery of the integrated education model.
- In the 2021 RoGS, the TPS reported lower out of cells hours for prisoners in comparison to the other States and Territories. Recent recruitment has resulted in less lockdowns in facilities, particularly during the third quarter of 2020-21. Additionally the TPS is in the process of rolling out extended core days in facilities with the aim of prisoners being engaged in activities for long periods during the day.
- A review and restructure of the services that provide rehabilitation and reintegration services to prisoners has been undertaken to ensure we quickly and accurately identify their offending behaviour needs and begin appropriate engagement in preparation for their release.
- The CPSU and United Workers Unions are the two active Unions within the TPS. At present, the predominant union focus is on staff training. The TPS is currently reviewing the delivery of staff training to ensure currency and relevancy of recruit, mandatory and ongoing refresher training.

Major Risks/Implications

- As noted in separate IGB's prepared on specific TPS issues.

Actions Required

- No further action is required by the Minister at this stage. The TPS has commenced work on all of the above issues and briefings will be provided when required.

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2021 INCOMING GOVERNMENT BRIEF

Minister for Justice

SAFE AT HOME

Overview

- Safe at Home is the Tasmanian Government's integrated criminal justice response to family violence.
- Safe at Home aims to improve the safety and security of adult and child victims of family violence, while ensuring perpetrators are held to account for their violence. Safe at Home uses a pro-arrest, pro-prosecution strategy to achieve these aims.
- The partner agencies in Safe at Home are the Departments of: Justice (lead agency); Police, Fire and Emergency Management; Communities; Health; and, Education.

Current Issues

- The introduction of *Safe Homes, Safe Families: Tasmania's Family Violence Action Plan 2015-2020* and subsequent *Safe Homes, Families, Communities: Tasmania's Family and Sexual Violence Action Plan 2019-2022* has increased awareness of family violence, which has resulted in an increase in family violence reporting. This has placed increased demand on Safe at Home services.
- In March 2020, the State Government allocated \$1.9 million of the \$2.7 million COVID-19 family violence stimulus package to Safe at Home services to meet the increased demand for 2020-2021. This funding was extended to 31 December 2021 from the *Safe Homes, Families, Communities: Tasmania's Family and Sexual Violence Action Plan 2019-2022*, 2019-2020 underspend.

- [REDACTED]

Major Risks/Implications

- [REDACTED]

Actions Required

- [REDACTED]

Background

- Established in 2004, the Safe at Home integrated criminal justice response to family violence is underpinned by the *Family Violence Act 2004*.
- Safe at Home consists of the following services working together to deliver integrated case coordination of family violence victims and perpetrators:
 - Safe at Home Coordination Unit – Department of Justice
 - Family Violence Units (formerly Victim Safety Response Teams) – Department of Police, Fire and Emergency Management.
 - Specialist Police Prosecutors - Department of Police, Fire and Emergency Management.
 - Specialist lawyers - Legal Aid Commission of Tasmania.
 - Court Support and Liaison Service – Department of Justice.
 - Community Corrections, Family Violence Offender Intervention Program – Department of Justice.
 - Family Violence Counselling and Support Service (Adult) – Department of Communities.
 - Family Violence Counselling and Support Service (Children and Young Persons Program) – Department of Communities.
 - Defendant Health Liaison Service - Department of Health.
 - Child Protection Services – Department of Communities.
 - School Social Workers – Department of Education.
- Urbis evaluated the *Family Violence Act 2004* in 2008.
- Success Works evaluated the integrated criminal justice response to family violence in 2009.
- Both reviews found that Safe at Home was a ground-breaking and paradigm shifting reform when it commenced in 2004 and that it retained its cutting edge with capacity for further improvement.
- In 2014, an Internal Performance Review of Safe at Home was undertaken, which led to the development of Safe Homes, Safe Families: Tasmania's Family Violence Action Plan 2015-2020 and subsequent Safe Homes, Families, Communities: Tasmania's Family and Sexual Violence Action Plan 2019-2022

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*Rebecca Flakelar from 17 May 2021

2021 INCOMING GOVERNMENT BRIEF

Minister for Corrections

COMMUNITY CORRECTIONS (OVERVIEW)

Overview

- Community Corrections is responsible for the management of offenders on community-based sentences and the delivery of the electronic monitoring program in Tasmania.
- Community Corrections has five business outputs: Community Service, Supervision including Home Detention and Parole, Court Mandated Diversion, Criminogenic Intervention Programs, and Electronic Monitoring; with offices located in Burnie, Devonport, Launceston, Glenorchy and Hobart.
- Community-based interventions range from compliance activities, reparation by undertaking community service and interventions that support rehabilitation and successful re-integration of offenders. This work aims to reduce recidivism and/or the severity of any new offending so as to improve community safety.

Current Issues

- The introduction of the *Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017* presented the most significant legislative and operational change to Community Corrections in decades. It introduced two new sentencing orders, Home Detention and Community Correction Orders (CCO), and removed probation and community service orders as sentencing options - these can now form part of a CCO.
- Alongside these reforms, Community Corrections was funded to set up the Monitoring and Compliance Unit to undertake electronic monitoring of Home Detention wearers, family violence offenders and victims (with a victim device).
- Home detention was a new sentencing option in Tasmania, and in the last 12 months, the demand for Home Detention assessments has doubled and the number of orders has increased by 76% (55 orders in February 2020, to 97 orders in February 2021). The scope of the Electronic Monitoring program has expanded to include parole, High Risk Offender Orders, and bail is currently under consideration.

Major Risks/Implications

- [REDACTED]

Actions Required

- A budget proposal is under development for consideration in due course.

Background

- Community Corrections supports a variety of non-custodial sentencing options including the supervision and oversight of:
 - Community Correction Orders, incorporating supervision and community service;
 - Home Detention Orders;
 - Drug Treatment Orders through the Court Mandated Diversion Program;
 - Parole Orders;
 - Probation and Community Service Orders (predominantly historical orders only).
- It is also responsible for:
 - Preparation of pre- sentence reports to the Supreme and Magistrates Courts, and pre-parole reports the Parole Board;
 - Delivery of educational, therapeutic and criminogenic programs;
 - Administrative functions of the Parole Board;
 - Electronic monitoring program.
- Across the 2019-20 financial year, Community Corrections managed an average daily number of 1972 offenders across all order types and business outputs. This is conducted at a cost of \$21.69 per offender per day.

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Date: 27 April 2021

2021 INCOMING GOVERNMENT BRIEF

Minister for Corrections

ELECTRONIC MONITORING PROGRAM

Overview

- The Monitoring and Compliance Unit is a business unit within Community Corrections. It delivers electronic monitoring services for home detention, parole and family violence.
- Electronic monitoring is a condition that is increasingly being utilised to support community and victim safety outcomes.
- The success of the program has resulted in government exploring other ways of using electronic monitoring to enhance community safety by incorporating it in the *Dangerous Criminals and High Risk Offenders Bill 2020*, and in the draft *Bail Bill 2021*.

Current Issues

- Demand for electronic monitoring has increased significantly in the last 12 months. The number of home detention orders has increased by 76%, and the electronic monitoring of parolees, which commenced in January 2021, has resulted in 39 assessment requests to date, with 9 orders granted. It is anticipated that the demand for home detention and parole will continue to grow.
- Tasmania Police has secured additional funding to continue the family violence offender electronic monitoring program for two years. Community Corrections independently funds monitoring for this program, receiving a nominal service fee from Tasmania Police. It is anticipated that monitoring family violence orders will represent an increasing resource burden over the next two years.
- New order types that include electronic monitoring have been legislated or are currently under consideration such as High Risk Offender Orders and Bail. It is anticipated that Community Corrections will monitor these orders when implemented.
- At this time, there is no additional funding allocated to Community Corrections to monitor parolees, High Risk Offenders, and the contribution from Tasmania Police to monitor family violence offenders and victims does not cover the actual cost.

Major Risks/Implications

- [REDACTED]

- [REDACTED]

Actions Required

- [REDACTED]

Background

- In 2018, amendments to the *Sentencing Act 1997* and the *Family Violence Act 2004* made electronic monitoring a condition that could be attached to a home detention order and a family violence order in Tasmania.
- The first home detention order commenced on 19 March 2019; and the Unit commenced monitoring family violence orders on 1 April 2019.
- In order to deliver continuous 24-7 monitoring services, the Monitoring and Compliance Unit employs 6 teams to work across three shifts per day all year round. The teams comprise of one supervisor and 3 monitoring officers.
- Of the orders managed by the Unit, home detention has experienced the most significant growth: 76% from February 2020 to February 2021. The number of family violence devices has remained steady at around 50, however Tasmania Police has been funded to continue the electronic monitoring project for a further 2 years, with the option of extending the number of wearers to 100.
- The *Dangerous Criminals and High Risk Offenders Bill 2020* was passed in March 2021. On proclamation, this will introduce high risk offender orders as a new order type with potential to include electronic monitoring as a condition.
- Work is currently being undertaken to review the *Bail Act 1994* with the view to potentially include electronic monitoring on future bail orders. A high number of orders are expected to be eligible for electronic monitoring if legislative changes are progressed.

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2021 INCOMING GOVERNMENT BRIEF

Minister for Justice

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Overview

- The introduction of a single civil and administrative tribunal for Tasmania (TasCAT) is occurring with a staged approach.
- The first stage, legislation allowing for TasCAT's framework has passed through Parliament and the nine Tribunals that will merge to form TasCAT have successfully co-located in new premises.
- The inaugural TasCAT President, Malcolm Schyvens, has been appointed and will commence on 17 May 2021.
- The second tranche of legislation required to establish TasCAT comprises of an amendment Bill and consequential amendments Bill. These Bills will provide substantive processes, powers and procedures for TasCAT.
- Consultation is complete on the amendment Bill and feedback is being considered.

Current Issues

- The Principal Registrar has been working with the various Tribunals regarding the necessary staffing structure and systems required for the formal establishment of TasCAT.
- Once the new President has commenced he will be responsible for developing the rules necessary for the operation of the Tribunal.
- Chief Parliamentary Counsel has advised the necessary consequential amendments required are significantly more complex than first thought. This has meant a delay in the proposed establishment of TasCAT from July to October 2021. This delay will not have any practical impacts on the operation of the co-located Tribunals.

Major Risks/Implications

- You will be provided further advice on the impact the caretaker period had on timeframes for the completion of the second tranche Bill.

- [REDACTED]
- [REDACTED]

Actions Required

- Consultation will need to occur on the cognate consequential amendment Bill and you will be provided with advice prior to that occurring.
- Following consultation the second tranche Bills will be finalised and provided to you for introduction into Parliament.
- Following the passage of the second tranche Bills you will be provided with advice, and your views will be sought, regarding the scope of the third tranche.
- A proclamation will be prepared regarding the establishment date.

Background

- Upon its establishment the following tribunals will amalgamate to form TasCAT:
 - the Anti-Discrimination Tribunal;
 - the Asbestos Compensation Tribunal;
 - the Forest Practices Tribunal;
 - the Guardianship and Administration Board;
 - the Health Practitioners Tribunal;
 - the Mental Health Tribunal;
 - the Motor Accidents Compensation Tribunal;
 - the Resource Management and Planning Appeal Tribunal; and
 - the Workers Rehabilitation and Compensation Tribunal.
- Once TasCAT is formally established consultation will occur with other Agencies and stakeholders regarding what further jurisdictions or powers can be conferred on TasCAT.
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

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