



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON EDUCATION, TRAINING AND
YOUTH AFFAIRS**

(Reference: [Annual and financial reports 2010-2011](#))

Members:

**MS A BRESNAN (The Chair)
MR J HANSON (The Deputy Chair)
MS M PORTER**

TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 21 NOVEMBER 2011

**Secretary to the committee:
Mr A Snedden (Ph: 6205 0199)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

APPEARANCES

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Amended 9 August 2011

The committee met at 1.33 pm.

Appearances:

Burch, Ms Joy, Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs

Community Services Directorate

Hehir, Mr Martin, Director-General

Nolan, Ms Christine, Executive Director, Office for Children, Youth and Family Support

Collis, Dr Mark, Director, Youth Services, Office for Children, Youth and Family Support

Power, Ms Leanne, Senior Director, Strategy and Purchasing, Office for Children, Youth and Family Support

Duggan, Mr Frank, Senior Director, People and Workforce Planning

Whitney, Mr David, Director, artsACT

Overton-Clarke, Ms Bronwen, Executive Director, Policy and Organisational Services

Elvin, Ms Harriet, Chief Executive Officer, Cultural Facilities Corporation

THE CHAIR: I would like to welcome the minister and officials to this hearing of the Standing Committee on Education, Training and Youth Affairs inquiry into annual reports for the financial year 2010-11. I am sure you are all aware of the privilege statement, but for the record I draw your attention to the privilege statement, which is on the desk in front of you, to make sure that you are aware of the information in that. Also, this hearing is being broadcast. We will deal first with youth policy services. After afternoon tea we will go to arts. Minister, would you like to make an opening statement before we go to questions?

Ms Burch: Yes, if I could. Thank you, chair, for the chance to provide a brief opening statement. It has been a busy year for the Office for Children, Youth and Family Support. I would like to thank the staff and the organisations and individuals they work with. The work they carry out is some of the most complex and challenging that any government will undertake and it can be difficult for all of those involved.

There have been some significant achievements within the office. We are well advanced with planning for and resourcing the education and care centres to be ready for the start of the national quality framework next year. This has seen us invest \$7½ million for a new centre at Holder, release two blocks of land for two new centres at Giralang and McKellar and provide \$750,000 over two years for a scholarship program for educators.

In youth services, a number of initiatives are underway to enhance youth justice, including the designing and in recent weeks the implementation of an after-hours bail support service, while improving the training and development of staff. The office has also commenced a \$1.5 million kinship care project to provide outreach support to kinship carers, with these carers representing approximately half of the total carers.

The government has continued planning out-of-home care generally, including the consolidation of the out-of-home care framework and the expansion of funding for the second year in a row to reflect the increases in demand. The activities have been thoroughly examined over the last year, and I thank all of those involved and who have been part of these extensive reviews.

We continue to examine and implement findings from the Human Rights Commission inquiry into Bimberi Youth Justice, the youth justice report and the recent Public Advocate report on the emergency response strategy for children in crisis in the ACT. In addition, the response in youth justice has been the development and implementation of a blueprint for youth justice.

I will talk about arts when we come back later.

THE CHAIR: Thank you, minister. My first question is in relation to youth justice. I do not have a specific reference in the annual report but it is in relation to youth justice. It is around when a young person might transfer to the AMC and what the process is in terms of when and if that occurs, how it is recorded and what supports in particular are put in place for the young person who that might happen to.

Ms Burch: Youth are not automatically transferred from Bimberi when they turn 18. Each young person is assessed, as is their place within the Bimberi facility. I am sure that Christine or perhaps Mark Collis can talk to you about that. But I think it is important at the outset to know that the day of the birthday does not automatically mean a transfer.

THE CHAIR: No, I am actually aware of that, but it is about what process happens when and if that occurs.

Ms Nolan: To my knowledge, since I arrived in February, there have only been two young adults transferred from our facility to the AMC. They were transferred in response to significant difficulties they were causing within the Bimberi centre. I made that decision, as the executive director, to transfer them based on the advice of the centre's senior manager. I am aware that the Human Rights Commission have raised issues about whether there should be some sort of rights of appeal. I think they suggested, from memory, that possibly it should go back to the Children's Court, the original decision maker, in making that transfer decision. That is something we will be looking at.

We are also in the processes of establishing, in any event, a decision-making review panel for the Office for Children, Youth and Family Support, where an array of decisions that are not necessarily appealable to the courts could come for review by a mix of both senior public servants and some external representation.

THE CHAIR: So at the moment you are the person who makes that decision?

Ms Nolan: Yes.

THE CHAIR: Is that the only process currently? You are talking about what might happen in the future, about going to the court and having a panel set up, but is there

any process around that other than that, as you said, they are causing difficulties? How is it actually determined and what supports do they have?

Ms Nolan: I am not aware of any particular supports that were put in place for them in transferring. I have to be frank: obviously once they leave our custody they are in the custody and control of the adult correctional system. Basically the process around it was advice about the difficulties their behaviour was creating for other residents of Bimberi at the time. It was my call that they were of an adult age. I think that if they are going to remain at Bimberi then we need to have it demonstrated that they are able to act in ways that are not very detrimental to other residents.

Mr Hehir: Madam Chair, I might add to that, if that is all right?

THE CHAIR: Yes. You are saying there are no supports. I take your point that they go into the adult correctional system but there must be some sort of process to prepare them for what is going to happen.

Ms Nolan: I believe there is.

Ms Burch: That is what I think Martin is going to go to now.

Mr Hehir: I might go to Mark in a second, but these things actually do not normally happen out of the blue. Our preferred position is to keep the young person with us until the end of their committal. We think that is appropriate, given the developmental age that many of these young people actually are. In fact, in some jurisdictions they have specific legislation around under-21-year-olds, particularly for first offences, such as in Victoria. So we are quite aware of the developmental age of these young people.

Normally, the transfer decisions arise from a series of breaches around behaviour and/or putting other young people into danger, or indeed themselves into danger. So it is not really out of the blue. It normally arrives after a series of events where the young person has their behaviour discussed with them and it is identified to them that if this sort of behaviour continues, we will be forced to make a decision about whether it is appropriate for them to remain within the setting.

I will say that most commonly it is around the impact they have on other young people there. We have that duty to balance up the rights and needs of the other young people there. Mark might be able to talk to you about the details that he has there, but for the ones that I have seen over time there have been quite a long series of behaviours, particularly impacting on other young people, that lead up to it.

One of the issues is that we do not give a huge amount of advance notice. That is largely because we are trying to avoid the ability to escalate. There was an incident that I am aware of where a young person thought he had breached his final, so he decided he was going to go off and climb fences and carry on, because he was going to go anyway. That is the sort of behaviour we try and avoid, so we do not tend to say, "Okay, you're now going to be transferred in 48 hours," and give the young person plenty of time to act out. We are trying to limit their opportunity for that and trying to minimise potential damage on the site. So it is very much done with a series of

educative and warning processes and supports to change their behaviour, as we try and move forward.

Ms Burch: There are two new pieces of policy, one in place and one to be in place. The single case management approach will certainly retain the connection, because once the young person exits out, there needs to be some cooperation or collaboration regarding, under our responsibility for that young person in case management, how we hand over, what we keep and what happens on exit as well. With the other legislation that I am looking to bring in—it is not for all of them—some of these young people could be in out-of-home care. That transition from care from 18 up to extended ages would also direct us to have a different conversation as well.

THE CHAIR: Just on that point that you made, this is something I have asked previously of corrections. You said there have been two since February and you are talking about having this ongoing case management. Are you actually going to start looking at how many people—

Ms Burch: It is certainly something that we need to look at. At one level you lose responsibility because they are within the AMC system and their programs there. But in the other sense they are still a young person, they were a juvenile when they came in and we do have that responsibility. We recognise young people up to the age of 25.

THE CHAIR: I guess it would also be an indication of how programs might be achieving their objectives.

Ms Burch: That is exactly right.

THE CHAIR: Dr Collis, did you have anything to add?

Dr Collis: Yes, I have something to add about that. Two things probably have not been mentioned. One is that any young person who is exiting Bimberi will have a transition plan. These would be part of that. That transition plan would incorporate evidence and information acquired by appropriate professionals such as the forensic psychology service at Bimberi.

The other thing to point out is that there is probably a larger population of 18, 19 and 20-year-olds in AMC than there is at Bimberi because if they are charged and found guilty after 18, they go to AMC, but young people who are charged and found guilty prior to 18 go through Bimberi. So I guess the transition plan is a really important way of transferring the services from Bimberi Youth Justice Centre to Alexander Maconochie.

MS HUNTER: What we found in the Human Rights Commission's report was that that transition was not being done well, that there was very little information being handed over to AMC about those young people transitioning. Dr Collis or minister, you are saying that this is going to be an area of work and improvement, that there will be transition plans and there will be information?

Ms Burch: As I have just said, we have a single case management approach plus a broader risk approach to anyone who has come through Bimberi, as to where they go,

and in making sure that those connections go through. In short, given that there have been two this year, it is something that we will work on.

MS HUNTER: With only two, it should be something that can be done quite comprehensively. If there were a lot, you could understand why the reports may not be as comprehensive. The Human Rights Commission's report talked about a number of young people saying that, in a way, the threat of being sent off to AMC was being used as a management tool, if you like, or a behaviour management tool. This was something that came up again and again. Is this something you are concerned about? What is being done to deal with that issue that was raised?

Ms Burch: There is a tone in there, Ms Hunter, in that it can be used punitively or it can be used, as Martin Hehir has said, around educating young people that there are consequences for some people, in response to some behaviours. Do you want to speak on that, Martin?

Mr Hehir: Certainly it is a difficult balance. I think the intent or the point that some of the young people were making was that in a sense they thought it was a bit inappropriate and that it was being used around certain events that would not normally have resulted in endangering other young people and probably did not warrant the potential to transfer. Certainly I would not anticipate that staff would use it in that sort of consequence. They certainly should not be. But I also think it is absolutely important that we are very clear with young people about the potential consequences of their behaviour, particularly if it is endangering other young people and particularly if it is actually leading to significant problems within the centre. I do think we need to be clear.

MS HUNTER: I do not think there would be any argument with that. It is just, as you say, a matter of having a balance and whether some are using it as a threat, if you like.

Mr Hehir: They certainly should not be. But we do need to be clear when it is appropriate for that. Certainly I think that is the balance that we would always strive to reach—a very clear indication about what behaviour is acceptable and what the potential consequences are, while also not overreacting to other events within the centre that you would not actually classify as leaning that way.

MS HUNTER: Are you also confident you now have the balance right around ensuring that those young people who are transferred are very clear about how that decision was reached?

Mr Hehir: That was an issue that was highlighted in the report. I might ask Mark to talk to the processes they are actually going through at the moment, but certainly that has been one of the issues. Sometimes explaining decision making in these environments can be quite difficult, particularly if someone is not accepting the first premise that their behaviour was not acceptable. But I will get Mark to talk to that.

Dr Collis: There are two aspects to this. One is that threats are not part of any behaviour management policy at Bimberi Youth Justice Centre. The behaviour management policy is based upon achievement of goals or achievement of appropriate rewards and the only time that, indeed, people are separated from the normal screen is

actually as a consequence of safety within the centre. If there are future complaints regarding the use of the Alexander Maconochie Centre as a threat, they will be taken very seriously, certainly by me and by the senior manager, and will be dealt with.

I think the part of the culture that is pleasing to see at Bimberi in terms of change is the culture of feedback that is being developed. The move is to turn the behaviour management system into one where young people feel that they have a capacity to provide feedback and that it is dealt with, and in a timely fashion. I would suggest that most of our staff are way across that at the moment, but there are always glitches in that process. So this is one area that we do take very seriously. Threats are not part of the behaviour management system for the centre and have no place in it in the future.

THE CHAIR: Mr Hanson.

MR HANSON: The Human Rights Commission appeared before us last week. There was a copy of a letter that has been written to you, minister, and I think it was properly provided as information to the Greens and to Mrs Dunne.

Ms Burch: From Alasdair Roy to us around the government's response?

MR HANSON: That is right, that there is some difference in interpretation in the recommendations from Alasdair Roy's report and the way you are now implementing those. They disagree with the way you are implementing them or think that you are not actually meeting the intent of what was recommended in the report. How have you responded to that?

Ms Burch: I think if you read the entirety of that letter, you would note that they were going to give me a more fulsome response. That was a first-blush response. That was also in the letter. It is interesting that you have a response to the government response and I am considering whether there is a response to the response to the response to the government report, but we will get there once I see the report or the correspondence from the human rights commissioner.

We are quite solid that we have not misunderstood or misrepresented his commentary. We had a task force, an expert task force, that considered each and every one of those recommendations in full, and the government response reflects the internal considerations, understandings and knowledge within the department but also within those experts on the task force.

MR HANSON: Did the task force engage with Alasdair Roy or anyone else in the Human Rights Commission to confirm that the response provided by the government was actually meeting the intent of those recommendations? How have we got to this point where that conflict occurs?

Ms Burch: I am confident that it does. One of the ones where we disagree is changing the age of criminal intent or some such language. I am not quite sure whether criminal intent is the language.

Mr Hehir: Criminal responsibility.

Ms Burch: Criminal responsibility. The task force and the government are very clear that we think there is no need to change that. There was also a—

MS HUNTER: But hasn't that been a bit of a misunderstanding?

Ms Burch: No.

MS HUNTER: It seems that there was a bit of misunderstanding in the response. My reading of the response is that the department thought that what they wanted was to lower that age, whereas in fact the age of eight and lowering the age to eight had never come into the conversation. So I am a little unclear and would be interested to see the response. We will wait as well for the response from the Human Rights Commission.

MR HANSON: I think that is the point.

MS HUNTER: There seems to be confusion.

MR HANSON: There is confusion about what the department and the task force have come up with as opposed to what the recommendation actually said. You are now waiting for further correspondence. You have not gone back to the Human Rights Commission to—

Ms Burch: No, because his earlier letter, the one you are referring to, says that he will be writing to me in full.

Mr Hehir: We might be able to clarify that one straightaway. Our understanding was they were seeking to raise the age to 12 from 10. So our response was quite clear on that. It was going to remain at 10. That was what the government response was. So we were clear in our understanding that they wanted to raise the age of criminal responsibility.

MS HUNTER: Yes, that is right.

Mr Hehir: So we did understand that. But I absolutely accept that there are areas where both parties, in effect, will need to have further conversations. We have invited the children's commissioner to participate, working forward with the task force. There would have been a bit of a complication in terms of them providing a report and then we consult them on our response to the report. We are very happy to work with the commission going forward and that has always been our position. But there are absolutely opportunities for some level of confusion.

There was a recommendation around a child impact statement. I have met with the Children and Young People Commissioner in recent days and we had quite a good conversation around that. Alasdair explained his intent to me, which was about trying to make sure that decision makers consider children in their decision making and I explained to him that an impact statement is actually quite a formal document. We had equated it to the regulatory impact statement, which actually goes through quite a process. It is very formal. In fact, the Australian government actually has an office of best practice business regulation, I think, or regulation is the title around their RISs.

So it becomes an incredibly formal document.

MS HUNTER: There was a misunderstanding or a difference of use of language that led to a different idea of what the recommendation meant? In a nutshell, is that what you are saying?

Mr Hehir: The recommendation and the text leading up to it, I think, supported our view that it was meant to be a formal impact statement. As part of this process, I said: “What else would you like or how else would you like to do this? We can actually have a look through how we get decision makers to make sure they consider children when they are making decisions or policy makers can do that.”

MS HUNTER: Doesn't that go back to Mr Hanson's question, which was: did you get the authors of the report to come in to the task force to actually go through and, I guess, do some of that discussion or dialogue around what things meant?

Mr Hehir: As I said, it is a bit awkward to actually provide a response to someone's review by having them in the same room. We very carefully considered the text of the review and we went to a great deal of effort, as did the task force, in working through that. As I said, we are really happy to work with the commission as we move forward. I am sure we will be able to clarify any small misunderstandings as we go forward, but we are very positive about our relationship with the commission. We remain really well engaged with them. In fact we are very happy to continue working and we have said so to the commission.

Ms Burch: There are 224 recommendations and I think in that earlier letter he identified three or four.

Ms Nolan: Four, I think.

Ms Burch: Four areas, yes.

MR HANSON: As examples. He said there were a number and they were examples.

Ms Burch: But as I have said, we have worked very closely with the task force, who will continue to be involved. The commissioner, as always, has had an oversight responsibility for Bimberi for as long as Bimberi has been open and that will continue. So he clearly has a place, a valuable voice in the ongoing development of youth justice.

THE CHAIR: I take your point that you are waiting for the full letter to come, but one of the keys things that they did raise in relation to what Mr Hanson has said was around that task force and that their recommendation was to let that expert advisory group and the task force meet. Even though you are sort of saying, “We are fulfilling that by having the task force,” that is actually quite a different thing to what they are suggesting. The fact is that they envisaged something that would be ongoing and the task force looks like it is going to be something which has a time frame to it.

Ms Burch: It is certainly—

THE CHAIR: There seems to be quite a difference around that one, just initially.

Ms Burch: The task force does have a time and I think the government response clearly sets out the work that is being undertaken through the IMS that I think Mark Collis has just touched on, with that internal work. I think he was speaking about staff support, education and supervision, but the blueprint will clearly set out where we go through with this.

The task force has made comment that it had no community membership. I would like to dispel that absolutely now while we are talking on the task force, because I think there was Emma Robertson from the Youth Coalition, Peter Sandeman from Anglicare, Peter Murphy from Noetic, Danny O’Neil from the Richmond Fellowship and Rod Little, the chair of the Indigenous elected body. These are very much community-based organisations with experience in youth justice or, in terms of Rod Little, if you look at any given day, over 30 per cent of young people in Bimberi are Aboriginal and it is absolutely right and fair that an Indigenous leader is part of that discussion.

MRS DUNNE: Can I follow up on Mr Hanson’s question?

THE CHAIR: Yes. I imagine there are going to be quite a lot of questions on this. We will go to Mrs Dunne and then come back to Dr Bourke.

MRS DUNNE: I want to tap into perceptions here. I am getting the impression from your comment, minister, that you are a bit miffed that the Human Rights Commission has dared to comment on the government response. Both you and Mr Hehir said it was unusual and “We do not know that we can respond to a report with the reporter in the room,” words to that effect. It was your idea to have the Human Rights Commission conduct this inquiry. Do you think it has blown back in your face?

Ms Burch: I disagree. I am not miffed. So your premise in your long preamble—

MRS DUNNE: The tone of what you are saying is pretty miffed.

Ms Burch: Mrs Dunne, you are either going to let me answer the question or you are not. I am not miffed. I welcomed the commissioner’s review and I have said that I welcome his ongoing engagement. He continues, as he has done from day one of Bimberi, to have an oversight and he will continue to have that.

MRS DUNNE: But all the language that we have heard today is you sort of downplaying: “No, there really is not a difference. It is a bit unusual.” When are you actually going to get down to the job of work of addressing the issues rather than trying to minimise the issues?

Ms Burch: I think we are getting down to addressing the issues with our fulsome government response, with the work that is being undertaken with the integrated management system and with the blueprint.

THE CHAIR: Dr Bourke.

DR BOURKE: Thank you, chair. I am interested in whether the change management strategy which was implemented by the government in November 2010 has realised a significant change at Bimberi. Is there any statistical evidence of change, for example, in the number of assaults at the centre, the use of force, reduced staff turnover and strip searches undertaken?

Ms Burch: Dr Bourke, thank you for that. We implemented a change management process in the latter part of last year—November last year—a number of months before the commissioner started his review. I think it is noted in the commissioner’s response that positive evidence of the impact of that change management process had already been in play when the review was being undertaken and it was probably at a peak between February and July this year. I am quite happy to go to the stats through Mark Collis or Christine Nolan but, in the main, feedback to me when I have been out there is that there has been a complete turnaround. Staff are supported; they have clear processes in place about their support and their educational opportunities. I think all but a few have up-skilled to cert III. There is ongoing professional—

Ms Nolan: Cert IV.

Ms Burch: Cert IV, is it? I beg your pardon, it is cert IV. There is ongoing supervision and training. There is a significant amount of program work and engagement with community organisations. It has seen our staff retention improve. Mark, you may want to talk more on that.

Dr Collis: Yes, I have a bit of a benefit in coming into the process a bit later and wanting to find out where an organisation was in terms of change. I think it is important to be really honest and frank about an organisation. The minister mentioned the fact that in the integrated management system, which is a huge piece of work around bringing all of the processes and procedures in this large organisation together, we have an oversubscription of staff wanting to be champions for that process.

If you look at the change management system, February is a key date in that because that is when the first tranche of staffing came online and that is when the new management came online. I think it is worth while comparing the five months to the end of the financial year with the preceding five months in a whole range of headline statistics. It is fascinating. Staff separations in the second period were three, as opposed to the period before the change of 10. Assaults in the centre in the period before that change were 42. They were 11 after the change. Use of force went from 62 in the period directly before to 14 directly afterwards. Lockdowns of the centre went from 42 to one and 31 staff in that period of time achieved their certificate IV in youth work.

By no means do I accept that those statistics are anything but an indicator of the trajectory of change, not that the change has reached its destination. By just about any measure, I think those statistics paint a view of a staff who are willing to change and are trying to change. Actually, there are quantitative ways of seeing that things are changing. We have a long way to go, but it is, I think, really significant criteria. For me, who has a bit of a responsibility in that portfolio, I have to know whether it is about motivating change or sustaining the direction of that change. I believe it is sustaining the direction of that change.

MR COE: Given you have just admitted that there were 42 lockdowns—

MRS DUNNE: It is the first time we have had that admission.

MR COE: Right. Does that not mean that the directorate and the two ministers responsible severely let down the young people and the staff at the centre during that period?

Ms Burch: I think you have to go to the explanation of what the lockdowns were for. I am not quite sure if—

MR COE: We have just heard it was a great achievement to go from 42 to one. It was obviously a very serious incident if, indeed, you are going to hail it as a great success to have 41 less.

Mr Hehir: I think the context of that is important. Mark has given that in part of his answer in terms of the full staffing having been reached in February. With a very quick increase in terms of the number of young people coming into Bimberi over our previous historical figures and also a number of staffing moves, we did have trouble maintaining a full workforce. There is no doubt that the increase in the number of young people, combined with a reduction in the number of staff, led to significant issues and that did include lockdowns for operational reasons. I think the government has always been clear that there have been lockdowns for operational reasons and that had to be done in terms of managing some of the safety there. It is not something that we prefer to do. It is absolutely always seen as the last resort, but in a secure environment sometimes you do need to do that.

The work that we have been doing and had been working towards from before the change management strategy but also specifically through the change management strategy was to get a fully qualified, fully trained staff force in Bimberi to ensure that we could work with the young people in an appropriate fashion—a fashion where the young people felt safe and comfortable and the staff felt safe and comfortable. I think that is the work that has been done.

MS HUNTER: So does it actually reflect—

Ms Burch: I think the move from 42 to one in this year is a marked improvement in anyone's language.

THE CHAIR: Ms Hunter, did you have a follow-up? I have to come back to Dr Bourke.

MS HUNTER: You are talking about change management and you are talking about a higher staff turnover that has now been reduced. Does this also reflect the management that was in Bimberi, that obviously there were major issues going on there? What are you doing to put in place a system that can ensure that you check that quality of management and ensure that the proper supports and training processes are in place?

Mr Hehir: I think the Human Rights Commission actually made commentary around some of the management, including—if I recall correctly—that they thought that managers' intent had been right and that they had been working very hard to get the culture right. As I think I implied in the previous answer, the biggest issue that they faced was a significant increase in terms of the young people coming in. We went from an average of between 13 and 15 a day to regularly in the high 20s, including up to 30. That is a really significant increase in the number of children coming in. It also was at a time when we were struggling to recruit staff and get enough staff on board.

Maybe the manager found that a very difficult situation and was not able to work through that in a positive fashion, and I think the Human Rights Commission report does reflect that. His intent was on trying to make a real difference to the young people at Bimberi, and I think that is absolutely there. The key thing that we have been working on is to make sure that the staff are well supported, that we keep fully recruited and that we keep training them to make sure that they are qualified and able to do the work. I think that is where the support really has to be.

Managers will always find it very difficult to manage in under-staffed circumstances. That is an environment that can create tension between staff groups and management. This is one of those cases where there is clearly a level of tension, but I think the tension has resolved itself and you have a very positive culture at Bimberi. Many of the same staff are still there. They have always wanted to do a good job and they continue to seek to do that.

THE CHAIR: We will come back to Dr Bourke and then go to Mr Coe.

DR BOURKE: Thank you. Minister, what sort of support did the directorate provide to the Human Rights Commission to undertake the inquiry into youth justice?

Ms Burch: Martin Hehir can probably go to the detail of that, but there were significant supports provided. We had senior staff within the directorate work in supporting him and his team—and I think five workers as well. I understand the dollar amount was quite significant.

Ms Nolan: It was \$300,000 directly to the Human Rights Commission.

Ms Burch: So there was \$300,000 paid directly to the Human Rights Commission—unless you have a different amount, Martin?

Mr Hehir: Yes, I do. I might just check my figures.

Ms Burch: I thought it was \$700,000.

Mr Hehir: The original intent was to be in the order of \$200,000. My understanding is that the overall figure was in excess of \$500,000.

MRS DUNNE: Can you take it on notice and give us a rundown?

Mr Hehir: Yes.

Ms Burch: We have got \$300,000 to the Human Rights Commission and \$280,000 to CSD.

Mr Hehir: From our perspective, we did not seek to stint; we did not seek to refuse any request that the commission came to us with in terms of seeking support for pieces of work. We met that request in order to make sure that we had a quality document at the end. In addition to, I think, five full-time staff that were put on by the commission, we also supported a number of pieces of research to be done. Certainly, our view has always been that this should be a positive document and that we should learn from what it tells us. I think we have been very public in our admiration of the academic work and the evidence base that they have actually pulled together in the document.

THE CHAIR: Thank you.

DR BOURKE: Just to clarify—

THE CHAIR: Is it a quick question?

DR BOURKE: It is. Just to clarify that, in the written response that you provide can you give us a breakdown of how much was actually directly provided to the commission and what is your estimate of the cost of the directorate's services, through your staff, provided to the commission?

Ms Burch: Yes, we can take that on notice.

Mr Hehir: Yes.

THE CHAIR: That has been taken on notice.

DR BOURKE: Thank you.

MR COE: I have a question about the day-to-day running of Bimberi, in particular about catering and the provision of food for the young people. I have been told that the diet of many of the offenders out there is pretty ordinary and that fruit and vegetable consumption is very rare indeed and pizzas are being ordered almost every day. Can you confirm that that is the case?

Ms Burch: I do not think that is quite right, but I am sure Mark Collis can go back. I am aware of pizzas being ordered. There is an in-house chef and I think he was off for family reasons and they did have a buy-in that night.

Dr Collis: There are two in-house chefs, filling basically 1.8 positions at Bimberi. I think you will notice that the Human Rights Commission report was fairly supportive and effusive about the food at Bimberi. That might have something to do—

MS HUNTER: Compared to the AMC, I think. But yes, much better.

Dr Collis: They were very ready to turn up with us on Friday lunchtime, I seem to recall, and seemed to enjoy the repast there. I have eaten quite regularly there; there

are nearly always vegetables and fruit available, and the chefs prepare high-quality food. Due to rostering, leave and illness issues, from time to time there is an issue around there not being an in-house chef available. The centre uses the services of Alliance Catering. Alliance Catering is a catering firm that also is used by the Australian Institute of Sport. Our residents tell us that they prefer our in-house catering to our external caterers. There has been an instance, I believe, where there were takeaways given because of a last-minute illness; they were brought in and there were pizzas. My understanding is that the majority of residents did not complain about that, but—

MR COE: I doubt they would.

Dr Collis: But having pizzas is quite a rare event, certainly not a day-to-day event.

Ms Burch: You are welcome to come out and have lunch one day, Alistair, any time you like.

MR COE: Thank you, minister. How often would takeaways be brought in?

Ms Burch: Dr Collis just explained that to you.

MR COE: No; he did not answer that question, and I did not ask that question. In any given week, how many meals would be provided by takeaway?

Dr Collis: Rarely. In most given weeks, zero, because it is covered by the in-house chef—or, as I said, Alliance Catering would provide it. It is very rare for people to buy in pizzas. I could take it on notice and tell you how many times over the past 12 months, for instance, if you would like that.

MR COE: Sure.

THE CHAIR: Yes, if you could take that on notice.

MR COE: That would be good, thank you.

MS HUNTER: I want to go to the issue of the Aboriginal and Torres Strait Islander young people centre. We have spoken about that previously through annual report hearings and estimates, but I want to go particularly to the issue of the adjoining rooms that are in Bimberi. I want to know, first of all, how many times those adjoining rooms were used in the past financial year.

Ms Burch: We will take it on notice, but it is there to be used. Some sibling groups would rather not have the door open between them.

MS HUNTER: A rough figure—ballpark?

Dr Collis: No; I really—

Ms Burch: We would rather take it notice than give you misinformation.

Dr Collis: I would rather take it on notice than give that. It has been used, I know.

MS HUNTER: Okay. And could you give me information—obviously not information that is identifying—about how many of them were Aboriginal and Torres Strait Islander young people or if they were non-Indigenous young people.

Ms Burch: I am not quite sure about the level of qualitative information about that—where we have asked the sibling groups or people if they actually want that door open.

Dr Collis: Qualitative or quantitative?

Ms Burch: Qualitative.

THE CHAIR: It would be good to know.

Ms Burch: Qualitative around the quantitative. We can say we used it once, or two or three times, whatever number of times it is. But if people chose not to have it opened, how do we account for that? I do not know if we will be able to account for that.

MS HUNTER: Because it has been taken on notice, could I just get in another one?

THE CHAIR: Yes, sure.

MS HUNTER: It is around education and training programs delivered into this centre. During the annual report hearings last week, CIT was in and we were asking some questions around the types of programs. They were talking about a program they were going to be running with Bimberi. They said that only six of the 22 young people inside were able to participate because of the risk assessment around who could, I suppose, use certain types of tools.

We have been through this before; I know I have raised it previously in this committee, and we have had this discussion. It had been found along the way that a number of young people could not get access to particular training programs et cetera because they were deemed to be in a certain risk category which meant that they could not have access to those programs. The last I heard, the directorate was going to be doing some review of that risk assessment in light of the fact that no young people were able to access any programs because they were all deemed too risky. So I was a little concerned to hear that six of the 22 young people were the only ones considered low risk enough to be participating in CIT training.

Ms Burch: For a particular program?

MS HUNTER: For the CIT course that they are going to be running out at the centre.

Ms Burch: There is more than one CIT course.

Dr Collis: Sure.

MS HUNTER: The figure that was given to us in these hearings was that six out of 22 young people have been assessed as being low risk—can actually access the

programs.

Dr Collis: That is a surprise to me. The CIT are only a very small component of the education and training system at Bimberi. Currently they are providing short courses. As to the significant other courses that are run in there, which are skills based, I have not been aware of there being a large issue with security classifications. The review in the security classification system has happened. There are two aspects to that. It happens every Tuesday morning, and can happen in between that, and is now multidisciplinary. The important reform that has happened to that is that a day-to-day leader of the school site is actually on that security classification and participates. Participation in programs of education and training at Bimberi is a real success story, and the number of skills, certificates and competencies that have been achieved this year is quite remarkable. I am a bit concerned; I will be happy to look into that. I am not sure whether I can take that on notice if I do not know—

MS HUNTER: That would be great—if you could take it on notice. I am sure we could also provide you with the *Hansard* from that hearing so that you can have a look at what was said during that hearing.

Dr Collis: That would be really useful. Thanks.

Ms Burch: Just following on, we have had children achieve year 10 and there are a number of people in cert II in training. It has been a very successful year of accomplishment for the young people there.

MRS DUNNE: I want to refer to page 85 of the annual report, which dwells on the three reviews that were conducted earlier this year—the Tomas and Keating reviews into the critical incident on 5 February and Mr Donataggio's risk and compliance framework gap analysis. There was a version of the reports, or at least one of the reports, in relation to 5 February that was tabled in the Legislative Assembly. Have all of those reports been made public in whole or part? And where are we with the development and implementing of the recommendations?

Ms Burch: We provided as much as we could to the public, and the government's response to that. The recommendations, particularly around Donataggio's work as well, continue through the IMS. He was down last week, this week and just recently again. So that work—

MRS DUNNE: Was Mr Donataggio's report published?

Ms Burch: That was—

Ms Nolan: My understanding is that Mr Donataggio's report is not published, and I do not believe the Keating and Tomas reports were published in full either, because they contain a lot of operational and electronic security information. I am just trying to remember back to earlier in the year; I think we may have provided some sort of summary.

MRS DUNNE: There was a version of Mr Keating's. I do not know whether both reports were tabled or one.

Ms Burch: The technical one we did not, because it did have a lot of information around security within Bimberi. But we have followed those recommendations and have built them into our response. It has informed the budget submission around improved security and it goes to work that is parked within the IMS as well. That is my understanding at this stage.

MRS DUNNE: I am wondering how a committee like this, for instance, can monitor the implementation of recommendations if we do not know what they are. Is there some way of providing to the committee a list of recommendations? Presumably the recommendations do not go to the high-level detail about security, so is it possible to provide to the committee at least a list of the recommendations and where we are with the implementation of those recommendations across those three reports?

Ms Nolan: Yes, definitely.

MRS DUNNE: Thank you.

Ms Burch: We will bring back as much as we can. We will have to vet it, for obvious reasons.

MRS DUNNE: I understand that it has to be vetted for security reasons.

Ms Burch: We are happy to bring it back.

MRS DUNNE: It is very hard for a committee to see whether progress has been made if we do not know what it is.

Ms Burch: Yes.

THE CHAIR: It is a good point. Do you have anything further on this one?

MRS DUNNE: No; I am happy to share.

THE CHAIR: With the intake service that has been established around children, youth and family services, I am interested to know how referrals are taken in terms of the new youth and family support program framework and the new system that has been set up around that. I am particularly interested in how you work with other service systems. Obviously there would be a lot of connections, whether it is health or housing or child protection. If referrals need to be made off to other services, how will that work?

Ms Burch: I will pass to Leanne Power to provide a response to that.

Ms Power: The new service model for the children, youth and family support program has as a central new program within it the information, education and coordination service. Parentline ACT has been identified as the preferred respondent for that service. We are currently talking with them about how they are going to work through and implement that model. It is very much based on a collaborative and partnership approach across all of the services that are going to be delivered under the

new service delivery framework. All of the service providers in that new framework are working with the office and with Parentline about how the referrals are going to work.

THE CHAIR: Have there been any memorandums of understanding built between services or between departments? How is it going to operate on the ground given that a new system has been established? It is quite extensive in terms of what they are going to have to cover. What are the formal mechanisms to ensure that happens?

Ms Burch: Part of it is that we are working through the tenderers now.

Ms Power: That is right.

Ms Burch: I think the transition is through the end of February.

Ms Power: It is 1 March.

Ms Burch: Yes, to 1 March. We are aware that some of those processes will need to be put into place. But perhaps Martin Hehir can give an update on that.

Mr Hehir: Actually, minister, I think that is exactly right. We are well aware of the need to coordinate across quite a number of different government services internal to the Community Services Directorate as well as more broadly out into the community sector. Quite a large number of organisations work with children and young people and their families in their community. It is one of the reasons we applied quite an extended time frame for this contract to come together. We wanted to make sure that everyone had the opportunity to provide input and for us to sort out that detail as we go forward. It is certainly one of the things we are aware of when we are changing the system.

THE CHAIR: So the detail is still to be worked out? There have not been any memorandums developed?

Mr Hehir: No.

THE CHAIR: There is nothing formal? While you are saying the collaboration is going to happen, nothing has been formalised to—

MS HUNTER: Well, you have not actually finished the tendering, have you?

Ms Burch: No, that is right.

MS HUNTER: There were gaps. Because some tenders failed, you had gaps and now you have had to go out and do a select tender with organisations or negotiations. In fact, none of the system is locked down at this point, and that concerns me about transitioning by 1 March next year. Surely that is a very tight time frame?

Ms Burch: You are right; the final parts of that tender puzzle are being put together now, and that will be completed in a very short period of time. But these conversations have started. They do not start on 1 January and end on 29 February

next year. It is part of it, and we are aware of that. As we move through the conversations, that will be a critical part of it.

Mr Hehir: Certainly, at the time when I made the decision to extend it out to March, quite a number of people within the sector said that that was way too long. So we—

MS HUNTER: That was before the tenders were announced and we found—

MRS DUNNE: Till the tender went pear shaped, yes.

MS HUNTER: It is really quite a new system that obviously is going to take a lot of time to put together.

Mr Hehir: We are certainly working very well with the organisations involved. Everyone is very keen to make sure this works well. I think that good intent will continue. If we need to have a look at extending, we will have a look at that. But at this point in time everyone is working very cooperatively towards that date.

Ms Power: We have had two really significant planning days with service providers under the new framework. Everybody came together on 8 November. We have worked out a significant time line of key things that need to be done, including transition instructions or guidelines for services and information they are providing along the way to youth service users and to staff. So everybody has really been involved in—

MS HUNTER: Just picking up on that, Ms Power—because that is quite an important part of it—some organisations have obviously been unsuccessful in the tendering. We are actually talking about vacating buildings and equipment within those. We are talking about staff. This is a major shake-up of this very small sector. How are you working through that? Obviously it is quite a sensitive thing, but it is also quite a logistical thing to be working through, even just vacating buildings and handing things over.

Ms Power: Yes, it is, and we are working really closely with all the providers—both the providers that will deliver services from 1 March and the service providers who are not. We are meeting individually and collectively with all of those service providers and working through those issues. We are being very flexible in discussions about how buildings might be used, and the sector itself is coming up with suggestions about how different organisations might use infrastructure that is available across the sector. The sector also has come together with us to work through a program for staff recruitment and information that goes out to staff around different opportunities that might exist across the different services. Families ACT is actually coordinating that work with us.

All of the directors of the services meet formally every five weeks, I think it is. In between times we are meeting individually with different service providers. That directors forum is working through all of the things that need to be put in place to ensure as smooth a transition as we possibly can through to 1 March, as Mr Hehir said.

We have a newsletter that goes out and we have key messages as part of that

newsletter so that service providers can talk to both service users and staff about what is going on. The sector is feeding into those things really cooperatively and proactively, which is great.

MR HANSON: I want to talk about care and protection services. At the estimates committee this year, the kinship care association reiterated their assertion they made at the estimates committee the year before that the kinship care program amounts to institutionalised abuse of children. They said it once, and a year has gone by and they are coming back and saying the same things. What conversations have you had with them, and why do they keep coming to these committees making the same allegations?

Ms Burch: You would know that today the government put a response to the Public Advocate's report, which goes to significant structural changes and a positive way forward. I will just read something from Grandparent and Kinship Carers:

My initial response is that this is a positive response by the government ... I welcome the response and in particular the minister's commitment to keep her door open to the representatives of foster carers and kinship carers so that we can all work together to develop the very best system of out-of-home care services for children in need.

So what did I do? I think that indicates that I have been working steadily with kinship carers and out-of-home care providers and foster carers to make improvements. The Public Advocate report was another tool for us to reflect on and to implement some change.

MRS DUNNE: Minister, one of the criticisms of Grandparent and Kinship Carers has been that there is little understanding of or empathy with the situation especially older carers find themselves in. I have made representations on behalf of people who were still living in aged persons accommodation with their grandchildren living with them in unsuitable circumstances. What sort of expertise is there in the directorate to deal with the psychology of older carers who are confronted with dealing often with quite young children and often in an unplanned way? What sort of support is there in the department to address those sorts of individual family needs?

Ms Burch: We put significant moneys in the last budget around a kinship carer support team. We will have people within the department and we will have people within the non-government environment to do just that—to support kinship carers. That is on top of—

MRS DUNNE: So you have not got it now. What is it that you are going to put in place? I am actually asking not how much money was spent but what you are proposing to put in place.

Ms Nolan: Mrs Dunne, one of the things that happened during the 2010-11 year was the appointment of a full-time Aboriginal and Torres Strait Islander kinship care support worker, Lorna Baxter, who started several months ago. We are supplementing that as a result of the budget allocations with two new generalist kinship carer support workers. Those roles have been advertised in the paper. Another two positions will come online in the next financial year to bring that stable of support workers up to

five.

I have to say, Madam Chair, that I find it surprising that we get such savage criticism in the media from Grandparent and Kinship Carers, because I meet with them quarterly and we have had some really positive, productive meetings this year, and particularly the last one where we were consulting with Marion Le and the other representatives present about what the model for service delivery should be for the kinship support workers. They were very happy with what we were proposing. I find this criticism coming in other forums quite surprising.

The plan is that those workers will be very much focused on the needs of the kinship carers. We are trying to recruit a diversity of people into what will ultimately be five roles. We are also considering more of a regionally focused allocation of the workers, so that they would be doing most of their work out of the office, either in the homes of the kinship carers or in our child and family centres or other community meeting places, tightly linking in with the array of services in a particular locality that may be of assistance to the carers.

Mr Hehir: I might just add to that. I think it is important to recognise that care and protection workers are very used to working with kin carers. They have been part of our system for many years. Throughout Australia, as it is here in the ACT, they are a growing and more important part of our overall response in the out-of-home care system. The workers are well aware of the needs and concerns of the kin carers. I fully understand just how complex those needs and concerns can be, because it must be an incredibly difficult experience to have to take into your care your grandchild or your great-nephew or your great-niece.

We run quite a few training programs for kin carers through CSD to try and support them through the processes. We work with them around mental health training, alcohol and drug issues, complex traumas through the Australian Childhood Foundation, grief and loss, navigating care and protection and also the life story process. We deliver all those training and support processes to kin carers. We are really aware that it is a very complex story for kin carers and that it is also a story of trauma. I think in the past we have talked about that.

MRS DUNNE: Could I just touch on the training, Mr Hehir?

Mr Hehir: Yes.

MRS DUNNE: The annual report talks about some of the training. You said that you had 20 participants attending training sessions. Twenty participants is not getting to even—

Mr Hehir: It is about 10 per cent.

MRS DUNNE: Yes. That is what I thought. So what do you think is the impediment to more people attending the training?

Mr Duggan: One of the major issues that we face with kinship care is the privacy of the actual caring arrangement. These are caring arrangements within a family unit,

unlike foster care. Many of the grandparents and other kin that we deal with would just like a range of things provided for them. They like to have respite. They like to have brokerage. They have supported the mediation service that we have done and they like to have contact during very conflicting situations.

But my experience is that they are not forthcoming. I have talked to a range of kinship carers who have basically told me they want to get on with their own business and given the fact that it is a very personal issue, that it is actually a complexity in their own home, they are not as encouraged to share or to participate in different programs. So getting 10 per cent along is a good start for us and we will continue to build on that.

MRS DUNNE: So you are saying that open programs that anyone can attend may not meet the needs of particular groups because they would like to keep their family circumstances private.

Mr Duggan: I think—

MRS DUNNE: So what else can be done to address one-on-one training needs?

Mr Hehir: I am not sure whether it is just the one on one but it is certainly part of the process in terms of increased funding for the specific workers to support kin carers. We have made a decision to have both some internal and some external because again some of the relationships are better managed through an external provider than they are through us. So part of that work will actually be for those workers to be in contact with the families who do not attend the training and to talk to them about what their training needs might be and how we can facilitate it for them.

We did most of this work working through the kinship and grandparents association; we developed the training in consultation with them. That is my recollection. Yes, it is only 10 per cent but it is a start. What we will need to do is have quite a fine-grain approach to it, Mrs Dunne, and it may be that potentially we might just have to have someone come out and talk an individual family through the issues, or it might be we can get some more groups of people together or it might be we do it in different locations. But that is part of the work that we anticipate that our kin carer or kin support carers will absolutely need to do.

Ms Nolan: Mrs Dunne, I might also just advise that the consultations we have been doing have been indicating that there are a couple of key points in a kinship carer's lifecycle where they do really want the support and the input. The first point is in the first six months when they have been thrown in the deep end and they really do not usually know much about the department or what might be available for the much younger people they have got in their care at this stage in life. So they want a lot of support then. The other point at which they need more support again often is at adolescence, as young people come to adolescence and are dealing with questions of identity. Trauma is resurfacing and different behavioural management strategies are required. That is something that has been coming out of the consultations.

MRS DUNNE: I think you said, Mr Hehir, that you are dealing a lot with the grandparent and kinship carers. Everyone likes to extol the virtues of grandparent and kinship carers; but you have not funded them to do their job, have you? None of the

funding, the \$800,000 that was promised in the last election nor this nearly \$1.7 million, goes to the grandparent and kinship carers, does it?

Mr Hehir: I might get Frank to respond to that.

Mr Duggan: Not directly, but we have supported them, both to attend a range of conferences and in their dealings with the directorate. I think the estimates are about \$10,000 that we have funded them so they can attend conferences and then give us input about directions and the way forward.

MRS DUNNE: You said, Mr Duggan, that you supported them in their interaction with the directorate. What does that mean?

Mr Duggan: They meet with the directorate on a regular basis, on a quarterly basis with the executive director, and give us feedback about what is working and what is not working.

MRS DUNNE: And how is that support?

Mr Hehir: It is the ongoing engagement in ensuring that their feedback is brought into the system and that we respond directly to it.

MR HANSON: That is a meeting, isn't it?

Mr Hehir: Maybe it is a very supportive meeting, but we are making sure we take that information back and develop our programs around that. I did read out the training that had been developed in consultation with the kinship and grandparent carers.

MR HANSON: So that money has gone to running a bunch of conferences; is that right?

Ms Burch: No.

Mr Duggan: No. A small—

Ms Burch: Mr Hanson, a proportion has been given to the kinship carers who came to the directorate and said: "We have an interest in going to this conference. This conference will be of benefit to me, the association, and can we be supported?" And the directorate supported them financially.

THE CHAIR: Thank you. Dr Bourke.

DR BOURKE: Minister, what representations have the staff in care and protection services made to you regarding the Public Advocate's report?

Ms Burch: They have indeed made significant comment to me, and I think rightly so. I have a quote that I heard today: "This is not a government's response. This is a cover-up of unconscionable behaviour by care and protection staff."

MRS DUNNE: Yes, I said that.

Ms Burch: That is the type of commentary that Mrs Dunne puts out about care and protection staff. She claims that they behave in an unconscionable manner. I think that is just appalling. So your question to me about what their response would be to that is that they would be cross, angry, and they will be looking for—

MRS DUNNE: I think that is hypothetical, Madam Chair, and therefore out of order.

THE CHAIR: Thank you, Mrs Dunne.

Ms Burch: What—your statement, that this is not a government response—

THE CHAIR: Can we just actually—

Ms Burch: that this is a cover-up of unconscionable behaviour, but—

THE CHAIR: Minister—

Ms Burch: The question was about care and protection staff.

THE CHAIR: But can we answer the question then, please, without attacking other committee members?

MR HANSON: This is not an answer; this is a rant, Madam Chair.

THE CHAIR: Thank you, Mr Hanson. I can handle this.

Ms Burch: The question was about staff response to commentary on the Public Advocate's report.

MRS DUNNE: You have not actually made any reference to that yet.

Ms Burch: In response to the government's response to the Public Advocate's report, Mrs Dunne has admitted here that she has said that this is not a government response—

MRS DUNNE: Madam Chair, this is not an answer to the question.

THE CHAIR: Yes, I know. Thank you, Mrs Dunne.

Ms Burch: that this is a cover-up of unconscionable behaviour by care and protection staff.

THE CHAIR: Minister, I am talking to you. Is that your answer to the question or are you actually going to answer the question?

Ms Burch: No. I am going to that. But I think it—

THE CHAIR: Can you get to it, please?

Ms Burch: But I think that—

THE CHAIR: I think you have made the point. Can we just get to the answer, please?

Ms Burch: Yes. The care and protection staff have felt under a very negative spotlight by a number of comments made in response to or around the Public Advocate's report. The Public Advocate's report went to a number of case studies and made a number of recommendations that we have agreed to. We have had discussions with the Public Advocate about phase 2 or the second part, which was part of the original commissioning of the work. We have also had, through Martin Hehir, a conversation with the Auditor-General about her scheduled piece of the work. And it is very important that both those pieces of work get done. The staff will certainly be heavily involved in responding to that. The staff do a good job. They would really value public figures in this place making some comment and recognising the hard work that they do in a very tough environment and I think it is appalling that we have a member of this place—

THE CHAIR: Ms Burch, can we—

Ms Burch: referring to their behaviour as unconscionable.

THE CHAIR: Minister! Okay, if we can just stop the commentary on that, please, and actually answer the question.

Ms Burch: I did not raise it.

THE CHAIR: No, but I do not think it is the place to be doing it. Do you have anything to add, Dr Bourke?

DR BOURKE: No.

MR HANSON: I have got a follow-up on that.

THE CHAIR: Is it a follow-up on this?

MR HANSON: It is connected.

THE CHAIR: Is it going to continue what is going on here?

MR HANSON: Possibly, yes. It depends on what the response is.

MRS DUNNE: It sort of depends on how the minister answers the question.

THE CHAIR: We will just see—

MR HANSON: We will see how we go. We have seen a number of failures at Bimberi, and these have been well documented. We have seen a series of failure in care and protection. Are you satisfied, as the minister, that you are providing adequate

care for young and vulnerable children in the ACT?

Ms Burch: The report raises areas of practice improvement; I have not shied away from that. It raised an incident about the preparedness of a property to receive children; I have not shied away from that. I have agreed, as would anybody in the community, that it was less than prepared, and I have put in place remedies to make sure that that does not happen again. In regard to the service, again the inference is that I as minister and the directorate as a whole are not capable of providing care and protection to children. I find that appalling. We have provided quite a frank response to the Public Advocate's report—

MR HANSON: I was asking whether you were satisfied with your performance after the problems that we have seen since you took over as minister.

Ms Burch: I am, Mr Hanson, and I will go to correspondence put to me today from the Public Advocate in response to this. It says, "It is virtually unprecedented that a government response agrees with the recommendations of a report such as this, particularly one that was uncompromising in exposing the problems." So we have not shied from the problems; we have gone, "Well, what can we do to be better?" The Public Advocate said:

I credit the ... directorate with having the courage to take the interim report seriously and accepting the findings ... I look forward to ... stage 2 ... and findings so we can achieve a much improved service for these vulnerable members of our community.

I have read to you comments from kinship carers and a comment from the Public Advocate report that very clearly articulate that this government response is looking forward. We are looking forward in a positive way.

I will just go back to an earlier comment from Dr Bourke, if I can, chair, in regard to the community staff response to the report. I could not find it a minute ago, but I have here a letter from the community services sector union which I would like to table.

THE CHAIR: Thank you.

MR HANSON: If I could just go to the point about openness here, do you accept and acknowledge that this issue has only come to light because of the questions and the inquiry that was put forward in the Assembly by Mrs Dunne and Ms Hunter? The reality is that, if they had not been asking the questions that they did and uncovering the issue that took a series of denials as the response from you initially, we would never have seen this anyway.

Ms Burch: I do not accept anything you have just said, Mr Hanson. I started asking questions in late July and I commissioned this report.

MRS DUNNE: If I could just follow up on the—

THE CHAIR: Hang on; Ms Hunter has been waiting.

MS HUNTER: I want to go to some services and so forth around foster carers and kinship carers. I want to find out, firstly, about the carer ID card which is mentioned in your annual report. It will be about developing a photographic ID card for fostering kinship carers. Can you tell me what the card will be used for? How will it assist carers?

Mr Hehir: The intent behind the card has a couple of parameters to it. Notwithstanding advice from other government agencies, both national and local, often foster carers and grandparent and kin carers like to have something which they can say gives them unequivocal proof. For example, if they are enrolling a child in a school, education advises that you can do that through a stat dec. And that is fine; they will accept that. But sometimes a statutory declaration can be an imposing document for people if you are not used to working with them. The intent of the card is that that would be the statement that the school needed and that they would then work to enrol that child in the school.

We see other potential benefits beyond that. This is work that would need to be done. You would be well aware of the companion card which we have in disability, which, for participating venues, allows the carer to attend without cost. We would hope to be able to negotiate similar sorts of arrangements for that. That is part of the process that staff recently started looking at in terms of whether we can engage with the same businesses in effect here in the ACT to see whether they can provide support to members of our community who are providing a very valuable service to our community. That is really the intent around it. Part of it is about when people go to the doctor et cetera. It is just that safer feeling about identity.

MS HUNTER: Schools, hospitals and that sort of stuff?

Mr Hehir: Yes, it is that sort of stuff. It is GPs. Yes, it is all that.

MS HUNTER: The other one was around therapeutic foster care and the on-track therapeutic foster care program. It has commenced. There are foster carers and children receiving this information and support. When will that program be available to kinship carers?

Mr Hehir: I might just start with the answer and then pass to Mr Duggan if that is all right. We rolled this program out in November 2010. For those who are not aware of the program, it is probably worth giving a bit of an overview. The principle behind this program is that for many young people who have suffered serious trauma in their life, their behaviours can be incredibly problematic and difficult to deal with. You need a really highly trained carer and others around the individual or family to support the stable placement of care. Stability of care is one of the key performance indicators, both in the ROGS and in our own measures of success.

MS HUNTER: It is incredibly important, and obviously it is important to those foster carers and the children they care for. But just going back to my question, when do you think you might roll it out for kinship carers?

Mr Hehir: My understanding is that we are providing the support through the program to some kin carers right now. We are seeing it as part of that overall stability

of care issue, irrespective of foster or kin care.

Mr Duggan: To date the program has had 14 referrals. We have three foster care families who have now been trained and are offering therapeutic care. The other three children were there supporting the foster care placement. They have engaged the kinship carers through trauma counselling and this week they are celebrating the first year of operation. So they are actually in the jurisdiction and this week we will be having conversations with them about the program to date and then examining wider use. The issue for us in the program is trying to continue to recruit foster carers to undertake this. As Mr Hehir says, it is a very developed program and a very intensive program; it comes with a very high level of training, plus support, plus on call, to maintain the stability of children in placements.

MS DUNNE: How does this work, Mr Duggan? Are the children placed in the care of particular trained carers?

Mr Duggan: Yes.

MS DUNNE: And when they are stabilised, for want of a better word, they are moved on?

Mr Duggan: Not necessarily. We are really talking about—

MS HUNTER: They would stay with the professional carers?

Mr Duggan: Yes. Basically the program works off the basis that the children who access this program probably are our most complex. Usually they have had quite a range of placements and those placements have not succeeded. They probably have a lot of educational issues, cognitive issues and attachment issues. The program usually recruits foster parents who have been fostering or there may be a new cohort. We do say that it is seasoned foster parents; they train them up. It is a fairly intense program of about 34 hours straight; then each year they have to undertake further training. Children are then placed with them. It has a respite component; there is a higher subsidy level that offsets costs. It has a higher brokerage level as well. In that way the foster parents, we hope, will maintain that connectedness and basically give that child a placement for life, for the duration of its placement in care. It has been pioneered quite successfully in Victoria. Their evaluation has been extraordinarily good, with very little placement breakdown. So that is what we are intending to do with the program. As I say, we have got three children on it.

We also do secondary consultations. So our complex children, no matter in which location they are, whether it is residential, kinship carer or foster care, also receive a service from them. They will work with the case management team and wrap services around that young person.

MS HUNTER: One of the key things here is that you have to be able to recruit people to the positions. There was money that was put into a recruitment campaign.

Mr Duggan: Yes.

MS HUNTER: How many did you manage to recruit, and have we still got a shortfall?

Mr Duggan: It is a very problematic area. For a community that has the highest volunteer rate per capital in Australia, foster care is a very difficult area to recruit to. This specific recruitment campaign from the Australian Childhood Foundation was targeting our out-of-home care agencies and seasoned foster carers, but to date we have had only three who have been trained—and I think another three in the pipeline.

Mr Hehir: The issue of foster carers is an important issue for us. We have a number of people with general parenting authority out there, but finding people who are active and able to engage with this more complex end is a much more targeted response. We would probably use only about 50 per cent of the overall foster carers within the system, but largely that is because of the increasing complexity—mainly the increasing complexity, but also because over time people have maybe done their time as a foster carer and say, “We won’t take a placement for a while.” And so on.

I think there are about 330 foster carers overall. I think that last year we used about 170 foster carers, but certainly it is an issue in terms of finding people willing to put up their hand to deal with some of these highly vulnerable—and very difficult, in terms of within a household—young people.

MS HUNTER: That takes me to the therapeutic protection place, noting that no therapeutic protection orders have been put in place. You mention in your annual report that you have the house. It has two bedrooms and it is set up to go. My understanding is that no contract has been let for any provider to run this place. The last time we talked to you, I think you said you were going back to rescope what might happen there. My understanding from the sector is that not enough money was put into it and that with only having two beds there is always going to be a bit of an issue about the cost of running such a facility with only two beds. I also understand that there have been people with disabilities who have been using the property. I am just wondering where we are up to on that. Is it going to be opened? Is it too small? Should there be another location identified? And what are you doing about the rescoping?

Mr Hehir: My understanding is that the model is being progressed, but I might just talk on the broader issue, if that is all right. As you would be aware, the therapeutic protection order is the last resort order. The legislation is clear around that; it must be that all other options have been exhausted. To date, we have not found ourselves at that point. That does make tendering for a service that we have not had to use in the three years since the legislation—

MS HUNTER: Have you also considered that there may be some young people who are going to Bimberi because there is not a place that is readily available and the courts therefore are not making these orders?

Mr Hehir: We do look at that. Yes, absolutely. We absolutely have a look at that to see whether in actual fact that is the alternative placement that is being used. The advice I have from my officers to date is that no, they do not believe that is the case—that in actual fact it is a series of other issues that have resulted in the young person

being placed in Bimberi. And that is a decision that the magistrates will make themselves.

We certainly believe that we need to keep working at this, which is why we are continuing to work around the actual study. But it does also make the tendering of it quite difficult in a sense—to allocate a million dollars out of the system for something that has not ever been used. Or do you try and find alternatives for how that service can be delivered? That is work that we have to continue to do. I think most of the proposals that have come in have been around stood-up services. When you are talking about very infrequent use, it does make it quite difficult. We have to acknowledge that it is a complex issue that we are still working our way through, but it certainly is there.

At the moment, we are using it for a person with a disability. That is being used as a stabilising placement for a person with quite complex behaviours. We are working our way through that. That is not intended to be the long-term placement, but we are absolutely using it as a stabilising placement for that person.

MS HUNTER: What is your time frame on this rescoping and working through this?

Mr Duggan: We have got the rescoping model back. We are working around the notifiable instruments and the rescoping model. We had discussions with the Australian Childhood Foundation again, because they are experts in trauma. We are almost certainly ready to finalise the model. Then we are going to have to rescope the actual cost features of the model. As Mr Hehir said, with a stand-up model, that can be very expensive for a very low period of time. So we are going to have to think about a very innovative model with an agency that can up staff and decrease staff.

THE CHAIR: Okay. We are going to have to move on.

MS HUNTER: When will we hear?

Mr Hehir: I have not seen it, so I could not give a commitment around the time frame at the moment.

THE CHAIR: We will go to Mrs Dunne and then to Mr Coe, if he has any further questions.

MRS DUNNE: Could I go back to the issues of care and protection and the Public Advocate's report. Today, minister, you have released a response which basically announces a two-part ongoing review. Could you outline the terms of reference for the Public Advocate and how the Public Advocate's part of the inquiry might interact with the Auditor-General's inquiry? There seemed to me to be a couple of technical difficulties about potential for directing the Auditor-General when the Auditor-General has a performance audit to undertake. I am just trying to get a feel for how you see these two reviews operating and how they fit together to be a comprehensive review and what is the time frame.

Ms Burch: The terms of reference for these are yet to be finalised. The Public Advocate will certainly finalise that in discussion with Martin Hehir, but when I

spoke with her last week she is able to commence from very early December. The matters around definitive terms of reference and resourcing are yet to be finalised. I agree with you that it is a jigsaw puzzle, in a way, to work with the Auditor-General around those other things. The Public Advocate would look to the original piece of work, which was looking at those arrangements around those placements and the authorities. How she chooses to do that is yet to be determined. We had a very broad discussion about how that could be, but we would very clearly need to make sure—

MRS DUNNE: When you say “we”, whom do you mean?

Ms Burch: I spoke with the Public Advocate about what that would look like. I have not had a conversation with the Auditor-General. I understand Martin Hehir has been doing that, because the auditor had earmarked a comprehensive financial and performance review of the service anyway. So this is now being incorporated into this next piece of work. There is probably not much, but I am quite happy to bring back whatever information we have around those terms of reference and connections within the life of the annual reports committee. Before you finish I am quite happy to bring it back.

Mr Hehir: Certainly there is no intent to be directive with the Auditor-General. The Auditor-General will determine their own scope of work.

MRS DUNNE: In a sense, that is my problem. The Auditor-General has pretty much carte-blanche. How do you avoid, given that you cannot really direct the Auditor-General, overlaps or gaps and make sure that it is actually a comprehensive review when two people are doing it but they are both independent?

Mr Hehir: They both are. I think to a certain extent we will be relying on the goodwill and good intent of the officials involved. They are both competent and capable people and they will work together and make sure that the key issues are covered off. I suspect that the audit office will do the work that they normally do, which is they will do some preliminary investigations, start looking, do a bit of research and, through that, tighten up their scope of work.

So quite commonly, they will come to a directorate or a then department and say: “Here is the broad issue. Can we have some conversations with you around this and can we start doing some issues around this broad one?” Then they will come back and say, “In actual fact, this is the particular area that we really want to focus on.” Their skill base in doing that work is excellent.

We have worked well with the performance audit area of the Auditor-General’s Office for many years. Rod is a very professional officer. He knows what he is doing and he will be well engaged with this work. He has never pulled his punches for us. He has never said, “I will go easy on you, Martin.” It has always been: “This is important work. Here is what we have identified as the key issues we want to look at.” They do that from an evidence base, which I think is really important.

MRS DUNNE: What I am trying to get at is that some time in the next few weeks there is going to be a set of terms of reference for the Public Advocate. If you find down the track that the Auditor-General wants to concentrate on a particular area and

then it becomes obvious that there is a gap, what are you going to be able to do to ensure that everything that needs reviewing is reviewed in a reasonable time frame?

Mr Hehir: What I would say is that the Auditor-General will not be wanting to leave gaps. Their scoping exercise will be based on their professional judgement about the areas that need to be reviewed. That is part of the expertise that they bring. They are not inclined to say: “Notwithstanding we do not think that has been done very well or there is potential for that to not be done well, we are not going to look at it. We are going to look over here about something else.” They will scope to what they see as the issues and the appropriate area that needs to be done. I think the key piece of the information that we need is to make sure that the two authorities know where the work is and where the boundaries are.

MRS DUNNE: And what is the time frame on both of these pieces of work?

Ms Burch: As I have said, I am not quite sure what the Auditor-General is doing, but the Public Advocate has indicated she can start. But whether it is appropriate she does start this side of Christmas or not is something that needs to be melded through within the discussion. I have confidence in it being commenced without too much delay, but I respect those two independent officers and needing to get the conversation right.

Mr Hehir: In my conversation with the Auditor-General, she has said that she is happy to bring it forward to make sure that it is done in a timely fashion. But again, that is not up to us to direct. She will have a look at her resources and her timing. Her initial advice back to me was she thinks that she can manage it within her timing.

THE CHAIR: Anything further, Mrs Dunne?

MRS DUNNE: Yes, I do.

THE CHAIR: And then we’ll go to Mr Coe for the last question.

MRS DUNNE: In relation to emergency placements, since the Public Advocate’s first report came down, have there been any emergency placements made by care and protection?

Mr Hehir: There are emergency placements made by care and protection frequently. An emergency placement occurs most commonly in a placement breakdown but also can occur after emergency action.

MRS DUNNE: Have there been any placements made with organisations which are not considered suitable entities under the act?

Ms Burch: I will let Martin Hehir answer, but the question has got a familiar ring about it. The first position of government is that placements are with a recognised out-of-home care provider. That has been clearly articulated in the government’s response. Also in the government’s response is the establishment of a reception centre. If, as the Solicitor-General has stated, the director-general has the capacity to remove children and to make sure the placement is safe, and that may not be with a suitable entity, it is still within the act. But certainly the reception centre will again be a clear mechanism

to make sure that those emergency placements, in the middle of the night or in the middle of the day, where we cannot transition directly or quickly to an out-of-home care provider, will ensure appropriate care.

MRS DUNNE: Can I go back to my question, which was: since the Public Advocate's report, have there been emergency placements with agencies or entities that are not approved entities?

Mr Hehir: There is one placement where we continue to work with one of the young people who are actually within the PA's report. His placement continues to be very difficult. He has had a number of placement breakdowns. As the report identifies today, we have established a group home reception centre. His placement is within that and that is being supported through contract staff.

MRS DUNNE: Is that group home placement with an authorised—

Mr Hehir: That group home placement is with us.

MRS DUNNE: So it is with—

Ms Burch: CSD.

MRS DUNNE: So that is with an approved, presumably—

Mr Hehir: We have the authority. I am the parent. That is right.

MRS DUNNE: Are there any others that have been made that are not with approved entities?

Ms Nolan: Perhaps the only other placement that might be worth mentioning is one that is occurring in South Australia with an Aboriginal child who is on an order from the ACT, a South Australian child who was briefly in the ACT, was taken into care here and was placed back in kinship care in South Australia and that has broken down. So the South Australian department, the families department, on our behalf, has him in a placement with the provider that they regularly use. But basically, with rostered shift workers, it is not a foster care placement. They assure me it is perfectly legal but it is not probably a suitable entity under our act. It would have some status under their own.

MS HUNTER: Mr Hehir, were you surprised by this decision or this interpretation of what your powers may appear to be?

Mr Hehir: Was I surprised? No, probably not. I always thought that the ACT was—

MS HUNTER: So you had always been operating under that—

MRS DUNNE: It is not forbidden, it is permitted.

MS HUNTER: Yes, that is pretty much what it appears to be saying.

Mr Hehir: I am not sure that I agree with that interpretation. I think that the Government Solicitor's advice is very clear, that the Assembly put their mind to the matter and the use of the phrase "this does not require" within the explanatory statement would be a clear indication of that.

MRS DUNNE: I can vouch for it, Mr Hehir. I never put my mind to that matter and I was the shadow minister. There was no inquiry in this place that put their mind to that matter.

Ms Burch: You do not agree with the Solicitor-General's statement?

MRS DUNNE: I do not agree with Mr Hehir's assertion that the Assembly put their minds to the matter.

Mr Hehir: Perhaps I should have said "for those people who read the explanatory statement that was provided with the legislation". That was the interpretation that was provided with the explanatory statement. So that is my basis, and my understanding of interpretation of legislation is that where the wording can be interpreted in a couple of ways there are two established mechanisms for testing that. One is both through the precedent and through court interpretation, but also through the explanatory statement, as giving voice to the will of the legislators. That is my understanding of it. I am happy to be advised otherwise. So that is, I think, a reasonable basis for the Government Solicitor to have determined that advice.

We were certainly aware through conversations that the "may" was in section 511 or 512. Sorry, it is one in the explanatory statement and another in the actual legislation, because there was a change in numbering. We were aware that it was made. The testing that needed to be done was whether "may" was "may not" or "may". And it is very clear that in the past there have been different interpretations of "may", which is why the explanatory statement was explicit around it, in my view.

THE CHAIR: Thank you. We are actually out of time. I did say I would go to Mr Coe for a final question. Did you want to put a final question? And this will have to be the final question, I am sorry.

MR COE: Sure. Very briefly, has the department done any modelling or any substantive research on the impact that cost of living has on recidivism and the rates of criminal activity amongst young people?

Ms Burch: Financial costing?

MR COE: Cost of living or financial hardship and the impact of poverty and the impact that has on recidivism rates.

Dr Collis: Just briefly, youth services, through the Community Services Directorate, is a member of the Australian juvenile justice administrators group and that group runs a research program underneath it to which we provide, through the government, through the Community Services Directorate, funding for that research program. There is indeed prioritised research into recidivism and there is prioritised research specifically into an economic perspective and an economic understanding of the

impact of recidivism and juvenile crime in Australia.

MR COE: Is it likely, in effect, that Canberra's very high cost of living is impacting on the rates of recidivism?

Ms Burch: No. I think you are drawing a long bow. I think you are drawing a long bow, a very long bow. I have just been told that the rate has fallen, yes, for the review period.

Mr Hehir: If there was a correlation, it would have been returning the other way.

Ms Burch: Sorry, Alistair, you missed out on that one. It was worth a try.

THE CHAIR: Thank you, members, thank you, minister, thank you, officials. We will now take a break and we will come back with arts.

Ms Burch: Can I, before I finish, thank the team from CSD for the fantastic work that they do in very challenging circumstances.

Meeting adjourned from 3.17 to 3.37 pm.

THE CHAIR: Welcome back, minister, now as Minister for the Arts. We now have artsACT and the Cultural Facilities Corporation. Although I am sure you are familiar with it, the privilege statement is on the table in front of you—just so you are aware of that—and the proceedings are being broadcast today. Before we go to questions, minister, would you like to make a statement regarding this portfolio?

Ms Burch: Thank you, Madam Chair. ArtsACT has continued to support the work of local artists, arts organisations and arts-related projects through the ACT arts fund, which has distributed more than \$5 million in 2010-11. ArtsACT also introduced a new funding category for young and emerging artists called the start-up grants. In 2011 there have already been two rounds of these grants which have seen funding go to 28 artists.

I recently announced the implementation of a number of recommendations from the review of arts by Peter Loxton. For example, work has commenced on the creation of an arts hub for visual arts and creative industries at Kingston, performing arts at the Street Theatre, music at the Ainslie Arts Centre and the development of an artists-in-residence program for the ACT. The government has also recently released the Kingston arts precinct strategy which will see the Kingston foreshore transformed into a vibrant arts hub.

The Cultural Facilities Corporation has again had a very busy year across all of its three programs—the Canberra Theatre, the Canberra Museum and Gallery and the historic places of Lanyon, Calthorpes' House and Mugga Mugga. The Canberra Theatre continued in its role as Canberra's leading performance arts centre and in the last financial year a range of outstanding performances came through, including the Royal New Zealand Ballet and the Sydney Dance Company. It is also playing a major role in supporting local arts with 52 per cent of venue usage by local companies and organisations, such as Free-Rain Theatre Company, Everyman Theatre Company,

Jigsaw and many school and colleges. CMAG has continued in its role as Canberra's very own museum and gallery and explores the diversity of this community and celebrates our achievements. The key aspect of CMAG's role is the valuable and growing collection of our region's social history and visual arts. I will leave it there.

THE CHAIR: Thank you, minister. I will take the first question. I do not have a specific reference in the annual report, but it is about the community arts officers. I just wanted to get some more information as to whether those roles will be redefined as generalist arts officers, whether there will be a change in how the positions operate and when the change is due to occur. I understand they have been given a bit of an extension. I would just be interested in when that change is actually going to occur and how they are going to be defined.

Ms Burch: Thank you for that. The recommendation of the Loxton review, which the government agreed to, was about decentralising the Community Arts Office. At the moment there are four positions—disability, Indigenous and multicultural, plus a manager position—in that. The government have taken a view that we will work with those positions over the next 12 months, until the end of next year, and invest those resources into the community—regional community hubs at Belconnen and Tuggeranong arts centres.

Over the transition period they will maintain their focus on disability, multicultural and Indigenous, because there are a number of pieces of work in progress. But they also recognise that the focus is on broad inclusion within the community—so looking at women, youth, mental health and those other things. So they will be inclusive arts officers. We have not settled on a title yet, but they will be inclusive arts positions based at Tuggeranong and Belconnen.

THE CHAIR: I understand all that. You are saying that they are going to be inclusive. I appreciate that you are still working out the detail. Are they going to be classified as generalist arts officers or are you saying they are going to be classified as inclusive arts officers?

Ms Burch: Their focus will be on making sure that communities and subparts of communities within the ACT are included in those community arts precincts. For example, the messengers program is a successful program that emanated from Tuggeranong. That has a focus on youth and it has a focus on mental health. There is this investment of the arts hubs out of Civic centre. They will be embedded in the community to make sure that those local communities, those groups, that need to be actively engaged and included will be.

THE CHAIR: How are they going to be defined? Are they going to be generalist arts officers, or are you saying that their remit will be to look at these things?

Ms Burch: For the sake of the exercise let us just call them a regional inclusive arts—

THE CHAIR: So that is what they are going to be called?

Ms Burch: I think I have described to you that it is going to be inclusive, Ms Bresnan. That is the key and most important part.

THE CHAIR: It is important because those three roles will be lost.

Ms Burch: No, they will not be lost. Those current definitions will be redefined. So it is wrong to say that they will be lost, Ms Bresnan.

THE CHAIR: Okay—redefined.

Ms Burch: They will not be lost. I think I do need to put this. What you have said is that these positions will be lost. The resources and the positions will not be lost. One person has left, as he was always intending to do. He has gone to join the federal public service. The current arts officers are looking to start working with those regional centres over the next 12 months and completing—

THE CHAIR: Thank you.

Ms Burch: Well, no, Ms Bresnan—the work that is important for them to do.

THE CHAIR: Minister, I do not think you need to tell me what I mean.

Ms Burch: I just need to correct the record: they are not being lost.

THE CHAIR: Okay; they are being redefined. You said it came out of Loxton; there is obviously that recommendation around decentralising. There was not actually a recommendation, though, on the three arts officers. The recommendation was about decentralising; it was not actually about redefining those three officers. I am just trying to get a sense of how that recommendation is then being used as a reason to redefine—I am using the word “redefine”—those three particular positions. It is about decentralising—

Ms Burch: There will be a resource of four.

THE CHAIR: The recommendation was about decentralising but at no point does it actually recommend that those three arts officers should cease to exist.

Ms Burch: But they are not ceasing to exist. What they are doing is existing in Tuggeranong and Belconnen in an inclusion format. If the local officer continues to work with the disability community then they will continue to work with disability. I think it is wrong to say that you will only work with disability or only work with Indigenous or only work with multicultural groups when we know that there are broader community groups that are isolated that need to be nurtured and included in community arts.

THE CHAIR: So how will the process be managed given, as you said, the manager position is not there anymore? How will the process be managed when that manager position that has been there for those three officers now does not exist? How is it going to be managed so that that transition can actually occur smoothly?

Ms Burch: I will let David Whitney talk to that because he has been actively working with the arts officers on this. The management position has effectively been deferred

to one site—oversight and management—through the two arts precincts to the regional hubs. David, you can talk about the detail that you will be working through.

Mr Whitney: Thank you. We have had discussions with the three parties concerned—the arts officers that are currently there. The grant that we fund for them is being auspiced by Gorman House Arts Centre, so they are the employing authority. We have also been talking to the Belconnen Arts Centre and the Tuggeranong Arts Centre—to both the chairs and general managers of both of those centres. ArtsACT forms the fourth part of that discussion process.

The intention is to move responsibility for those officers and to physically relocate them—two of them to Tuggeranong and one of them to Belconnen. They will be managed in the next 12 months through the ongoing programs that both of those centres are running. So there are programs that have been set and agreed until June next year that the community arts officers are to implement. They will still be implemented, but the officers will be physically located and managed in a slightly different circumstance. They will still be employed by Gorman House Arts Centre through to December next year.

The fourth position, which is now the vacated position, is one that we have notionally identified as one that could be an Indigenous position. We are actively recruiting an Indigenous officer to work in that position—not to have responsibility purely for Indigenous activities but to be a central person within that core, now, of six arts officers.

Community arts officers already exist in Belconnen and Tuggeranong. Combined with the four that we are moving out to the regions, there will be three arts officers in both Belconnen and Tuggeranong. We are changing the model from a community arts model to a regional arts development model, which was referred to earlier as the generalist model. We have provision within that transfer, that transition time, for specific training for each of those six officers so that they can then work in cross-cultural and education programs and be more effective in working with the Indigenous community.

We have been talking to Arts Ability Australia, which is based in New South Wales, to really engage the inclusive nature of the work that they do—to engage with different parts of the community and also the multicultural arts officer to ensure that all the programs have that broad ambit as well.

THE CHAIR: Where those positions sit on national boards and they actually represent disability, arts or their specific remit, how is that going to continue?

Mr Whitney: We have talked to ArtsAbility. That is the one particular position I think you are talking about—the ArtsAbility officer. The territory will still retain a position on that committee, but rather than one person perhaps having that position we may cycle it so that over a period of years you might have 12 months on that committee and then you might have 12 months on Kultour, which is the multicultural alternative touring theatre circuit. At the moment the multicultural arts officer does not sit on that. The Street Theatre does. Maybe there is an opportunity for one of those six arts officers to also be on the Kultour committee. That will ensure that that those

regional arts development officers have a chance for national exposure and also work on national projects.

THE CHAIR: So there will still be permanent representation on those committees?

Mr Whitney: Absolutely, yes. The territory works very hard at that. We just met earlier today with Screen Australia to talk about screen development activity. That is the work of ScreenACT but also through regional arts development officers we could engage with the screen sector. At the moment that is not covered by the three identified positions, but there is absolutely no reason why we could not do that. It is actually taking three identified positions and making six positions that have a much broader responsibility.

THE CHAIR: Thank you, Mr Whitney.

MRS DUNNE: Could I just follow up on that, Madam Chair?

THE CHAIR: Yes.

MRS DUNNE: I have had representations from a couple of people who are practising artists who are currently supported by the position of the disability arts officer. What is going to happen to the current client base?

Ms Burch: They will continue to be supported, Mrs Dunne.

MRS DUNNE: And who will continue to support them?

Ms Burch: Unless the current person resigns or leaves, I would imagine she will continue with her support work. It may change over time, but certainly anybody—whether it is within the disability program, the Indigenous program or the multicultural program—will be supported. This is—

MRS DUNNE: So everything will change but everything will stay the same. Sorry, I am just trying to get some clarity.

Mr Whitney: Certainly the disability officer at the moment will continue her responsibility until December next year, so there is no change until at least until December next year. If we look at the messengers program, which began out at the Tuggeranong Arts Centre and has now matured to become a very comprehensive program, that in fact delivers its activities at Tuggeranong, Gungahlin and Belconnen, and it is now funded from different areas rather than hard line arts money. It is now delivered by people who are funded to operate and deliver that program, freeing up the community arts officer to do other activities.

We see the arts office as being the vanguard. These are the people that are engaging with artists to find a way to engage artists, arts practice and to provide artistic opportunity for individuals and then to set up behind them programs that can deliver those things. The dance program, fresh funk, is another example, as is the dance program, the radiance dance project, which is operated by two individual dance artists who work with women who identify with mental illness.

It is not always about the arts officer staying with the project forever; it is about identifying the project, providing some support, obviously, getting the project working and then providing other ways that those artists can work within the community.

MR HANSON: My question is about a specific piece of roadside artwork that has recently been installed in Weston Creek. Are you aware of that piece?

Mr Whitney: Yes.

MR HANSON: I have just got some questions about it. How much did it cost?

Ms Burch: Take it on notice?

Mr Whitney: Yes.

MR HANSON: You do not know?

Mr Whitney: I do not have the individual listing of individual pieces.

MR HANSON: If you could take it on notice. What consultation occurred with the Weston Creek community before that piece of artwork was erected?

Mr Whitney: There was consultation with the Weston Creek Community Council. The individual—I cannot remember—

MR HANSON: Did that consultation consist of “this is the artwork you are getting and this is where it’s going”?

Ms Burch: No.

MR HANSON: No. Can you tell me who the individual was, please? Maybe you can take that on notice.

Mr Whitney: I will take it on notice, yes.

MR HANSON: And what form the consultation took? The advice I have is somewhat different to that.

Ms Burch: I have a memory of a *Chronicle* article when the art was being installed or when the artist was on the final stages and there were some welcoming, positive, supportive comments from the Weston Creek Community Council. I will find that and provide that to you as well.

MR HANSON: Can you tell me what the artwork is called?

Mr Whitney: It is called *A Short Walk*.

MR HANSON: Sorry?

Mr Whitney: *A Short Walk.*

MR HANSON: *A Short Walk.* Right. Who was the artist?

Mr Whitney: It will come to mind; it is a Tasmanian artist.

MR HANSON: Tasmanian? Why are we going to Tasmania for these sorts of works? Are there not people in the local region who can do these?

Ms Burch: A significant number of pieces of art we do are local artists, Mr Hanson. We do not actively go out of our way to go to Tasmania. We have fine local artists and we use them on the majority of occasions, I would have thought.

Mr Whitney: When we undertook the project, which was the site-specific artwork, the public art panel were very keen to engage with artists who were working already at that scale and already working successfully with roadside artworks. For the roadside artworks there was an invitation for national artists to respond, and through the public art panel individual artists were selected and brought to the site and then created their work out of that.

MR HANSON: How much has been allocated for roadside art in this financial year?

Mr Whitney: In the reporting financial year or the current financial year?

MR HANSON: In the reporting financial year and the current financial year?

Mr Whitney: The public art program has finished, but the amount would be—

MR HANSON: There was a bit left over, was there not?

Ms Burch: There are no new moneys going into it.

Mr Whitney: In the 2009-10 year there was \$1.92 million, and that money has been expired and there is no further expenditure in that area.

MR HANSON: So we are not going to see any more roadside art, or are we going to fund it out of somewhere else?

Ms Burch: Unless Mr Seselja opens some.

MR HANSON: My understanding is that that was privately funded. Madam Chair, can you ask the people in the gallery not to laugh, if that is all right? I think it is a bit inappropriate.

THE CHAIR: Mr Hanson, okay, thank you.

MR HANSON: No, seriously.

THE CHAIR: Okay, Mr Hanson, thank you. Is there anything further on that?

MR HANSON: Not at this stage.

THE CHAIR: Sorry, Mr Whitney, do you have anything further to add?

Mr Whitney: No.

DR BOURKE: Minister, could you tell me about the artists in schools program?

Ms Burch: It is a fabulous project that provides residency for artists in half a dozen schools or thereabouts, and it really works for children. I was down at Isabella Plains early childhood school a number of months ago, and the artist there was working using their hands as puppets and just exploring development and communication and how to manage different situations.

It was just fabulous to see a classroom full of young people really getting involved and expressing things. Young fellows are often not as verbal as young girls—I do not know why that is, Dr Bourke—when asked to explain how they would respond to different situations, sometimes stressful, and they will not talk. But you put a couple of ping pong balls on their hands and pretend—I am doing this for the sake of their talking mechanisms—it is really quite special. Do we have a list of schools with us? Do we know the schools?

Mr Whitney: No, I do not. Certainly there is Isabella Plains and Lyneham preschool. The preschools were selected because there was enthusiasm within those school programs to undertake this activity. We can certainly supply the names of the schools that are involved.

THE CHAIR: So we will put that on notice.

Ms Burch: Yes, but it is a very good program.

MS LE COUTEUR: Minister, in your opening remarks you talked about the Kingston Foreshore. In the last budget \$3.9 million was allocated for the relocation of Megalo to the Fitters Workshop. Can I check specifically what that is for? There are two things there—Megalo and Fitters Workshop? Is it specifically for the relocation of Megalo or is it specifically for the renovation of the Fitters Workshop?

Ms Burch: It was moneys to allow the relocation of Megalo to the Fitters Workshop and other associated work. I would like to correct a comment that came up recently where, I think, you mentioned that they were not going to be relocated until 2013 according to the—

MS LE COUTEUR: That was the government's response to the estimates report.

Ms Burch: Funding was provided in the 2010-11 year for the design work to undertake capital works to enable the transfer of Megalo to allow occupation in 2013 as an element of the centenary project. Everything we have—our DA and our project work plan—showed that Megalo was to be in place by the middle of the year. With the transfer of artsACT from CMD to CSD that got stretched to, I think, August. But

reference in the estimates report was always about having full occupation in 2013 so it could be part of the centenary celebrations.

MS LE COUTEUR: That brings me to the second part of my question. The information we have is obviously from things such as the estimates report, which said 2013. Given Megalo's lease expires in the middle of next year, where was it planned for them to go between 2013 and the middle of next year?

Ms Burch: I just explained that, Ms Le Couteur. At page 32 under recommendation 74, there is a comment: "to allow occupation in 2013 as an element of the centenary." I have just said that our project management and everything else show that we were working towards full occupation by the middle of the year. With the change of arts across directorates—despite David Collett's capable steering of the ship and picking it up—it did stretch out and caused a little bit of delay, but they were always going to be in occupation by a tad over the middle of 2012.

MS LE COUTEUR: You can understand why we thought it was 2013, given that that is what was written.

MRS DUNNE: The Conroy report is mentioned at page 79 of this report: What is the future use of the Conroy report? What was its design for and where will the results of the Conroy report be directed?

Ms Burch: I think the Conroy report has been published on our website.

MRS DUNNE: Yes.

Ms Burch: So it is a published report and that has informed the next piece of work that Purdon I think have now just completed which is looking at the Kingston foreshore as an arts precinct. So it was a piece of work. It certainly highlighted and identified a number of things that you need to consider if you are looking to establish a precinct. It talks about matters like governance or steerage on site—who organises, who coordinates, the different pieces of management of different people, pieces of property there. So it is a very informative report. It certainly has informed us and has reaffirmed Kingston as a visual arts precinct while we are going through the Purdon report. I do not know if Mr Whitney—

MRS DUNNE: Does Ms Conroy have an ongoing role with the department in relation to this?

Mr Whitney: No. She was engaged to undertake that report and the report talked in broad terms about spatial use of the greater Kingston area. The LDA needed to conduct the next body of work which is the work the minister has just referred to which was to look at section 49 which is effectively all of the undeveloped land that is currently in Kingston. That is due to be tabled, I think, in the Assembly in the first week of December. That report will have a master plan and drawings which indicate the area that is reasonably consistent with the area defined in the Conroy report as that for the cultural precinct. It also talks about other activities on the site and in particular the development opportunities that Conroy was not asked to look at, which are obviously things like identifying a car park and also some of the more active retail

spaces as well as some of the commercial development that the LDA will need to undertake on that site.

MS LE COUTEUR: Does the government have at least an in-principle commitment to funding further development in that area?

Ms Burch: We certainly are investing in developing it as a Kingston art space. The relocation of Megalo was one of the first key important pieces of that work and we always knew it would be a longer term strategy to invite mixed space commercial activities so we can have some vibrant space down there. The bus depot markets are a key plank. I always saw the glassworks, the bus depot markets and Megalo as the key parts of a very vibrant piece of work. Conversations have happened with others; I think, PhotoAccess and ScreenACT. So the Purdon report will clearly articulate the parcel of land and then we can get about and put the pieces of the jigsaw together.

MS LE COUTEUR: I guess my question was around finances. I have gone to some of the Purdon consultations and one of the things that was clearly identified was funding. This beautiful vision will require money to create it. So is there an expectation, an appetite, amongst the government to be contributing to that?

Ms Burch: There is an appetite given that we have identified it as a visual arts precinct to work with us but also work with the non-government sector, the private sector, and who else is interested in being part of that. So we have clearly identified it to be developed as a visual arts precinct.

MRS DUNNE: Getting back to the Conroy report, is there a problem with the Conroy report? I asked for a briefing on the Conroy report and specifically asked if Ms Conroy could attend the briefing. I was told no but I was never given a reason why. Do you know why I cannot receive a briefing on the Conroy report by the author of the report?

Ms Burch: She does not work for CSD. She has no contractual relationship ongoing with us, Mrs Dunne, so I am not quite sure—

MRS DUNNE: So there wouldn't be a problem with me having a conversation with Ms Conroy about—

Ms Burch: You are entitled to have conversations, as I know you do, with a range of people, Mrs Dunne.

MRS DUNNE: Okay, fine. Just on Kingston related issues I notice that there is still scaffolding around *Touching Lightly*. What is the program for fixing *Touching Lightly* and what exactly is the problem?

Ms Burch: David Whitney can talk about that—is it some chemical in the glass that made it pop and need replacement?

Mr Whitney: Yes. We believe, and three independent consultants have arrived at the same conclusion, that the original glass that was used had what is called a nickel sulphide inclusion which meant that the glass was, like much construction glass,

unstable and prone to spontaneous explosion. Two of those panels did fall, causing quite a degree of spray of glass. Nobody was injured, which is a good thing. That is why there has been large fencing around the site for some time.

In answer to your question about what the program is, today we are receiving the first lot—the first half—of replacement panels and—

MRS DUNNE: So we have to replace all the outer panels?

Mr Whitney: We have to replace all of the glass panels because in order to provide the public safety that we believe we need to provide we have had to move from single sheet of glass to a laminated glass. It took some time to work out what the best laminating process was and there will also be a different pattern on the outside of the glass. It is a minor change but still that needs to happen. That responsibility has been put back to the artist and we have required all of the proposals he has come up with to be cleared by two of the consultants that we engaged, in order to ensure that the replacement would be a safe one. So half the panels have arrived today and they need to have attachments on each of the corners stuck on. The other half of the panels arrives next week and then the proposal is to have them replaced. So we will need to fence the site off, a cherry picker will come in and take all of the glass panels down and replace them with the new, and that will be completed by, I think, 9 December.

MRS DUNNE: Sorry. Did I pick up from that that the cost is being borne by the artist?

Mr Whitney: Some cost is being borne by the artist and some cost is being borne by the territory.

MRS DUNNE: Can you outline the extent of who is bearing what and how much it is going to cost? On notice would be fine.

Mr Whitney: I am happy to take that on notice, yes.

MRS DUNNE: You have said, Mr Whitney, that there is a structural problem with the glass. When did you become aware of it—when it went bang or—

Mr Whitney: That is correct.

MRS DUNNE: was it looked at before?

Mr Whitney: No. The specification was that the glass—the whole artwork—should be fit for purpose in the public domain. We first became aware of it and a notice of defect was issued to the artist when the first panel failed. The artist replaced that with one of the spare panels and then a second panel failed within months of the first one. It was on the strength of that that we undertook the fencing and then the series of consultations to try and unfold what we thought the problem was.

MRS DUNNE: Just to elaborate or to get this straight in my head, there is a problem with the actual content of the glass?

Mr Whitney: In the manufacture of the glass there is a problem and this is consistent, as we have discovered, with architectural glass not only in Canberra—the commonwealth offices down in Tuggeranong had substantial glass failures, the same nickel sulphide inclusion—but in the Rialto building in Melbourne. I think the Riverside building in Brisbane has had the same quite significant challenge as well. So it is an issue—

MRS DUNNE: Is this a recent discovery? You have talked about four buildings. They have never used glass with nickel sulphide previously? Is it an innovation or—

Mr Whitney: I do not know how the nickel sulphide gets into the glass. It is a phenomenon that has been identified in the use of architectural glass and I just cited those examples because one is immediate and the other two are quite significant in terms of the amount of glass that has collapsed—

MRS DUNNE: Is there any material you could provide to the committee about the consultants looking at this and what the problem might be, so that perhaps the committee can get a better understanding of what the issue is?

Ms Burch: I think what you are trying to gather, Mrs Dunne, without paraphrasing you, is that—

MRS DUNNE: You can paraphrase me.

Ms Burch: you have just heard that this problem has occurred elsewhere, so when did we become aware of it and what was the consultant's advice to us?

MRS DUNNE: I would like to see the consultant's advice, I suppose.

Ms Burch: Yes. We can certainly bring something back to the committee.

THE CHAIR: So that is on notice. Thank you.

Mr Whitney: Madam Chair, can I perhaps provide partial advice to Mr Hanson's question—

THE CHAIR: Sure.

Mr Whitney: about the artwork in Weston Creek. Mathew Calvert is the artist and the amount funded was \$110,000. The contract was let in August 2010 and it was through a select tender process.

MR HANSON: Thank you very much.

Ms Overton-Clarke: While we are doing follow-ups, could I just inform Dr Bourke that the five artists and schools are at the Southern Cross early childhood school, where there is an emphasis on sculpture; the O'Connor cooperative school where there is an emphasis on print; the Lyons early childhood school, where there is an emphasis on textiles; Isabella Plains early childhood school where it is puppetry; and Narrabundah early childhood school where it is sculpture.

MR HANSON: If I can have a follow-up as well, I have been able to confirm that the artwork opened by Mr Seselja was done so at no expense to the taxpayer. I would encourage the government to endeavour to do the same sort of engagement with the business community to see the same sort of public art delivered at no expense to the taxpayers.

THE CHAIR: Thank you, Mr Hanson.

Ms Burch: Thank you for that. It does give me an opportunity to talk to the Australian business council foundation. We have moved the position from half time into full time is my understanding, and part of that is around links. I do not think anyone can go down to Acton without seeing the wonderful artwork there, but Mr Hanson—

MR HANSON: Wonderful—so we will have less sneering about Mr Seselja in future then no doubt.

THE CHAIR: Thank you, Mr Hanson.

Ms Burch: I did not open any of the artwork down at Acton—after many, many months of you basically damning any piece of art that was in the public arena.

THE CHAIR: Okay. Thank you, members.

MR HANSON: I wonder why they didn't invite you.

THE CHAIR: Thank you. We might go to questions now. I have a question about the Loxton review. It says here that artsACT has committed to implementing all the recommendations that have come out of that. One of them was about—

Mr Whitney: Not all the recommendations, but an agreed number of recommendations.

THE CHAIR: Okay. It says here “will continue with implementation of a recommendation from Loxton”.

Mr Whitney: Yes.

THE CHAIR: Okay. So we will get a bit of a sense possibly about what recommendations there will and will not be. But the specific one that I had here was about developing, releasing, implementing, a new ACT arts policy. Can you give us progress on what is happening with that development? What consultation has been done with the arts sector and when can we expect to see the policy released?

Ms Burch: Either Bronwen Overton-Clarke or David Whitney can talk to that, but one of the other recommendations of Loxton was to recommit or to re-engage with the cultural council. That has been done and so we now have an active and engaged cultural council and at their last meeting this was certainly an item on the agenda. The process can be spoken a bit more about by Bronwen Overton-Clarke perhaps.

THE CHAIR: So has there been broader consultation than just that?

Ms Burch: That was on the agenda and it is now about how we take that draft out for a broader consultative process.

Ms Overton-Clarke: As the minister said, the very first draft of the arts policy was considered at its first meeting in October. The minister is coming to the next meeting, which is in December, and when the Cultural Council have considered the policy—and they are in the process of developing it with us at the moment; so between officers in artsACT and the Cultural Council, there is input and discussion and drafting happening as we speak—I am expecting to see the next draft at the meeting in December. Then we will work out from there, in consultation with the minister, how broadly we actually circulate that.

THE CHAIR: Will there be broad consultation with the arts sector, because it is going to obviously have, if it is a new—

Ms Burch: Yes, we will certainly be going out and, for example, talking to the key arts organisations and those other significant bodies, at a minimum, but how broadly we go is yet to be determined.

THE CHAIR: Is there a time frame for its release as yet?

Ms Burch: I have a keen interest to get it in the first quarter of next year—just a reminder.

THE CHAIR: I might go to the two spokespeople, because we are running out of time. I will go to Ms Le Couteur and then Mrs Dunne, if that is okay.

MS LE COUTEUR: I will work out which is the best question to ask. On the Loxton report, it was the new ministerial council that you were talking about just a second ago as—

Ms Burch: The Cultural Council? It is not a ministerial advisory council, but there is a cultural council.

MS LE COUTEUR: I had thought that there was going to be a ministerial advisory council.

Ms Burch: No, we ended up landing on a cultural council, and I had that discussion. We invited—

MS LE COUTEUR: The government's response said that there would be one.

Ms Burch: Yes, they do provide advice to me.

MS LE COUTEUR: They are not an advisory body but they—

Ms Burch: I have a number of advisory councils that have quite formal terms of

reference. The Cultural Council operate under terms of reference and clear guidelines about what their scope is. I invited the previous Cultural Council members and sought their interest in ongoing engagements. So they did come in and we shared our views about arts' broad participation and what we could work on together, and they all signed up pretty much on it. If I had a pen in my hand, they would have signed up there and then.

We convened the first meeting in October and we are scheduled to meet every two months. Their scope is around providing advice to me and the government around arts matters. So it is not a formal advisory council but it certainly is a council with me and providing that advice. We can get you a copy of the membership. Do you have the list?

MS LE COUTEUR: You are reading my mind. I was going to ask for a copy of the membership. Do you have their terms of reference, which would also be useful?

Ms Burch: Yes. Who was the chair, do we know?

Mr Whitney: Dr Paul Hetherington is the chair.

Ms Burch: Michael from—

Mr Whitney: Michael Sollis from the music world, Dianna Laska-Moore representing dance, John Topfer, who is a solicitor in town and a part-time sculptor, Maureen Bettle from the literature world, Kylie from—

MS LE COUTEUR: You can give it on notice. It is very impressive, your memory of that list. It is better than mine.

Mr Whitney: I can finish off if you like. Kylie O'Keeffe from the youth performance area, Dr Andrew Pike from film and Greg Lissaman from the performing arts world. They are the council. We certainly can—

Ms Burch: We will provide the list, yes.

Mr Whitney: And the terms of reference.

THE CHAIR: And you will provide the terms of reference?

Ms Burch: Yes.

MS LE COUTEUR: Continuing on from where Mr Hanson was with the public art program, on the bottom of page 80, you have got that you manage the public art program, you have got 15 artists under contract and you refer to completion in 2011-12. That is all the previous moneys?

Ms Burch: Previous moneys; there is no new money in there.

MS LE COUTEUR: We still have the ongoing program of shopping centre refurbishment and every shopping centre that is refurbished seems to get a piece of art.

You are saying that has got nothing to do with you. Is that what you are saying?

Ms Burch: We are just confirming whether every redevelopment of a shopping centre—

MS LE COUTEUR: Maybe not every but a lot of them. It is a fairly standard thing for any shopping centre to get a bit of art.

Mr Whitney: They are funded through TAMS and we provide advice and assistance in nominating artists or the process of selecting artists. We sit on the procurement panel. ArtsACT sit on the procurement panel, as does TAMS, to select the artists. I believe that there is a work going into Lyons shops at the end of this month as part of that program and then there is one next year, which I think is Scullin. If it is not Scullin, I will correct that, but that is funded by the TAMS program.

MS LE COUTEUR: So you are purely advisory on that?

Mr Whitney: That is correct.

MS LE COUTEUR: You also do not know how much of an ongoing program there is?

Ms Burch: Not through that TAMS area.

MRS DUNNE: The 15 artists that you have under contract are not involved in the TAMS program?

Ms Overton-Clarke: Can I clarify? In terms of the public art, that finishes this year.

Ms Burch: As in finishing the installation?

Ms Overton-Clarke: Through the public art program, there was \$164,000 for 2011-12, as well as moneys in 2009-10. Under this program into the outyears, there will not be any more.

MRS DUNNE: But it says here that in the last financial year you had 15 under contract. Does that include the public art element that is in TAMS or is that just the public art program?

Ms Burch: I believe it does not, but we will confirm that.

THE CHAIR: You confirm that you will take that on notice?

Ms Burch: Yes.

Mr Whitney: Yes.

MRS DUNNE: Could I ask a question about the CSO?

THE CHAIR: Sure.

MRS DUNNE: How much money goes to the CSO from the ACT government and from what programs?

Mr Whitney: The Canberra Symphony Orchestra. To get that exact figure might take me a little scratching, but I am happy to do so.

MRS DUNNE: Put it on notice.

Mr Whitney: Yes.

MRS DUNNE: There is ongoing funding, there is funding for various programs and there was funding for a centenary orchestral piece. Where are we with the centenary orchestral piece? Is it a symphony or—

Mr Whitney: Yes, a symphony has been commissioned by the centenary and they have funded that. So that is additional money to Canberra Symphony Orchestra outside the artsACT funding area, and I would have to take on notice the name of the composer they have engaged.

MRS DUNNE: Minister, what is your view of the level of funding provided for the CSO by the commonwealth and what is the ACT government doing to advocate something more like parity with other interstate orchestras, particularly Tasmania or the NT? What are you doing?

Ms Burch: Yes, just about any other orchestra, I agree with you. I think our funding, by any reckoning, is not as other states are. What do I do about it? I raised it with the federal minister and have sought additional support. They have not gone and given core funding to the CSO, but I am thinking David Whitney is going in to look at the support funding through the commonwealth that has come in, not to supplement it in any way but certainly give them some additional support.

Mr Whitney: The model for the rest of the orchestras around the country is a very different model to that of the Canberra Symphony Orchestra. Those other orchestras were created at a time when the ABC had orchestras. When that moved from ABC orchestras to Symphony Australia the model transferred over, and at that stage there still was no orchestra in the ACT.

When the ACT orchestra was created, it was created out of the School of Music at the ANU and the territory has been providing support for the Canberra Symphony Orchestra for some time. Probably two years ago the territory received funding from the Australia Council of \$100,000 as a result of the James Strong inquiry into music in Australia, and that money was for educational outreach and to provide that support for the CSO. We have also been able to secure support through the Australia Council in their arts support area, to engage somebody to work as a philanthropy manager for three days a week at the Canberra Symphony Orchestra. That is to provide a greater connection and support into business.

The CSO have also been very successful in garnering support from a variety of commercial businesses in town, not least of which is the Macquarie Foundation. That

support that they have been able to garner is for a program to take music to all school students. So there is a crossover and engagement with them.

MRS DUNNE: The thing is, though, Mr Whitney, that I understand that the symphonies in Tasmania et cetera were all orchestras that grew out of the ABC model. The Darwin or the Northern Territory orchestra, I have forgotten what it is called, was not one of those and it receives considerably more funding than the CSO.

Mr Whitney: Yes, the Darwin and the Canberra orchestras are separate to the rest of that model. You are quite correct. I have got advice here that Canberra Symphony Orchestra, on page 233, received \$286,500 from artsACT and they also received outreach money of \$100,000.

MRS DUNNE: I was asking: what representations have been made by the ACT to the commonwealth for the commonwealth to recommend more for the CSO? Did I get an answer?

Ms Burch: You did. I raised it at the cultural ministers council with Simon Crean just—

MRS DUNNE: And what did Minister Crean have to say when you—

Ms Burch: He noted it with interest, so I will no doubt have to go back to Mr Crean about this.

MRS DUNNE: And are you making commitments to follow up, minister?

Mr Whitney: If I can answer, artsACT regularly meet with the Australia Council, the major performing arts board of the Australia Council, the performing arts unit, I should say, and we are in regular contact with officers in that part of the Australia Council about work with the orchestras. There is yet another review of orchestras and trying to implement a change to how those orchestras are funded across the country.

However, because most of the funding is split partway between each of the states and the commonwealth, there is a reluctance to make quite significant change, because it would require significant change of funding from each of the states as well. So at the moment, our contribution of \$286,000 compares to other states where their contribution is closer to millions of dollars. So it is quite a complex little story, but certainly there is representation continually to try to increase the support for the Canberra Symphony Orchestra.

THE CHAIR: As you say, and I had also heard it, there is that review process, but has there been any recognition federally that we do have this situation where essentially the ACT is having to go to different sources to get money? And what can be done to assist with that situation? I recognise, as you said, that you do not want to disadvantage other states, but then the ACT is in this situation where they have—

Mr Whitney: I am quite comfortable with disadvantaging the other states.

Ms Burch: It is something that is raised. We also point out that, if you do a

comparison of ticket sales and other external income for the other orchestras, the CSO does an extraordinary job. In the number of people it brings in to see its performances, and the external dollars that it brings in, they far out-perform other orchestras. This is something that David Whitney at official levels, and I at a minister level, have reminded—and will continue to remind—my federal and jurisdictional colleagues of.

THE CHAIR: When do you think they will get the message?

Ms Burch: If you give me that crystal ball, that would be good.

Mr Whitney: There certainly is an understanding and, of recent years, with a change of administration and also a change of artistic director for the orchestra, a recognition that they are a serious orchestra, that they are playing at a very serious level. Invariably, the program of concerts that they hold at Llewellyn Hall—and that is another part of the support that artsACT, through the territory, can provide to the CSO, in venue rental for Llewellyn Hall—is regularly attended now by people who come down from the Australia Council and from their music board. This has been quite a change of activity. We have been lobbying very hard for them to send people from other parts of the country on the music board to actually come and hear the quality of the orchestra. Certainly they enjoy coming down for the prom concerts, and we have been giving them the Llewellyn Hall concerts as well. So I do not think there is any difference of view about the quality of the work that they produce; it is just that trying to change the model is complex.

THE CHAIR: Mrs Dunne, do you have anything further?

MS DUNNE: Do you attend the CSO concerts, minister?

Ms Burch: I do.

MRS DUNNE: Good.

Ms Burch: Do you?

MRS DUNNE: I have questions for the Cultural Facilities Corporation.

THE CHAIR: We might do that then.

Ms Overton-Clarke: Just for the record, the third part of that CSO funding is \$100,000, through ANU.

Mr Whitney: That is the venue rental scheme, yes.

MRS DUNNE: Can I ask a question about Loxton and the Cultural Facilities Corporation.

THE CHAIR: Mr Whitney might need to stay?

MRS DUNNE: Possibly; I do not know.

THE CHAIR: Mr Whitney, you may need to stay, because this might be a cross-question.

MRS DUNNE: Ms Le Couteur asked a question about Loxton before. I wanted to hold off because there were particular recommendations about the Cultural Facilities Corporation in the Loxton report. I was wondering how the government was going to approach those recommendations.

Ms Burch: There was some commentary in the Loxton report about unpacking some of the CFC. The government has not gone down that track, so CFC will remain within the historic building, CMAG, and the theatre. The CFC board is having some new members. I think the committee have written to me about the chair; I am sure you have. The term of Don Aitkin, who has been the chair for a number of years, will finish in December. John Hindmarsh is coming on as the chair, effective from then. There is another appointment in the wind; I am not quite sure if I have written—I am looking at Amanda as chair of the education committee or whatever relevant standing committee that is about.

THE CHAIR: I think so, yes.

MRS DUNNE: It is probably not appropriate to air that if it has not been included in—

Ms Burch: That is what I am saying. I was just making reference to that placement being made. When I met with the CFC board, we spoke about this; it was something the board was certainly interested in. The comments with the board were that, though the government will support it being intact, the thrust of what would be behind those recommendations was about a nimble and responsive facility and corporation. That is the conversation that I am having with Harriet Elvin and the board—to pick up some of that innovation and ask how we keep business ticking over. Forty per cent or thereabouts of income is own income through the theatre. It is something that, as a business model, we need to keep on top of.

Mr Whitney: One recommendation that government have agreed is about Civic Square. This is about the management of Civic Square moving from the CFC across to TAMS, which is consistent with the rest of the physical fabric of Civic. That is nothing to do with the program or activity; it is purely an administrative transfer across.

Ms Elvin: As the minister has said, she has met recently with the board of the corporation to have those discussions about the fact that the government has supported the corporation staying as a discrete entity. The corporation is very pleased at that outcome. But also it is perhaps reshaping some of our strategic intent. We have embarked on a new strategic planning process this year, as you will see mentioned in the annual report. That gives more shape to the organisation and perhaps better clarifies what the organisation as a whole does as opposed to the component parts.

THE CHAIR: Mrs Dunne, did you have anything further?

MRS DUNNE: Looking at the strategic future of the corporation, there is passing

reference on page 21 to the lyric theatre. What is the status of the strategy for the lyric theatre and what changes would a lyric theatre mean for the Canberra Theatre in particular and the precinct in general?

Ms Burch: The lyric theatre is something that I do not think you can talk to Harriet or the CFC about and not enter into a discussion with the lyric theatre. There is no firm position at the moment, but it is a conversation that, as Canberra grows, matures and develops, will no doubt remain on the table for discussion.

THE CHAIR: Ms Le Couteur, do you have a question?

MS LE COUTEUR: You say that you continually expect to be in a deficit situation because you are not funded for depreciation. As to your major challenges, you mention a couple of physical things with Lanyon and Mugga Mugga. Are you funded enough to keep in an appropriate state of preservation the historical assets, in particular, that you are entrusted with?

Ms Burch: There has been significant conservation work done across those as well, but I will let Ms Elvin talk to that.

Ms Elvin: There has just been an injection of \$3.7 million across four years, which is the largest single investment ever made in those sites since they came under public ownership. That is allowing us a very comprehensive conservation package of works which is ensuring that those three sites are brought to a standard that sets them up very well for the future and ensures that they can remain some of the best-preserved historic sites in Australia.

THE CHAIR: Anything further? We are out of time. Did you have one quick question, Mrs Dunne? We have about a minute.

MRS DUNNE: I want to touch on the issue that there is reference on page 19 to the downturn in the theatre business in 2010-11. What cost-cutting measures have been put in place because of that and what is the quantum of savings achieved?

Ms Burch: Harriet will talk, but I do not think we are the only theatre that has seen a tad of a turndown.

MRS DUNNE: I would not have thought so.

Ms Burch: Harriet can talk to that.

Ms Elvin: The 2010-11 financial year was a very difficult year—in fact, the hardest that I can remember in the whole life of the corporation. We feel that, as the minister says, it was tracking very much with comparable performing arts centres elsewhere in Australia like Parramatta, Geelong and perhaps Wollongong. There seemed to be a downturn in confidence of commercial presenters bringing product to Canberra, and it seems to me that that tracked fairly consistently with the retail sector. We are all aware that the retail sector was very sluggish last year.

I suppose the good news is that all the indications are that this financial year is turning

out to be better. Certainly in the year to date we are a little better than budget, and the sales for subscription packages are looking very healthy for 2012. But getting back to your question about how we actually managed the budget last year, we put in place a range of savings mechanisms across the organisation, including in areas like consultancies, travel, professional memberships and training. In some cases, we left positions unfilled or delayed recruiting. So we were able to achieve budgets by year end.

Ms Burch: But you do continue to attract good audiences for your shows, so that is good.

Ms Elvin: Indeed.

THE CHAIR: We are unfortunately out of time. Thank you, minister and officials, for coming to this hearing today. Thank you, members. This hearing is adjourned.

The committee adjourned at 4.35 pm.