

11 MAR 2014

Mr B Bartl
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Dear Mr Bartl

Thank you for your letter of 24 February seeking the policy positions of the Labor Party for the members of the CLC, Tasmania.

Labor acknowledges the importance of the issues which you have raised. I am pleased to respond on behalf of the Party.

A Charter of Human Rights

Will you commit to implementing the recommendations of the Tasmanian Law Reform Institute and introduce draft legislation to enact a Charter of Human Rights?

Labor is committed to implementing a Charter of Human Rights.

We are also aware of the cost involved in implementing a Charter and are currently considering a staged approach, to bring the Tasmanian community with us.

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Youth Justice

Will you commit to implementing the recommendations of the DHHS 'Continuum of Care' Review

Labor supports an integrated and holistic range of services to support children, young people and their families. This includes a range of programs to support young people who are at risk of offending, or engaging in risk taking and troubling behaviours.

Labor is committed to implementing the recommendations of the Continuum of Care review.

What measures does your party see as important in reducing youth offending and re-offending as well as reducing the number of young people held in detention?

Contemporary research indicates that there are significant costs in failing to intervene early with those young people who are deemed to be "at risk", and a real need for a more balanced approach to both the "needs" and "deeds" of a young person. It is this type of approach that continues to inform the evolution of the youth justice system in Tasmania.

Labor supports an integrated and tiered Children's Service System characterised by the public health model and the continued implementation of this reform agenda is key to achieving this.

Under a public health model, priority is placed on having universal supports available for all families (for example, health and education). More intensive (secondary) prevention interventions are provided to those families that need additional assistance with a focus on early intervention. Tertiary youth justice services are a last resort, and the least desirable option for families and governments.

Consistent with this approach, Labor supports an approach to youth justice which is strongly predicated on the concept of *justice reinvestment* – which focusses on approaches which aim to reduce costs associated with detention and focus on alternative, more cost-effective ways to prevent offending and re-offending, and make communities safer.

Resources can be more constructively directed to models that focus on early intervention, prevention, diversion and desistance. These options are not only less resource intensive per capita but have much better outcomes for offenders, their families and communities.

The Youth Justice Pilot program in Hobart has been a great success in reducing youth offending and re-offending.

The model in partnership with organisations such as Save The Children and Whitelion has just been extended to Launceston. A Labor Government will ensure it is operating Statewide.

Access to Justice

Will you commit to providing sufficient recurrent funding to allow EDO Tasmania to continue to operate for the term of your government?

This National network was established by a Federal Liberal Government and their operations have been funded by successive Federal Governments. I do understand their role in providing legal advice and assistance on environmental planning matters, predominantly and I appreciate that they often play an important role in minimising frivolous or vexatious appeals which can be time consuming for all parties.

It is apparent that the Federal Liberal Government has made a political decision to stop funding these organisations and it is unlikely that we would shift their position.

Apart from the small amount of funding the Government provides to the Community Legal sector, the Attorney General, has the ability to provide grant assistance when the Solicitor's Guarantee Fund is in surplus.

A re-elected Labor Government will continue that practice.

Legal Assistance Services

Will you commit to providing at least the same level of state funding, to legal assistance services for the term of your government, that current service agreements provide for?

Yes

If you are unable to commit the same level of funding, what areas of legal assistance funding are at risk?

The Liberal Party is putting legal centres at risk, not Tasmanian Labor.

Solicitors' Guarantee Fund

Will you continue to invite community legal centres to apply for a grant of money from the Solicitors' Guarantee Fund?

Yes, see above

Procedural Fairness for Housing Tasmania Tenants

Will your party commit to amending Housing Tasmania's policy so that tenants are only evicted after being informed in writing of details concerning their alleged breach and provided with an internal right of review?

Housing Tasmania puts significant energy and resources into assisting tenants to sustain their tenancies. Eviction or non-renewal of lease is only exercised as an action of last resort where a

tenant has demonstrated an inability or unwillingness to rectify a breach of lease over a protracted period of time.

If a tenancy is at risk, Housing Tasmania will refer the tenant to Housing Connect for their housing and importantly, their support needs to be assessed. If this has already occurred, they may be referred again to have their needs assessment updated.

When a tenant has breached their lease (tenancy agreement) and where, after support and prior warning the tenant is unwilling or unable to meet their responsibilities, Housing Tasmania must act to end the tenancy by legal action.

The policy applies to situations in which the tenant has:

- an ongoing tenancy agreement (Eviction); or
- a fixed term lease that is about to expire, or has recently expired, and where a decision has been taken not to renew the lease (Non-renewal).

It is very important to note that at all times the tenant is aware of the reasons for this action to take place and at any time they can work with support services to avoid this action. Tenancy officers meet with the tenant when a breach has occurred with the aim to resolve the matter, and all meetings and warnings are followed up with written correspondence explaining the breach and how to rectify the matter.

Housing Tasmania has a responsibility to protect and preserve government assets and revenue, and to contribute to community wellbeing. There is a limit to tolerance of behaviour which compromises those responsibilities.

At the same time, it is understood that for many people a Housing Tasmania home offers their best chance to get and keep a stable home.

Accordingly, although making every effort to ensure that tenancies are sustained, Housing Tasmania will consider eviction where a serious breach has occurred and where other actions have failed.

A serious breach would include:

- severe damage to the property by the tenant, family, other household occupants or visitors
- actual or threatened violence towards others
- repeated and ongoing failure to pay rent or tenant contribution
- causing extreme or repeated nuisance or annoyance to neighbours
- repeated and consistent failure to keep the property clean and tidy
- use of the property for part of a crime.

Family Violence

Will you commit to undertaking the review of the Family Violence Act 2001 (TAS), and drafting , funding and implementing any recommend amendments to the Act?

It is important that the Safe at Home program is continuing to operate fairly and effectively. If changes to the Family Violence Act are required as a result of reviewing the program, then they would be made.

Will you commit to providing appropriate levels of ongoing funding to establish gender specific perpetrator programs?

We support the current programs that are run in Mary Hutchinson Women's Prison, and in the Risdon Prison Complex and Ron Barwick Minimum Security Prison for men.

Offenders who are not in prison attend one-on-one counselling sessions so the issue of "gender-specific" programs does not arise.

Labor recognises that the true solution to a safer Tasmania is to change offending behaviour and therefore supports programs such as these that work to reduce the incidence of family violence.

Once again, thank you for your correspondence.

Yours sincerely



Lara Giddings MP
Premier