



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

SELECT COMMITTEE ON ESTIMATES 2009-2010

(Reference: Appropriation Bill 2009-2010)

Members:

MR Z SESELJA (The Chair)
MS C LE COUTEUR (The Deputy Chair)
MS A BRESNAN
MR B SMYTH
MS J BURCH

TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 25 MAY 2009

Secretary to the committee:
Ms G Concannon (Ph: 6205 0129)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Committee Office of the Legislative Assembly (Ph: 6205 0127).

APPEARANCES

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Amended 21 January 2009

The committee met at 8.32 am.

Appearances:

Corbell, Mr Simon, Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services

Department of Justice and Community Safety

Goggs, Mr Stephen, Acting Chief Executive Officer

Durkin, Ms Mary, Acting Deputy Chief Executive Officer

Kennedy, Ms Sandra, Acting Chief Finance Officer, Strategic Finance

Byrne, Ms Sarah, Executive Director, Legislation and Policy Branch

Garrison, Mr Peter, Chief Solicitor, Government Solicitor's Office

White, Mr Jon, Director of Public Prosecutions, Office of the Director of Public Prosecutions

Watchirs, Dr Helen, Human Rights and Discrimination Commissioner, ACT Human Rights Commission

Roy, Mr Alasdair, Children and Young People Commissioner, ACT Human Rights Commission

Green, Mr Phillip, Electoral Commissioner, ACT Electoral Commission

Krajina, Ms Danielle, Acting Executive Director, Office of Regulatory Services

Quiggin, Mr Jon, Senior Director, Office of Regulatory Services

Crockett, Mr Andrew, Chief Executive Officer, Legal Aid Commission of the ACT

Baxter, Mr Paul, Senior Commissioner, Independent Competition and Regulatory Commission

Manson, Mr Gregor, Commissioner, ACT Emergency Services Agency

Phelan, Mr Michael, Chief Police Officer, ACT Policing

THE CHAIR: I welcome the minister—and officials, in their absence—to the public hearing of the Select Committee on Estimates 2009-2010. This morning the committee is meeting with the Attorney-General and Minister for Police and Emergency Services and departmental officials from the Department of Justice and Community Safety. The committee will also be hearing from the Legal Aid Commission, the Independent Competition and Regulatory Commission, the Public Trustee for the ACT and ACT Policing. I ask witnesses to acknowledge that they have read the privilege card and understand the contents of it. Minister, before we proceed to questions, would you like to make an opening statement?

Mr Corbell: Thank you, Mr Chairman. I would be pleased to make a brief opening statement for the hearing this morning.

I would like to briefly outline today the range of budgetary measures that will be pursued across my areas of portfolio responsibility in 2009-10. Whilst this budget has been developed in unprecedented economic circumstances, I am pleased to have been able to secure, through the budget process, a number of initiatives that will see us continue to maintain a fair, safe and peaceful community in the ACT where people's rights and interests are respected and protected.

To enhance public safety, we are continuing the expansion of the closed-circuit television network in the city centre and other entertainment precincts and places of mass gathering. My department this year will commence peak period monitoring of this network at Civic, Manuka and Kingston.

We are currently preparing a final design for the construction of a new Belconnen police station on the Winchester Police Centre site, with completion scheduled for 2010-11. New headquarters will be constructed for the Emergency Services Agency at Fairbairn, with completion expected around December 2010. Further, a specialist outdoor training facility and helicopter base will be established at Hume for emergency services; work has already commenced on a program of upgrading existing shared stations and sheds. Planning is also underway for the expansion of the community fire units program to build on the success of the existing units, which currently have over 780 community volunteers attached to 38 units.

Work is also progressing on establishing a new forensic medical centre at Phillip to replace the old mortuary facility at Kingston.

A range of projects are being undertaken to develop and implement improved information and communications technology across my portfolio. These include replacing or refreshing critical emergency services information and communications technology; upgrading the ACT electoral system over four years in anticipation of the next ACT election; developing a system to support checks on individuals working with vulnerable people; replacing the accident information management system for the Office of Regulatory Services; upgrading the courts case management system; and improving courtroom technology. We are also implementing an integrated victims database for Victim Support ACT and designing a new integrated justice information system.

The Office of the Director of Public Prosecutions will be expanded to address increasing demand for prosecution services. My department will be continuing to develop design options for a long-term replacement for the Supreme Court and will also be exploring options for a unified court structure. Work is progressing to review the Coroners Act, the Victims of Crime Act and the Liquor Act and also to develop an Aboriginal justice agreement.

Additional regulatory services include work to meet new responsibilities under unit titles legislation and to increase parking operations.

That is just a brief overview of some of the initiatives in this year's budget, Mr Chairman. I and my officials will be happy to try and answer your questions.

THE CHAIR: Thank you very much, minister. You mentioned this in your opening, and it is also in the 2009-10 priorities. The review of the Liquor Act—are you able to bring us up to date as to where that is up to and when that is expected to be complete?

Mr Corbell: I have recently received advice from my department on the submissions we received last year before the last election and also a proposal on a new regulatory approach. I will be taking that matter to cabinet in due course and then releasing it for further public discussion.

THE CHAIR: So there has been interim advice or advice has been provided to you now in relation to that review and it is now going to come before cabinet in the next few months? Is that the position of where the review is up to?

Mr Corbell: That is right.

THE CHAIR: This has been going for some time.

MRS DUNNE: Since February last year.

THE CHAIR: There were obviously a number of issues in relation to, particularly, things like opening hours and the like. Where are you up to with that? Do you have a position as to whether or not that is going to be tinkered with or do you not see that as part of the review going forward?

Mr Corbell: All of these matters were raised in the discussion paper at the time of its release; stakeholders and other interested parties have provided a range of views in relation to all of these matters, including opening hours. I am not in a position to indicate what the government's preferred approach on that matter is until I have taken the matter to cabinet.

THE CHAIR: I am not sure if you mentioned it in your initial answer, but when was that part of the process completed where the advice came to you?

Mr Corbell: I have received a brief from my department and the proposed policy approach from my department in the last one to two weeks.

THE CHAIR: On this issue, Ms Burch?

MS BURCH: Related, but not directly.

THE CHAIR: I was going to move to Ms Le Couteur. Is it on a related issue?

MS BURCH: It is around safety and security.

THE CHAIR: I will go to Ms Burch now and then I will go to Ms Le Couteur.

MS BURCH: You made mention of enhanced CCTV across entertainment districts. I am trying to find it.

MS LE COUTEUR: Page 87, budget paper 3.

THE CHAIR: It is also in the priorities on 285.

MS BURCH: Can you tell us a bit about that and how you targeted those areas?

Mr Corbell: The government has provided funding in previous appropriations for the physical upgrade and installation of CCTV networks in the city and also, for the first time, in Manuka and Kingston. We have previously upgraded and put in place CCTV

networks for both Canberra Stadium and the Jolimont bus terminus, consistent with their identification as places of mass gathering. The expansion in Civic has included 12 new cameras in west Civic and in the Civic CBD; these works are due for completion in July this year and I am advised that the majority of cameras will be operational by the end of June this year.

Four new cameras will be installed at Manuka Oval by the end of June this year. We are also continuing with planning for the expansion of the camera network at Exhibition Park, which will also be completed by the end of June this year, with installation in the second half of this calendar year. In relation to Manuka and Kingston, 11 new cameras will be deployed in Manuka and Kingston: six at Manuka and five at Kingston. They will be installed and connected by the end of August, with some cameras online by the end of June this year.

The government has provided funding to ACT Policing to establish a purpose-built monitoring facility, which is currently being constructed at the Winchester Police Centre in Belconnen. That will provide for all of these cameras to be monitored from a single location. In the most recent budget, the government has provided funding for real-time monitoring of the network and the government has agreed to an approach where the monitoring will occur, in the first instance, during busy periods in the precincts. That will most likely be Thursday, Friday and Saturday nights and into the subsequent morning hours. The reason for that is that those are the periods that have been identified by ACT Policing as the periods at which there was the highest level of activity in those precincts, given that they are largely late night entertainment precincts. That will allow police to monitor activities in real time and direct their patrols accordingly.

MS BURCH: Just a couple of questions. You mentioned Manuka Oval and Exhibition Park. Is that related to the functions and activities that happen there? Would you be working with the operators as to where they are placed and surveillance?

Mr Corbell: Yes. The installations at Manuka and Exhibition Park again relate to the fact that these are locations which are places of mass gathering. There is a need to ensure public safety at these locations with large crowds, so the cameras have been installed in consultation with the managers of those venues—noting, of course, that these are government-owned venues. An appropriate assessment has been made as to the most appropriate spots to locate the cameras.

MS BURCH: Is there advice given at these precincts that CCTV is installed?

Mr Corbell: Yes; there is signage at all of these locations that CCTV is operating.

MS BURCH: One would hope that even that would deter some behaviours.

Mr Corbell: Human nature is an interesting thing. It will, I am sure, deter some people.

THE CHAIR: Mr Rattenbury has a supplementary on this.

MR RATTENBURY: Are the existing CCTV cameras operational for 100 per cent of the time?

Mr Corbell: Like any network, they are subject to technical failure at some points in time. As with any piece of electronic equipment, it can fail. We do, though, have well established mechanisms now in place to ensure the quick repair of any elements of the network that go down. Since the upgrade to the new digital technology, we have had a very high level of reliability.

MR RATTENBURY: What sort of percentage of reliability is there?

Mr Corbell: I would say that for the network as a whole it would easily be over 90 to 95 per cent, but I will have to take that on notice and give you that information.

MR SMYTH: What percentage of the screens are monitored in real time?

Mr Corbell: At the moment the screens are not monitored in real time. That is why the government has provided funding for real-time monitoring at peak periods. At the moment the network is utilised solely as an investigative tool by ACT Policing should they require access to it. They have, on previous occasions, on an ad hoc basis, monitored in real time—for example, during New Year's Eve celebrations in the city—but generally speaking that has not been the norm. That is why the government has provided funding so that the system can be monitored regularly, in real time, during busy times in Civic and, for the first time, in Manuka and Kingston as well.

MR RATTENBURY: Is there any data available on how many crimes or matters have been resolved with the assistance of CCTV footage?

Mr Corbell: I think this has been provided to the committee previously, but I can take that on notice and provide that to you.

THE CHAIR: That is all on CCTV. Any other questions on that? I will move to Ms Le Couteur.

MS LE COUTEUR: Thank you. I am interested in restorative justice. On page 295, you are talking about surveying users. Could you let me know how you are going with the surveys and what results you have had in the past? What proportion of offenders—I guess that is the word we use—have taken part in the restorative justice programs? My impression is that it has been decreasing over time, but maybe I am wrong about that.

Mr Corbell: Restorative justice is currently provided to juvenile offenders. It is not currently available to adult offenders. It has been a very effective mechanism in achieving high levels of resolution of matters, and impact on victims in particular, through the use of restorative justice. I do not know whether there is an officer from the department able to provide some more advice on that.

Ms Byrne: I do not have current statistics available but I believe that our usual satisfaction surveys are showing over 90 per cent satisfaction from both victims and offenders in that process. I can get those exact figures, but I do not have them to hand.

MS LE COUTEUR: And what proportion of offenders are part of the program?

Ms Byrne: I am afraid I could not answer that. Again, I can try to get those figures, but they are screened fairly carefully, for obvious reasons: both the offenders and the victims are people who will gain some benefit from that particular process.

MS LE COUTEUR: And why do you have only juveniles involved in it?

Mr Corbell: It is a policy matter for the government. At this point in time, restorative justice is available only to juveniles. That was seen, at the time of its introduction, as the appropriate staging of the introduction of restorative justice—to start with juvenile offenders. Obviously, juvenile offenders are those less likely to have protracted or lengthy histories of criminal activities, so an early intervention would prove to be more beneficial, in many circumstances, through a restorative justice program for juveniles. The government still wants to expand the program to include adult offenders and will give consideration to that.

MS LE COUTEUR: That is going to be very positive and I look forward to you considering it more.

THE CHAIR: I will go to other members of the committee first. Mr Smyth and then Ms Bresnan, if you have some questions.

MR SMYTH: What is anticipated for the future use of the existing Supreme Court building? Is it intended that a new building be built on that site or will it be moved somewhere else?

Mr Corbell: The government provided funding in the last budget for a feasibility study, which has just been completed, on options for the location of a new Supreme Court building. One of those options is the existing site of the existing building, subject to an appropriate assessment of any heritage and other planning constraints. That feasibility report has just been completed; it is currently being considered by government. It identifies a range of possible sites, including the existing site. Until a decision is made as to where the site of the new building will be, it is difficult to give a definitive answer on the future of the existing Supreme Court building.

What I would say is that, if the government takes the view that it is not appropriate or not feasible to redevelop the existing site, the building will need to be retained and will need to be upgraded and put to another use. That would most likely be a use associated with the legal precinct. It may, for example, be private chambers for law firms; it may be a range of community uses yet to be identified.

THE CHAIR: Ms Burch?

MS BURCH: How does that fit into the single court study or the unified court structure?

Mr Corbell: The single court study is the implementation of a Labor Party election commitment. At the last election, we undertook to propose a review of the existing

court structure—both its administrative structure and the structure of the jurisdictions of the two courts, to ensure that we had a structure that was most suited to a small jurisdiction such as the ACT. The study will look at a range of options, including the possibility of a single court, with different divisions within it—dealing with summary, trial and appellate matters, for example. It will also, though, look at issues around the administrative structures of the courts and to what extent the administration of the courts can be streamlined and integrated, given the small nature of our jurisdiction.

MRS DUNNE: That begs the question of why, if we are going to go down that path, at the same time you are planning a Supreme Court building. Would it not be better to work out what the structure of the courts would be before we start building buildings?

Mr Corbell: There are some givens in regard to the structure you choose to adopt in relation to our courts. The first is that there will still continue to be a certain number of judges required for trial matters and appeal matters. There will still be a certain number of magistrates required. And there will still be a certain number of courtrooms required, including courtrooms for jury trials, for example. There will still be a minimum number of those required. We know that a range of factors will remain unchanged regardless of the organisational structure of the court.

The feasibility study which is currently before the government does identify a range of options to ensure maximum efficiency in terms of the physical location of new courts. For example, the existing Magistrates Court has been designed in such a way as to allow for its expansion, particularly to the east of that building. That is something which the government will give further consideration to.

But it is not absolutely necessary for the two courts to be physically located in a single building. The issue around a single court has more to do with the streamlining of its administration, potentially bringing it under the jurisdiction of a single judicial officer—i.e. the Chief Justice—and also allowing for greater flexibility between the various divisions of the court. For example, in a single court structure it would potentially be possible for magistrates to move up into the trial or appellate elements of the court. Equally, it may be more feasible to move around judicial resources to meet workload within the court. It is more about organisational structure and less about the physical arrangements of the buildings, but those are matters that will be taken into account.

THE CHAIR: Mrs Dunne and then Mr Rattenbury.

MRS DUNNE: I notice that in answer to a question during the annual reports hearing you said that it was part of the objectives and aims of the newly established ACAT for the General President to alert you to any inconsistencies or areas where the legislation needed to be changed. The ACAT has now been running for four or five months. Have you had any conversations with the General President about areas where there might need to be improvements to make the system work?

Mr Corbell: You mean improvements to existing legislation?

MRS DUNNE: Yes—or generally to the operation of the ACAT: things that might need to be done to make the ACAT run efficiently.

Mr Corbell: I have had a range of discussions with the General President, but, to the best of my recollection, she has not brought any of those matters to my attention. The ACAT is bedding down well and is currently operating well from its existing premises in the Magistrates Court. The main focus of the ACAT at the moment is ensuring that its processes are bedded down and also that its accommodation arrangements are settled, and those are well progressed.

MRS DUNNE: I have received representations, and I think that you have received the same or similar representations, from one of the larger users of the old small claims tribunal, the old small claims court, about the failure of translation of previous services into the existing ACAT in relation to collection-type operations—that the pre-existing powers of attorney are not sufficient for the current ACAT and that there has been contradictory advice about what sort of powers of attorney need to be in operation. The people who made representation to me were told that they needed enduring powers of attorney from all of the people that they represent, which I think is just a mistake in advice. There is a considerable shift upwards in the cost, and it seems that in the ACAT there is not the capacity to make instalment payments in response to a judgement. Have these matters been raised with you by officers of the tribunal?

Mr Corbell: Not that I can recall. I would need to check the record of any correspondence I may have received, but I simply cannot recall it. The advice I had is that representations on this matter have been made to my department. There are a number of options being considered to resolve the matter, but I am afraid I am just not familiar with the detail of the matter at all at this stage and I will have to take the question on notice.

MRS DUNNE: Are you aware of the large discrepancy in cost between the small claims court and—

Mr Corbell: No. I am not aware of any of the details of the matter. I will have to take it on notice—unless Ms Durkin can help?

Ms Durkin: Some correspondence has been received and a draft came into my in-tray on Friday. I understand there has been a misunderstanding about what the costs were and a draft is being prepared to explain how that misunderstanding has come about.

MRS DUNNE: So what are the costs in, say, the recovery of money in the ACAT compared to the Small Claims Tribunal?

Ms Durkin: I cannot recall the details of that. I will have take that on notice.

MRS DUNNE: Mr Chairman, the understanding of the people who have contacted me is that there are substantial shifts in costs to the tune of some hundreds of dollars. So that needs to be resolved. Also, minister, the issues relating to powers of attorney: what steps have been put in place to ensure a smooth transition from one jurisdiction to the new jurisdiction?

Mr Corbell: Again, these are not matters that I am familiar with, Mrs Dunne. I am just not able to answer that question, but Ms Durkin may be able to assist you better.

Ms Durkin: In the same correspondence, there was a question about that issue and my understanding is that it is going to be resolved in the longer term but that administrative arrangements are fixing that up in the shorter term.

MRS DUNNE: Could you explain a little what that means?

Ms Durkin: Basically, there has been a way found to get around the problems in the short term.

MRS DUNNE: So what is the problem? Why don't the existing powers of attorney work?

Ms Durkin: I understand that the existing powers of attorney related to the Small Claims Court, which has been replaced by ACAT, so—

MRS DUNNE: Yes, but why can't they just translate?

Ms Durkin: I understand that it has been recognised; they have been translated. I will have to take the rest of that on notice because the person who is across it is not here at the moment.

MRS DUNNE: The other substantive issue is the capacity, if there is a judgement made in the ACAT in a small claims matter, for the person against whom that finding has been made to make instalment payments? That was a routine, a practice, previously in the operation of the Small Claims Court when it was part of the Magistrates Court and there seems to be no capacity at the moment for the ACAT to provide for instalment payments. Has that matter been addressed?

Ms Durkin: That was not in that correspondence, so we will have to look into that.

MRS DUNNE: I think you might need to check your correspondence in that case, because I think it was.

MR RATTENBURY: Looking at the strategic indicators for the department on page 287 in budget paper 4, I know most of these measures are new to the budget, but I am interested in why there are no figures contained in any of these sections around current performance, given that I suspect many of these matters are already known to government. Why have you not included current performance standards to enable future comparison?

Mr Goggs: We have taken the opportunity during this period 2008-09 to establish new and arguably more meaningful strategic indicators and we will have figures in relation to those matters for the financial year 2008-09 and that obviously would give us the basis for a comparison for subsequent years. But we do not necessarily have a figure for each of those for the existing year, well, 2007-08. So, for example, in relation to escapes or absconders from custody, that figure will provide us with a new baseline in relation to the Alexander Maconochie Centre which was obviously not applicable for the previous year.

MR RATTENBURY: You have indicated that for some of these you would have figures for the previous year. Why have you not included those ones?

Mr Goggs: When I said 2008-09, that is for a financial year that has not yet ended.

MR RATTENBURY: If I can just return to the restorative justice programs that were discussed earlier, on page 295 you make reference to a new survey for the level of satisfaction for service received. I would like you to explain which users of the programs you are intending to survey and how.

Mr Goggs: That is a question that Mr Hinchey might be able to answer in relation to the restorative justice program but I am afraid I do not have that detail at this stage. I am happy to take that on notice.

Mr Corbell: If I could venture some advice on that, Mr Rattenbury, I would imagine it would deal largely with victims of crime and the extent to which they were satisfied with closure or finalisation of the matter through restorative justice, but also the perpetrator and their experience of the restorative justice program.

MR RATTENBURY: Thank you. On page 297 of the budget paper in relation to output 1.5c, the Public Advocate, I welcome the new self-reported measure on client satisfaction. Can you tell the committee how a high level of satisfaction will be measured?

Mr Goggs: The Public Advocate already has a process for surveying the users of the services of the office of the Public Advocate. That is done on a sample basis, I think at this stage once per year but it is intended that should happen twice per year. It is always difficult with a service such as that provided by the Public Advocate in the sense that the person technically to whom the service is provided is often not in a very good position to be able to participate effectively in a survey. So it will be necessary to survey those who are supported indirectly, if you like, by the work of the Public Advocate and we will be trying to make sure that we devise a survey there that relates back to the supported person rather than, for example, surveying 10 people who support that person as well and having 10 responses and counting that as 10; we need to count that as one.

MR RATTENBURY: Just one more question on this page, on output 1.5d, percentage of clients of Victim Support ACT that will receive an intake appointment within 10 working days of reception. I note that the department had a target this year of 80 per cent. They achieved 90 per cent, which is obviously commendable, but then you have set a target for next year back at 80 per cent. Why is the department not seeking to maintain a 90 per cent performance level given you achieved it in the current year?

Mr Goggs: Certainly we ought to be aiming to maintain the current high rate. One of the things that has happened during this past year, 2008-09 is that, as a result of a raft of additional supports that have been put in place through what is known as the wraparound program under the sexual assault reforms, a very high degree of referrals is made from the police to rape crisis, for example, in relation to sexual assault victims and there has been perhaps an artificially elevated level of referrals and

supports in relation to victims. It is hoped, of course, that that will continue but it could be that we have had a beneficial uplift just as a result of some very focused activity in that area. Obviously we will be trying to continue to maintain that but we just need to be a bit realistic about the way that some of these things tend to plateau.

MR RATTENBURY: Are there not lessons learned from the fact that it seems to be a positive outcome? Why are you not persisting with that, the process you have just described?

Mr Goggs: We absolutely are persisting with the process and there has been a very good degree of cooperation between multiple agencies, including non-government agencies, in relation to the support for victims.

I guess it is also relevant to say that another thing that is happening at the moment is that the victim support service is changing accommodation. We have had to move them to temporary accommodation while we refit their existing accommodation. Once again, it is absolutely hoped that that will not affect the quantity or the value of the service that they offer, but realistically that is another one of those things that may potentially affect the ability of Victim Support ACT to deliver the same type of services it has done in the very recent past.

THE CHAIR: Before I move to Ms Burch, minister, we had a brief discussion with the Minister for Community Services on the issue—and this does fall within your portfolio—of funding for the Women’s Legal Centre. Are you able to confirm the amount of funding that has been provided for, I think, the particular program that you have chosen to continue to fund?

Mr Corbell: Yes, I do have that information today. The government provides funding of \$50,000 for that program. That was previously provided, as you know, through, I think, the community inclusion grant scheme. With the ceasing of that scheme, the government has made arrangements for the continuation of that funding for the coming financial year. That has recently been agreed and the government will be maintaining its funding at the existing level for that program.

MRS DUNNE: For this financial year.

Mr Corbell: Just for this financial year at this stage, yes.

THE CHAIR: So it is just for one year at this stage?

Mr Corbell: Just for this financial year at this stage, yes.

THE CHAIR: For 2009-10, and that is \$50,000.

Mr Corbell: That is correct.

THE CHAIR: Obviously it is difficult for organisations to plan with simply one-year funding. I understand the ACT government does not actually provide any recurrent funding to the Women’s Legal Centre; the funding currently comes from the commonwealth Attorney-General’s Department. Obviously there is this particular

program funding of \$50,000. Is that something that is being considered? It is the ACT Women's Legal Centre. Is there any consideration in government to give recurrent funding to the Women's Legal Centre?

Mr Corbell: That is always an option open to the government, Mr Seselja, but at this point in time we have not taken that decision. A range of funding is made available from the ACT government to a range of community law centres, including the Women's Legal Centre; it is often through the provision of grants for specific activities. But it is also the case that government provides a large level of funding to legal aid. Legal aid also, on occasion, devolves some of that funding down to the operation of community legal centres, so there is a range of direct/indirect approaches, if you like, to providing funding for legal services in this area.

The Women's Legal Centre's Indigenous liaison officer program has been a jointly funded program between the commonwealth and the ACT and it has been on a grant basis.

THE CHAIR: I will move to Ms Burch.

MS BURCH: This is on a different theme if that is all right. On your priorities, you mentioned in your opening comments expanding the Office of the Director of Public Prosecutions to address increasing demand of prosecution services, and there is a line there also in budget paper 3 on page 86. Can you tell us the driver behind this and what sort of increased capacity that will give the office?

Mr Corbell: I think it is preferable to defer the matter to the DPP, Mr White. I understand he will be arriving, Ms Burch, at 10, following some advice from the committee. I can certainly answer the question—

MS BURCH: No, I am happy to—

Mr Corbell: but it may be preferable, because it will probably lead to further questions of Mr White, to wait until Mr White arrives, and he will be here at 10.

MS BURCH: I am happy with that.

MR SMYTH: Minister, on page 286 in budget paper 4 is the staffing profile. I notice we are 18 staff FTE below what was expected in the 2008-09 budget. Is there a particular reason for that?

Mr Goggs: You could imagine that the range of staffing across different operational areas of the agency fluctuates regularly and from time to time, especially through areas such as emergency services and the Office of Regulatory Services. There is a regular process of attrition and renewal. We have not detected any specific trend or deficiency in those areas; it is just that the estimate of our end of year outcome indicates that there will be some positions across the whole of the 1,500-strong department that will not have been filled at that stage. It is intended that those positions be filled where there is an operational need for that, and in fact there are some additional positions that will have been funded through this year's budget process, which brings us back up again not only to that total but exceeding that, as is

indicated by the target for 2009-10.

MR SMYTH: If you do that comparison, to the estimated outcome it is an additional 24 staff, or to the staffing it is an extra six. Where are those staff going? What areas will the 24 staff go into?

Mr Goggs: I can provide you with a breakdown of where those pluses and minuses are. There are probably some in almost every single business unit within the department by the time you break down exactly how you track from 1,491 down to 1,473 and up again to 1,497.

MR SMYTH: Sorry, did you say you can or you cannot?

Mr Goggs: I can provide that detail, yes. I am happy to—

MRS DUNNE: Perhaps a paper reconciliation might be easier.

Mr Goggs: Yes.

MR SMYTH: What is the biggest area? Is it a shortage in ambulance—

Mr Corbell: I think it is worth highlighting that the major increases in staffing are obviously a result of the budget initiatives, which include the recruitment of additional staff at the DPP with an additional five prosecutors and a number of additional support staff for that agency. There are additional parking inspectors; another five parking inspectors are being recruited. There is some additional policy capacity in my department for a range of policy projects, including the single court project that we mentioned earlier so—

MRS DUNNE: That is more than the six between—

Mr Corbell: I beg your pardon?

MRS DUNNE: If you look at what the budget staffing was at the beginning of this financial year and what it is for the next financial year, the difference is six. What you have listed there, minister, is many more than six new staff.

Mr Corbell: Yes, I am not endeavouring to be absolutely complete in this regard; I am just trying to give an indication to the committee, Mrs Dunne, that there are a range of movements, a significant number of which are associated with budget initiatives.

MR SMYTH: Are additional ambulance officers in that?

Mr Corbell: There are no additional ambulance officers funded in this year's budget; there were in previous budgets and they are yet to be recruited, so there may be some movement in that area.

MR SMYTH: We will have the reconciliation, but just to finish on that, the permanent head of the department will be in the position when?

Mr Corbell: That position was advertised on the weekend in local and national newspapers. Obviously we are keen to complete that process as soon as possible.

MR SMYTH: When was Ms Leon's last day in the position?

Mr Corbell: About a fortnight ago. I am advised it was 8 May.

MR SMYTH: And you expect to fill it when?

Mr Corbell: I do not have a definitive time frame. These executive search processes can be a little bit difficult to predict. Obviously I am very keen, as is the government, to have it filled as soon as possible.

MRS DUNNE: Can I just follow up on that?

THE CHAIR: I was going to move to generally another line of questioning, but feel free to follow up then.

MRS DUNNE: Well, can I have a follow-up and then have—

THE CHAIR: Yes, you can ask a couple of questions.

MRS DUNNE: Thank you, Mr Chairman. On the subject of advertising, I noticed also in the paper on the weekend there were advertisements for magistrates and possibly a chief magistrate. What is the government's thinking in relation to the number of magistrates that we need?

Mr Corbell: I intend to appoint two new magistrates by the end of the year, including one who will be a new chief magistrate. At the moment there are vacancies created through the impending retirements of Magistrate Madden and Chief Magistrate Cahill. Mr Madden is currently on long service leave and will not be returning to his duties, so he will retire at the middle of this year. Mr Cahill is due to retire in November this year, and I intend to fill both those vacancies.

MRS DUNNE: So there is no net increase in the magistrates' bench?

Mr Corbell: No, there is no net increase. The government intends to maintain the levels of magistrates at their current levels.

THE CHAIR: So when did Mr Madden take long service leave?

Mr Corbell: Mr Madden commenced his long service leave in the second half of last year. He only indicated, however, to the government through me as the Attorney-General of his intention not to return from that long service leave earlier this year. I would have to check the exact date.

THE CHAIR: Before or after it was in the paper?

Mr Corbell: It was around the same time, Mr Seselja.

THE CHAIR: Okay. So we did not know when he went on long service leave that he would not be returning, but we have known since March?

Mr Corbell: That is correct. He commenced long service leave in July, and he was due to return to the court in April this year. However, he advised prior to his return that he did not intend to come back and that he wanted to continue his long service leave into retirement,

MR SMYTH: Can you outline for the committee what is the process for appointing a new magistrate?

Mr Corbell: Yes.

MR SMYTH: Or what process you would follow to appoint a new magistrate?

Mr Corbell: Yes. The government will be following the process it has adopted for previous vacancies in the Supreme Court. The positions have been publicly advertised and there is a public set of criteria in terms of the attributes that the government is looking for that will guide our decision making as to appropriate candidates to fill the vacant offices.

What has effectively occurred to date is the public advertisement is an expressions-of-interest process—suitable candidates are invited to express their interest and to address the criteria that are publicly advertised. In relation to the office of Chief Magistrate, I have also taken the decision to write to all of the existing magistrates inviting them to express interest, as I imagine a number of our incumbent magistrates would wish to be considered for the office of Chief Magistrate. I have also written to the relevant stakeholder organisations—the Bar Association, the Law Society, Women Lawyers and a range of other groups—inviting their suggestions.

Once those are received I will consider the names that have been put forward. I will develop a short list, and I will then undertake some more focused discussions with both the Law Society and the Bar Association in relation to proposed appointments. I will probably also consult with the current Chief Magistrate in relation to the magistrate's position, not the filling of his own position. I will then take a recommendation to cabinet.

MRS DUNNE: By when?

MR SMYTH: Will the justice committee be involved in any way?

Mr Corbell: There is not a role for the standing committees of the Assembly in relation to the appointments of judges or magistrates. That has been the case ever since we took responsibility for the courts.

MR SMYTH: That is okay; it might not be legislated, but I am just asking whether you will attempt to include that committee or the Assembly?

Mr Corbell: No, previous governments, both Liberal and Labor, have not involved

the standing committees of the Assembly in these appointments. These are executive appointments.

MRS DUNNE: What is the time line?

Mr Corbell: The time line would be to have the candidates chosen by cabinet certainly before the retirement of Mr Cahill. There will be some decision yet to be made about whether or not the government should make an announcement relating to the replacement of Mr Cahill prior to Mr Cahill's actual departure. So there will be some issues that need to be worked through about how that should best be handled.

THE CHAIR: Mrs Dunne on another area, and then I will move to Mr Rattenbury.

MRS DUNNE: Thank you, Mr Chairman. I notice that in BP4, page 290, in relation to government legal services, there is an increase of nearly nine per cent in total costs in this financial over the last financial year. What is the reason for this?

Mr Corbell: I think perhaps the Chief Solicitor can give you a better assessment of those circumstances—

Mr Garrison: I am sorry, Mrs Dunne; could you repeat your question?

MRS DUNNE: There seems, Mr Garrison, to be an almost nine per cent increase in the total cost of legal services to government over the period reported in the budget. I was wondering what the reasons for that were.

Mr Garrison: The increases have related to matters, I believe, that have been funded through the legal expenses vote as well.

MRS DUNNE: Sorry, I missed the vital noun.

Mr Garrison: I believe those figures include amounts that have been appropriated through the legal expenses vote in relation to a range of other expenses. Also, a number of the legal services that we provide are funded through revenue which we obtain from various authorities, particularly the Insurance Authority, and in relation to—

MRS DUNNE: Mr Garrison, seeing that there is some uncertainty, you could perhaps give the committee a breakdown of the services that are provided, where the sources of revenue are and perhaps some analysis of the nine per cent increase.

Mr Garrison: Yes. Mrs Dunne, which figure are you referring to, in particular?

MRS DUNNE: The output class on page 290, the legal services to government. The total costs over 2008-09 and 2009-10 seem to have a substantial increase.

Mr Garrison: The increase is as a result of the initiative that was approved in the budget.

MRS DUNNE: Which is?

Mr Garrison: The five staff for capital works that have been appointed by the government. I could take you to paper No 3, page 87, which outlines the initiative.

MRS DUNNE: So this is the \$500,000 increase for the Government Solicitor's office, but there is more than that there. The increases are more than that?

Mr Garrison: The increase between the estimated outcome for—

MRS DUNNE: It is about 650 in this financial year. Mr Garrison I highlight that there seems to be a substantial increase. It may be good—it is quite likely to be the case—but could you account to the committee for the eight per cent increase.

Mr Corbell: We can take the question on notice, Mrs Dunne. I think the key factor here is, though, the decision of the government to provide additional funding to the office of the Chief Solicitor to allow him and his team to provide the level of legal advice that is needed, given the very large capital projects that the government is entering into over the next 12 months and onwards, particularly those relating to the significant rebuild of our health infrastructure, the amount of money that will be committed by the government in relation to that infrastructure and the need to ensure that all the appropriate legal arrangements are in place to properly protect the territory in the implementation of those contracts.

MS LE COUTEUR: Does that include support for commonwealth government stimulus payments and, if so, do they pay for that or do we have to?

Mr Corbell: No, this largely relates to territory infrastructure, as I understand it, and not the funding provided on a grants basis by the commonwealth.

Mr Garrison: There has been, clearly, through the government's initiatives in capital works, a significant body of work required to be undertaken. Whilst my office has some limited capacity at the moment, the scope and scale of the operations to be undertaken require the engagement of both specific specialist knowledge and an expansion of capacity, in order to address the capital works over the next four years.

MRS DUNNE: What is the nature of the capital works that suddenly increases the demand for the services of the Government Solicitor's office?

Mr Corbell: There is \$1 billion worth of investment occurring in Health over the next 10 years. There is a very large volume of contracts to occur—for example, \$150 million worth of contracts in Health alone over the coming 12 months. These are large contractual undertakings that the territory is entering into and we need to ensure that the territory and the taxpayers' interests are appropriately protected as we implement those contracts. This provides the level of detailed legal advice that is required to make sure that can be done appropriately.

MRS DUNNE: What was the impetus for this budget measure?

Mr Corbell: The impetus certainly was as a result of advice from the Chief Solicitor that there was a need to enhance our capacity to appropriately manage all the potential

legal risks associated with such large-scale contracts going forward, noting that this is going to be an ongoing program of the territory for the next five to 10 years.

MRS DUNNE: So has our experience in other previous large-scale contracts highlighted areas of concern where we do not have enough expertise?

Mr Corbell: I do not think there are any specific matters of concern, except to note that, as the territory is increasingly getting itself involved in large-scale infrastructure projects, the complexity and the legal risks amplify and there is a need to get on the front foot in that regard. It is not something that the territory has previously had to worry about in its history. We have not had a large number of very large infrastructure projects, but we are increasingly seeing those and it is prudent to improve our capacity to manage the complexity of these matters.

MRS DUNNE: Mr Garrison, what was the association or the role of the Government Solicitor's office, if any, in drawing up the contracts that relate to the building of the AMC?

Mr Garrison: We were not engaged in that process.

MRS DUNNE: As a result of large contracts like the AMC, Bimberi and presumably the GDE, you see that it is prudent that the Government Solicitor's office should be involved?

Mr Garrison: Yes.

MRS DUNNE: Why?

Mr Garrison: I think that managing the legal risk that is associated with a range of major contracts that the territory enters into is prudent. It is a matter that clearly has been referred to. The Attorney-General has agreed with the proposition that the management of relevant risks to the territory can be most effectively delivered by obtaining appropriate legal advice in relation to both the procurement processes that are undertaken and the drafting and settlement of contracts entered into as a result.

MRS DUNNE: For large contracts like Bimberi or the AMC, you have not been involved?

Mr Garrison: There are a number of large contracts in which my office has been involved. There are some where we have not. Contracts are generally dealt with through ACT Procurement Solutions, with whom we work closely on a range of contracts. There have been some, however, where we have not been engaged.

MR RATTEBURY: What are the criteria for whether your office is engaged?

Mr Corbell: Previously there has not been any agreed or coordinated arrangement in place in terms of at what point the Government Solicitor's office is engaged. This funding comes with an understanding and a requirement that the Government Solicitor's office is engaged in relation to these projects.

MRS DUNNE: So is this a bit of a turnaround in policy? The old model was that the crown solicitor did all the legal services for governments and then that was outsourced to agencies and then privately. Is it now going full circle and we are bringing that back to having more active involvement by the crown solicitor?

Mr Garrison: As a result of a decision of the government, all legal services are provided through my office, and that has been the case for some little time. Before that, there was some outsourcing, but not a great deal. On a cost-benefit analysis, in order to ensure that more agencies obtain legal advice when called upon to do so, the expansion of capacity of my office to provide that advice has become terribly important.

Most of the legal services my office provides are at no charge to the agencies, and having an appropriate capacity to ensure that their risks are managed has grown over a period of time. I think that the conclusion of the agencies is that the involvement of our office has in fact enhanced the outcomes that are achieved, not only in relation to major contractual matters but in relation to a range of other areas where we give advice.

THE CHAIR: Minister, why wouldn't the Government Solicitor have been consulted on the AMC contract?

Mr Corbell: Generally speaking, the territory has relied on standard contracts that have been developed for projects of the magnitude of some of those projects such as the AMC. Those standard contracts have been developed by other governments. For example, Procurement Solutions has utilised contracts that have been developed by the New South Wales government for large-scale projects. Generally speaking, in the past the territory has relied on a standard contractual framework similar to that in place in New South Wales.

THE CHAIR: But you are changing that because that has not worked in some of these cases?

Mr Corbell: I am not an expert in this area but my understanding is that the template will remain the same but there will be a greater level of scrutiny provided by GSO in relation to those contractual terms before they are entered into.

THE CHAIR: And that is being done because there were some failings in some of the contractual arrangements in the past few years?

Mr Corbell: I do not think it is right to characterise it as knee jerk or as a response to failings. I think it is more the case that the more money the government spends on infrastructure and the larger value of projects that we enter into on a contractual basis, the risks associated with any potential dispute are obviously larger because of the value of the contract that is being entered into. So it is prudent, given the long-term level of infrastructure funding that the territory is now bringing forward in a range of sectors, particularly health, that we have a comprehensive framework in place to protect the territory's and the taxpayers' interests, and that is what this is designed to provide.

MR RATTENBURY: So does that mean 100 per cent of all contracts will now go through the Government Solicitor's office?

Mr Garrison: No, Mr Rattenbury. Clearly, there are a range of quite routine contracts which use, for example, service provision, service contracts, and which utilise pro forma documents that have been drafted by my office, which are well established in terms of the way they are used and are quite routine. The officers of ACT Procurement Solutions are well experienced in those sorts of matters. We liaise quite closely with Procurement Solutions in relation to a range of matters that they undertake and are there to provide advice when needed to do so. The growth in the infrastructure projects, however, called for some dedicated resourcing by virtue of the long-term nature of those contracts.

MR RATTENBURY: So in the future the larger, more unusual contracts are the ones that will go forward to your office?

Mr Garrison: Well, we already get those—

MRS DUNNE: But you did not in the case of the AMC?

Mr Garrison: No, we did not.

THE CHAIR: That would have been probably the biggest contract that the ACT government has signed in the past few years. There would not have been a bigger contract than that, would there, minister?

Mr Corbell: The Gungahlin Drive project would have been—

THE CHAIR: It cost a little bit less. We will put them together, I suppose, as the two largest in the last few years. It does seem a little odd that such a large contract would not have gone through the Government Solicitor's office. We have not really had an explanation as to why that is the case. We seem to have learnt the lesson but not as to why that would not have been done in the first place, as a matter of course.

MR RATTENBURY: Looking forward, I am interested in what the criteria will be now for making a decision as to whether a contract comes to your office or not. There are obviously the pro formas—the normal, run of the mill—and there is some grey zone there. How is that grey zone going to be resolved?

Mr Garrison: Virtually all of the contracts, obviously, will be run through Procurement Solutions. We have enhanced our relationship with Procurement Solutions over the last few years. We have staff rotating into their offices on a regular basis to provide an in-house capacity to provide either urgent advice to them or to refer it back to my office for further activity. We see this initiative as enabling us to expand that capacity into the capital works program which, generally speaking, we have not had a significant interaction with.

So the determination of which contract comes to us and which does not can be resolved fairly speedily on an informal basis by saying, "Yes, it's complex, it ought to come to us," or "No, this seems straightforward; happy to provide you with any

advice you need but it can be managed through the ordinary procurement processes.”

MRS DUNNE: But is there a set of criteria, or do you envisage that you will establish a set of criteria, that determines which way those gates open?

Mr Garrison: In broad terms, Mrs Dunne, the criteria will be: is it a major contract, a large contract? Has it got any legal complexities involved in it?

MRS DUNNE: Like liquidated damages?

Mr Garrison: Matters upon which specific advice might need to be sought. Quite often, we are simply asked for legal advice in relation to discrete issues. The fact is that we will be consulted as to whether there is a need for legal advice in relation to contracts, or indeed any other matter, which often occurs. The scale of contract, as I have indicated, the size of it, the length and complexity of it and the sensitivity of it, are all matters which go to determining whether or not legal advice is required.

MRS DUNNE: All of those are individual judgements that you would have to make on a case-by-case basis?

Mr Garrison: Yes.

THE CHAIR: Mr Garrison, obviously your office did not deal with the AMC contract, but have you been consulted since in relation to those clauses on liquidated damages and whether there is sufficient scope in the contract for the ACT to recover.

Mr Garrison: I do not know, Mr Seselja, whether or not I have provided legal advice to agencies is really a matter I ought to address.

THE CHAIR: Okay, so—

MR SMYTH: Committees are allowed to ask the question: did you provide legal advice? We are not asking what the legal advice was.

MRS DUNNE: We are not asking for the advice.

MR SMYTH: Did you provide legal advice?

Mr Garrison: My office has provided extensive legal advice in relation to issues that have arisen.

THE CHAIR: When was that first sought?

Mr Garrison: We have been providing advice for some little time.

THE CHAIR: Since when?

Mr Garrison: Different elements of it, Mr Seselja. I could not give you a date as yet.

THE CHAIR: Sorry, you could not what?

Mr Garrison: I could not give you a date as yet. I am happy to provide you with a date.

THE CHAIR: If you could, that would be good, thank you.

MR RATTENBURY: Just one more question on the issue of which way the contracts go, regardless of whether you see them or not: who will be the decision maker on those questions?

Mr Garrison: It is really advice sought by either Procurement Solutions or the agencies directly in relation to their particular contracts. I take instructions from the agencies, so it is their decision to seek advice from me.

MR RATTENBURY: So whether or not a contract comes to your office, it will sit with the agency making a judgement about whether they need help or not?

Mr Garrison: The agency or Procurement Solutions. However, it is not decided in a vacuum, because we have an ongoing relationship with the agencies and with Procurement Solutions.

Mr Corbell: As Mr Garrison has indicated, it is an iterative process. There are staff of his office placed within Procurement Solutions, which allows for dialogue as contracts are developed within our procurement area. They will obviously inform us as to whether or not a suggestion is made that the matter should be subject to more detailed assessment by the GSO.

MR SMYTH: Just before we leave it, minister, will you release that legal advice to the committee?

Mr Corbell: No.

MR SMYTH: Why not?

Mr Corbell: Because it is privileged.

MR SMYTH: The Chief Minister has released legal advice previously.

Mr Corbell: It is at the discretion of the holder of a legal advice as to whether or not they relinquish the privilege associated with that document.

THE CHAIR: Indeed it is.

Mr Corbell: It would be imprudent, given that some of these matters are yet to be resolved, to disclose the territory's position in relation to those matters.

THE CHAIR: Do you have a question on this, Mr Smyth?

MR SMYTH: No, a different issue.

THE CHAIR: I will go to Ms Burch and then I will come to you, Mr Smyth.

MS BURCH: On a different issue?

THE CHAIR: On a different issue if you like, yes.

MS BURCH: On page 285—I am working down the priorities here—it talks about developing an Aboriginal justice agreement. You made mention of that in your opening comments. I cannot find another line for it in any of the other papers, so I am just curious about what it is. I am assuming it has been met within existing resources. Can you outline what that is and how you will go about that?

Mr Corbell: Yes. The Aboriginal justice agreement will be an agreement primarily between the territory and the Aboriginal Justice Centre, which is funded by my department. The agreement basically sets out the common objectives that the territory and the broader Indigenous community and organisations such as the Aboriginal Justice Centre have in terms of improving the provision of our justice services to members of the Indigenous community. Aboriginal justice agreements are in place in a range of jurisdictions around the country. We feel it would be appropriate for us to equally have such an agreement. My department is negotiating with the Aboriginal Justice Centre on the development of that agreement.

MS BURCH: So it is a two-way partnership?

Mr Corbell: Yes.

MS BURCH: They will also have input into what those agreements are?

Mr Corbell: Yes, it is a collaborative instrument. That is right.

MS BURCH: Will it give direction to the type of provision of services that they will do? I am not quite sure what will be in the agreement.

Mr Corbell: We have a separate service contract with the Aboriginal Justice Centre for the delivery of services. That is a separate mechanism. The Aboriginal justice agreement is more broadly about the common objectives that the territory and representatives of the Indigenous community have in terms of improving the provision of justice services to the Indigenous community and also understanding the specific matters that need to be addressed in providing justice services to members of the Indigenous community. That is the purpose of the agreement. That will then be reflected in service-level agreements with relevant organisations.

MS BRESNAN: You have just talked about the sorts of services. Will there be particular programs that will be attached to this agreement?

Mr Corbell: A range of services are currently provided by a range of Indigenous organisations, particularly the Aboriginal Justice Centre, when it comes to justice matters. Then there are other organisations like the Women's Legal Centre, for example, and the Indigenous liaison program. The Aboriginal justice agreement, though, is about broader, more strategic directions and the broad outcomes that we

want to achieve in relation to improving delivery of justice services to Indigenous people.

MS BRESNAN: So will that draw in other programs that are provided by other Indigenous services in the ACT around family connectedness and dealing with younger people?

Mr Corbell: I really could not tell you how those matters relate; it is probably a bit beyond my knowledge of it at this point in time. The focus is largely on the delivery and provision of justice services. Obviously there is always a relationship with other service delivery—community service delivery, for example—but the fine grain of that has not been worked through in terms of the discussions at this point in time.

MS BRESNAN: Is there a time line for when that will be finalised?

Mr Goggs: If I could just add in relation to the work that is going on, there is obviously a critical need to address justice issues in the criminal justice sector with the Indigenous community. It is for that reason that our discussions in relation to the establishment of an agreement include ACT Policing, the courts and an opportunity to be involved with Corrective Services to make sure that, regardless of whether or not we identify a specific service that ought to be included as part of the agreement or perhaps a specific strategy that should be put in place by multiple agencies, all of those things are being discussed as part of the agreement phase.

MS BRESNAN: So there possibly will be something coming out of it to go into the next budget process?

Mr Goggs: Certainly that is a possibility, and that depends on precisely the nature of the supports and services that the multiple agencies believe are either appropriate or possible.

Mr Corbell: I am advised that the agreement is due to commence in the middle of 2010.

THE CHAIR: Mrs Dunne, did you have a follow-up on this issue?

MRS DUNNE: No.

THE CHAIR: Mr Smyth is next, and then I will come to you.

MR SMYTH: Minister, on page 310, the operating statement of budget paper 4, employee expenses, I see the expenses have blown out by \$6.2 million or about five per cent. What is the explanation for that?

Mr Corbell: I will need to defer to my department in relation to that particular matter.

Mr Goggs: The notes to those papers on page 314 provide an indication of the adjustments that are made in relation to employee expenses. So the final dot point on that page in relation to the difference between the estimated outcome in 2008-09 is connected to higher employee-related costs in multiple agencies, transfer of work

safety legislation from the Chief Minister's Department to the Department of Justice and Community Safety through the Office of Regulatory Services, the ambulance service wage outcome and rollover in relation to emergency services bushfire remits.

MR SMYTH: Sure, but that is at a time when you are also 18 staff shy of what you expected to get. Minister, the expenses will go down two per cent when you are short 18 staff, but you are going to recruit an extra 24 staff. How can you have extra staff and make a \$2 million saving in this area?

Mr Corbell: These are minor variations in the overall budget, both in terms of employee levels and in terms of expenses. They are not large variations that we are looking at here. In relation to the savings target the government has in place for the 2010-11 financial year, like all agencies, my agencies will be developing proposals for consideration by government as to how to achieve those savings, and they will be considered by budget cabinet in due course.

MR SMYTH: It is a good line that they are minor savings, but you blew employee expenses by \$6 million, and you are going to employ an extra 24 staff.

Mr Corbell: Well, by two per cent.

MR SMYTH: You are going to increase the staff by 24. An average cost per staff at, say, \$100,000 is \$2.4 million. How can it go backwards? Will there be staff losses in this?

Mr Corbell: As the government has said in relation to all of its agencies, Mr Smyth, these will be matters that will be closely considered over the coming 12 months. The government believes that savings can be achieved without the need for any forced redundancy, and that will remain our approach.

THE CHAIR: But how do you reconcile those two figures, minister—the number of staff is going up and the staff costs are going down?

Mr Corbell: The agency employs nearly 1,500 people, and Mr Smyth is having a quibble about 18 of them. I mean, really—

THE CHAIR: I do not think he is quibbling; I think he wants you to reconcile two numbers.

Mr Corbell: I am just making the point, Mr Seselja, that—

MR SMYTH: ACTCOSS was asking for an extra \$400,000; this is five times that amount, and they would be very happy to see it.

Mr Corbell: I am just making the point that this is one of the largest departments in the government. It delivers a very broad range of services to the community from criminal justice through to emergency services through to regulatory services as well as the policy areas central to legal policy and so on. It is a large agency. It is inevitable in a large agency that you will see movements of people as people come and go, but they are small in the overall scheme of the agency as a whole.

MR SMYTH: Irrespective of the size, you are losing \$2 million in employee expenses, but you are gaining an extra 24 staff. How does the department do it within its budget, and why should these figures have any credibility?

Mr Corbell: As Mr Goggs has highlighted, a range of these factors were due to additional functions being provided by the department and—

MR SMYTH: So which ones of those will you not provide then?

Mr Corbell: I am not saying that. Also, additional wages outcomes, which are very difficult to predict, as a result of arbitrated or bargaining processes are all factors that you have to accommodate. Again, the variation in the overall level of the budget is small.

MRS DUNNE: But added to that, minister, you have got the outcome for 2008-09 as \$122 million. The budget for 2009-10 is \$120 million for staff costs. The initiatives amount to \$2.9 million. Most of those, minister, are labour costs and staff costs: \$800,000 in the DPP; \$500,000 in the GSO; \$400,000 in parking operations; another \$300,000 for the regulation of owners corporation managers. Most of the costs associated with the initiatives are staff costs, so how do you reconcile the fact that the estimated outcome for this year and the budgeted outcome for next year is going to go down two per cent but there are extra staff and there are substantial extra moneys, most of which will go towards staff costs? How do you reconcile that two per cent variation down?

Mr Corbell: The government has set the task of all of its agencies and—

MRS DUNNE: So what is going to give?

Mr Corbell: If I can just answer your question. The government has set the task of all of its agencies to find efficiencies in relation to the operations of its departments. We have given agencies 12 months to work through ways of re-engineering their processes and streamlining the way they conduct their businesses so as to find the savings necessary to achieve the overall efficiency dividend the government is looking for. The Treasurer has made clear—I can only repeat it—that this is not going to be an easy process, but it needs to be done if we are to deliver the budget back into surplus over the time frame the government has identified. That is the work we will be doing over the next 12 months.

I do not have the immediate answer to that, and that is exactly why. We have been very up-front about that from day one. We will use the next 12 months to identify opportunities for efficiency, re-engineering the systems and a range of other measures to deliver the savings that are needed.

THE CHAIR: But, minister, sorry, with respect, that does not seem to be answering the question at all. What is going to happen in 2010-11? You are flagging that there will be efficiencies in 2010-11; that is fine. This is about what is going to happen in 2009-10 and the fact that it is \$2 million less for employee expenses when the number of employees is going up. What part of employee expenses will go down to allow you

to save \$2 million while you are employing more people?

MRS DUNNE: I think that encapsulates it.

Mr Goggs: Once again, it is one of those things where probably we can give you the detail in swings and roundabouts in relation to multiple parts of the organisation. There have, for example, been additional costs in relation to the running of the 2008 election which will have pushed employee expenses up for the 2008-09 year and obviously will be—

THE CHAIR: So the cost per employee for running the election is more than it would be per employee for other areas of operation?

Mr Goggs: That is just one example of the one-off costs that apply in that year. Likewise, there has been significant adjustment in relation to remuneration for judicial officers in the 2008-09 year, which is an additional expense that is reflected through the budget papers for that year. That is not yet reflected for the year 2009-10.

THE CHAIR: So just explain that one to me. What has happened with remuneration of the judiciary?

Mr Goggs: The remuneration for judicial officers is set by the Remuneration Tribunal, and we have got a situation looking back where we are able to say precisely what the increase in that remuneration has been, but looking forward we are not able to predict whether there will be any further increase and, if there is, what that increase will be. So that, for example, the budget papers reflect the actual expense but do not anticipate the cost in relation to judicial officers.

THE CHAIR: Mr Goggs, it still does not seem to be answering this fundamental question which Mr Smyth has raised—that is, if your employee expenses are going down by \$2 million but your numbers are going up, which areas of employee expenses are you saving on in order for this to be able to match up?

Mr Goggs: Another one of the things that is difficult to reconcile when you compare just employee numbers with employee expenses is that the type of employee is not reflected well in the number of staff.

THE CHAIR: So we are going to get more lower paid staff than we have had in the past; would that be one way that we would see this—

Mr Goggs: Certainly there are a significant number of additional lower paid staff. For example, five officers at the ASO2 level in the parking operations areas adds to the numbers greatly but not greatly to the expenses compared to, for example, five executive officers.

MRS DUNNE: Yes, but you have also got five extra legal officers in the GSO and six or seven in the DPP, which is going to blow it out at the other end. We are not going to be paying those people at ASO2 level, or Mr White is going to have ongoing problems, is he not?

THE CHAIR: Perhaps the way to get to the bottom of this is if Mr Goggs—

Mr Corbell: I think a reconciliation would be an aid to the committee, and we would be happy to provide that.

THE CHAIR: Mr Goggs has pointed to a reconciliation in employee expenses, in particular, going to how you get to this number with the projected number of staff. Mr Smyth, did you have anything else on that?

MR SMYTH: On the next line, even though you are reducing the cost of employee expenses, the cost of superannuation goes up 12 per cent. So you are going to spend less on employee expenses, but you are going to spend 12 per cent more on superannuation. Would somebody please explain that?

Mr Corbell: I would assume that relates to more people retiring.

Ms Kennedy: Treasury has undertaken an actuarial review of its superannuation rates for CSS and PSS. Those rates have gone up for 2009-10.

MR SMYTH: Is it possible to see that revaluation?

Ms Kennedy: That is a matter for Treasury.

MR SMYTH: All right; I will talk to the Treasurer. With respect to the next line, though, at a time when you are reducing staff expenses, obviously one of the tricks is that you employ fewer staff and bring on more contractors, but it seems we are paying less for staff but we are getting more staff anyway. In the supplies and services, this year, 2008-09, it is \$57.8 million and next year it is \$62.4 million, an increase of eight per cent. What are we getting for the extra eight per cent in supplies and services?

Mr Goggs: Some of that will be attributable just to the indexation in costs applicable to supplies and services. Some of it will relate to the cost associated with projects that have been rolled over from 2008-09 to 2009-10 and some of it—

MR SMYTH: When you say “costs”, that is interest costs?

Mr Goggs: Just the fact that aspects of some of the projects have not been delivered in 2008-09 and they will be delivered in 2009-10. So the attendant costs associated with the project, or whatever it might be, will flow through to the 2009-10 year.

MR SMYTH: Could we have a reconciliation of that as well, please?

Mr Goggs: Certainly, we can—

MRS DUNNE: The budget was for \$64 million and it is down to \$57 million, so that would indicate there is a fair amount of rollover or stuff that is not completed in this financial year.

Mr Goggs: Yes, there is a natural corollary between the fact that some of the

expenses have not been incurred in the one year and will be incurred in the next.

THE CHAIR: Are we done on that particular one?

MR SMYTH: If you go to your notes on page 315, it actually says the recurrent rollovers are only \$2 million. The bulk of this is extra costs in the supplies and services for ESA and Corrective Services.

Mr Goggs: No, the recurrent rollovers referred to on page 315 are \$0.2 million—\$200,000.

Mr Corbell: There is a range of services that are delivered and supplies that are purchased. We could go around forever verbally trying to identify all of these different elements. For example, the operations of the AMC entail a whole new range of purchases of services and supplies that previously were not purchased by the territory directly, so there are a whole range of ins and outs, ons and offs. I think the most appropriate course of action would be to provide the committee with a more detailed reconciliation of that. I am happy to provide that, so that, rather than trying to second-guess all of those particular elements at this stage, the committee can see a full picture of how that operates.

THE CHAIR: Can I suggest, from a procedural point of view, that we have got a number of other areas to get through. We have got DPP, which we have not touched on. Is the DPP available?

MRS DUNNE: Mr White is here now.

THE CHAIR: We have got DPP, we have got the Legal Aid Commission, ICRC, Public Trustee and then we have got to move to Emergency Services before we move to ACT Policing. Can I suggest that we move to questions around the DPP now. If we have time, we can come back to other general JACS questions, but we need to get through those other agencies. I understand there are questions in relation to the DPP. Ms Burch, you had questions earlier, and Mrs Dunne has some questions.

MS BURCH: In budget paper 3, on page 86, there is a line around the Director of Public Prosecutions, additional resourcing, and it is also noted in budget paper 4, on page 285, around expanding the office of the Director of Public Prosecutions to address increasing demand. Can you explain the new initiative, what the drivers behind it were and what will come of it?

Mr White: Yes, there are really two main thrusts to the initiative. The first one is simply to take the pressure off existing prosecution resources to enable us to cover all the courts and responsibilities that we have to cover with our existing workforce and also to allow greater preparation time for cases, particularly important and difficult cases. The second part of it is that I have earmarked some of the additional resources to set up a sexual assault specialist unit. That will enable some specialisation within the office in relation to sexual assault matters.

We are advised that it is likely there will be an increase in the reporting of sexual assault matters, an increase in the efficient investigation of those matters and,

consequently, an increase in the number of matters coming to us for prosecution. As members will be well aware, those matters are very difficult and it is appropriate that we institute some specialisation within the office to meet that increased responsibility in that area.

MS BURCH: Are you saying there was not a dedicated sexual assault unit before that but that this will provide one?

Mr White: Yes, that is right. Obviously, we have been prosecuting sexual assaults and my officers have a great deal of expertise in that area, but this will enable a concentration of expertise within one unit. It will enable the co-location of those resources with appropriate support services such as witness assistance and so on.

MS BURCH: So those other support services will have a place to wrap around and to—

Mr White: Yes, that is right.

THE CHAIR: This has obviously been an ongoing area of concern for the DPP in relation to resourcing, and we see extra money in the budget. What has been the practical effect of that under-resourcing over those last couple of years? Are you able to briefly tell the committee what has been missed as a result of you not having the resources that you would have liked to have had?

Mr Corbell: I think before Mr White answers that question, it is important to stress, Mr Seselja, that, in my time as attorney, I have received two requests from the DPP for additional resources—one when Mr Refshauge was the DPP and one when Mr White was the DPP. The government has responded to those requests in relation to additional prosecutorial staff in full. As is always the case, the DPP is responsible for the conduct and running of his own office and for making assessments about the level of resources he or she—in these circumstances he—has required to undertake his responsibilities.

The former DPP, Mr Refshauge, asked me for funding in the order of half a million dollars a year, going forward, for additional prosecutorial support. That was provided. Mr White has also asked for considerably more, and that has been provided. So any challenges with resourcing have not been a function of the government choosing not to provide additional support to the DPP when it has been requested.

MRS DUNNE: I don't think anyone said it was.

Mr Corbell: In fact, it is quite the contrary. I think it is wrong to characterise it as under-resourcing. That would imply there has been some decision not to provide resourcing when it has been requested, and that simply has not been the case. I will let Mr White answer your question.

THE CHAIR: Thank you, and I will respond briefly to that before Mr White responds. I think, however you look at it, it has been seen from the DPP's point of view, and we have seen it played out in the media from time to time, that both yourself and Mr Refshauge have felt there have not been sufficient resources.

Whatever the reason for that may be, we will leave it for others to judge. Could you talk us through what have been the consequences and the practical reality for the DPP by not having the resources that you will be getting now?

Mr White: I took up my post in September last year. I suppose I took the opportunity to cast my eye over how the office was performing. It did seem to me that prosecutors were under a lot of pressure. It needs to be acknowledged that there has been an increasing workload on prosecutors over the last couple of years. Not only are there more requests or necessity for prosecutors to spend time in court; the cases have become more complex and case management has become more onerous. In other words, what is required of my office by the courts in terms of managing our practice has become more and more onerous, more and more time consuming, requiring more visits to court, more filing of paperwork and so on. That is the background that I found when I started. One is aware of the pressures that are inevitably built up by an increasing population and increasing numbers in the police force. Any additional resources in the policing area lead to an almost inevitable increase in the work of my office at some stage.

THE CHAIR: Are there particular areas of prosecution that have not been undertaken because of a lack of resources in the last couple of years?

Mr White: No, not to my knowledge.

THE CHAIR: So it has been more that there has been extra strain on individual prosecutors and they have to inevitably work longer hours and the like?

Mr White: It has been very difficult for us to cover all of the courts on occasions. It has put strain on the workforce and we have coped as best we can. The new resources will certainly alleviate those pressures.

MS BURCH: On page 296 there is an indicator, 1.4, referring to timely conduct of prosecution, sitting at nine per cent. Does that match against other jurisdictions?

Mr White: The issue of how to compare prosecution services across the jurisdictions is a difficult one. I think it is fair to say that there is no universal set of standards in relation to measuring performance. Those matters that are indicated there are essentially the court-imposed deadlines on the DPP. In the Magistrates Court we have obligations to file briefs within a particular period of time as part of the case management process and get ourselves ready for the hearing of cases. In the Supreme Court we have an obligation to file indictments and case statements and respond to questionnaires and so on within a certain time frame. Those are the measures that are reflected within there. Other DPPs will have different requirements from their court systems. Clearly, they will be measured against those requirements.

MRS DUNNE: Mr White, could you give us a rundown? You have got \$800,000-odd this year and roughly \$850,000 in each of the outyears, in extra resources. Could you give a rundown on how you see that that will be divided up? Is it all prosecutorial staff? Is it administrative support as well?

Mr White: The breakdown is five lawyers, two paralegals and a support staff. Clearly,

we do see an important role for our paralegal staff in relieving the burden on our legal staff. We do want to try to, as it were, push down some of the functions that are performed by lawyers to paralegal staff to free the lawyers up for more pure lawyerly duties. So that is why we have attempted to go for that breakdown.

MRS DUNNE: One of the issues that has been raised on a number of occasions through the media was not just pressures on staff numbers but that the salary ranges in the ACT DPP's office were not competitive with other institutions like the commonwealth DPP and DPPs in the other states, and that this became a training ground where people did not stay long but moved on to obtain higher salaries elsewhere. Does this \$800,000 address that issue? Does it address the salary ranges of the DPP?

Mr White: It will not allow for any increase in the salary ranges. Clearly, it will relieve the burden and pressure on individual prosecutors and, to that extent, make the office a more pleasant place to work and, hopefully, a more productive and enjoyable place to work.

Mr Corbell: In relation to wages, obviously, that is an area of ongoing pressure for all DPPs, relative to the amounts of money that lawyers can earn in private practice or in other vocations. The government's view is that these are matters that are best dealt with through the wage bargaining process. There is a wage bargaining process that will commence at some point over the next one to two years for the DPP, and that will be the opportunity for employees and the employer to sit down and identify the best possible way to improve wages for staff of the DPP. That is the most appropriate way to deal with issues around wages—through the bargaining process.

THE CHAIR: Mr White, on the same page, 296, the accountability indicators, could you explain to us how this average cost per prosecutor business day is arrived at? What does that actually mean?

Mr White: That is essentially—

THE CHAIR: Is it days in court or is it some other measure?

Mr White: No, it is a straightforward efficiency measure based on the number of prosecutors as against the total budget.

THE CHAIR: When you say per prosecutor business day, you are simply talking about ordinary business days?

Mr White: Yes.

THE CHAIR: On a quick calculation, if it costs \$1,300 per prosecutor per business day, how are we getting five extra prosecutors and two extra administrative staff for \$800,000? Those figures do not seem to match up to me on a quick calculation.

Mr White: I must confess that I have not done that calculation myself. The budget was really worked out on the normal costs and on-costs of each individual position. In other words, positions were identified at particular levels and costed at those levels,

and that was how the figure of \$840,000-odd was come to.

MS LE COUTEUR: As a supplementary, when you say “costs”, what do you have in the costs for your prosecutor business day? It is not just salaries? There are other items as well?

Mr White: Yes.

MS LE COUTEUR: Could you expand on that?

Mr White: Yes. As I understand it, it is the total cost, not just salary cost.

MS LE COUTEUR: Total costs, but how far is the total going?

Mr White: In terms of the overall budget of the office.

MS LE COUTEUR: So it is the whole budget of the office divided by the number of prosecutors?

Mr White: Yes, that is my understanding.

THE CHAIR: So presumably that will go down. I do not see any other way for that to match up with the \$800,000 for five extra prosecutors. Are there further questions on—

Mr Goggs: Mr Chair, in relation to that figure, while I also have not been closely involved with the calculation of the figure, certainly the figure that is arrived at is based on the cost of the employment of the staff as well as, obviously, the on-costs associated with their accommodation. Exactly the same costs and on-costs have been used to calculate the cost of the additional staff. So, mathematically, it should be exactly the same when you try to calculate prosecutor days with the additional staff, because the additional funding has been based on exactly the same calculation. We can certainly clarify that but it just seems that, as I say, the same formula has been applied previously as has been applied this year to the additional staff.

THE CHAIR: Mrs Dunne?

MRS DUNNE: Thank you, Mr Chairman. Mr White, you mentioned in your comments that there would be additional witness assistance services. Could you expand on that? In doing so, could you tell the committee how that might relate to, say, your interaction with the victims support services et cetera and the current review of the victims support services?

Mr White: I do not anticipate utilising any of the additional resources in relation to additional witness assistance for court services. We are funded for three witness assistants at the moment. What I was alluding to was our plan to co-locate the sexual assault unit and, indeed, the family violence unit in a loose confederation with witness assistants. Most of the work that they do is directed towards family violence or sexual assault matters or, obviously, serious homicides and the like.

So, we are, at the moment, undergoing a review of the victims services. We are in discussion at the moment with JACS about that. It may be that, if there is a need or expectation that the DPP provides additional services in the area, that would have to be the subject of an additional resourcing bid.

MRS DUNNE: Just to follow up on that, there was adverse comment in yesterday's *Canberra Times* from Magistrate Campbell, I think, in relation to weekend courts, essentially. Part of this sits with you, Mr White, but it also sits with the police. The criticism seems to be that there was no capacity to pull up the criminal history of people who were up for bail applications on the weekend.

Mr White: Yes.

MRS DUNNE: Is this suddenly the case and what has caused this?

Mr White: It is not a new phenomenon. The access the DPP has to criminal histories is purely through the Australian Federal Police. We do not have any direct access ourselves. We are completely reliant upon the Australian Federal Police to provide those details. There have been some difficulties with Saturday courts in our getting access to the criminal histories. We have been discussing this matter with the Australian Federal Police.

We have suggested that one way of getting around that might be that the individual informants who do, as I understand, have access to the records themselves, would print that information off and present it to us with the papers that they give us for the prosecution of those matters. But clearly, that has not been happening and, hence, Magistrate Campbell's concern expressed on the last Saturday court.

MRS DUNNE: Do you share Magistrate Campbell's concerns?

Mr White: I do and I have raised the matter with the Australian Federal Police in an attempt to have it resolved.

MRS DUNNE: And—

MR SMYTH: And their response?

Mr White: I was under the impression that they were favourably considering our suggestion that the individual informants take the responsibility on but clearly that has not, apparently, happened.

MRS DUNNE: Perhaps it might be more favourably disclosed after Magistrate Campbell's reported comments.

Mr White: One would certainly hope so.

MS BRESNAN: I have a very quick follow-up question to Mrs Dunne's question about the assistants. You said there was going to be loose confederation with the sexual violence and family violence staff. I appreciate that you said the details still need to be worked out but is it likely the assistants will work across those different

groups when they are required?

Mr White: Yes, and that broadly happens at the moment. As part of the SARP initiative we did get some additional capital funding for a refurbishment of the witness assistance and SARP area. We have now got a setup where there are interview rooms where the witness assistants can, in privacy, interview vulnerable witnesses, particularly children. That is a much better setup than henceforth was the case. As I say, most of the work is already done in those two areas but there will be a physical co-location of these resources on the ground floor of our two-floor accommodation.

THE CHAIR: Are there other questions for the DPP?

MRS DUNNE: I have questions about rehabilitation services.

THE CHAIR: I know there were some electoral services questions; so we might quickly deal with them before we go to morning tea, if that is okay. Mr Green is here. I know Mr Rattenbury had some questions and other members may have questions. Thank you, Mr White.

Mr White: Thank you.

THE CHAIR: Welcome, Mr Green. Mr Rattenbury?

MR RATTENBURY: Dealing with output 1.6, electoral services, the notes make reference to the fact that both measures contained in the budget paper will be discontinued. I wanted to ask why that is the case.

Mr Goggs: It has been a tradition that there are accountability measures for electoral services in election years. Those indicators then relate to the provision of services connected to the territory election, obviously with its terms. That means that they are of significantly less relevance in non-election years. So this is a return to the situation that applied prior to the 2008-09 year.

MR RATTENBURY: So we would expect to see these come back in 2011-12—something like that?

Mr Goggs: Yes, absolutely.

MR RATTENBURY: Okay.

MRS DUNNE: Perhaps the notes could say that?

Mr Corbell: It does say that at note 1. It indicates that they were introduced for the purpose of the election.

MRS DUNNE: Yes, but it does not actually say the next piece.

Mr Corbell: It can be clarified.

MR RATTEBURY: That would be helpful, I think—the plain English approach. I

was interested in note 2, the reference to the fact that the electoral roll was inflated by electors who had left the ACT. What work has been done to ensure the accuracy of the electoral roll?

Mr Green: Obviously, the electoral roll is continuously maintained with a view to keeping it as up to date as possible. We work in the ACT with the Australian Electoral Commission, who have the prime responsibility for maintaining the electoral roll nationally. They work with all of the state and territory electoral commissions to keep the electoral roll up to date.

There were some changes to the way that the electoral rolls were kept up to date before the 2007 federal election. More emphasis was put on trying to find where people had moved to before they were taken off the roll. When we find that people had moved from an address the practice in the past was to take them off by objection action and then find out where they were and get them back on. The policy change that the commonwealth had made was to put more emphasis on getting people correctly enrolled from where they are rather than removing them from where they had left—

MS BURCH: Sounds perfectly laudable.

Mr Green: which I think has possibly led in the ACT to there being people on our roll who have left the ACT. In past years, they might have been objected off under the way it was done previously. At the moment we are going through the process of writing to all the non-voters from the election, getting the reasons why they have not voted, and getting people to pay their fine or give us an excuse.

We are finding from that process that there are some numbers of people who have left the ACT that we have found through that process. We are still evaluating that. We are in the process of deciding who we are going to send to court for those people who have not responded. We will be putting out a detailed report on this in our election report that we will be submitting to the Assembly in a few months.

MS BURCH: Just on the electoral ICT, given that electronic voting and all things ICT brought in an early election result this year, can you outline what this system will do with benefit for 2012?

Mr Green: At the 2008 election we introduced several new ICT systems as well as a continuation of the electronic voting system. With the 2008 election we had almost 20 per cent of voters use the electronic voting system, which is the highest proportion we have ever had use that system. We also had a new system introduced where we electronically scanned all the ballot papers to replace manual data entry. We also used an electronic electoral roll system for marking people's names off the electoral roll as they arrived at the polling place.

Those measures combined resulted in the fastest ever election result we have had in the ACT. We had the final result announced on the Saturday following polling day and that was a direct result both of introducing electronic voting and of using the electronic scanning system.

Those systems, particularly the electronic voting system, have been used since 2001. That is now quite old in technological terms. It relies on hardware that is out of date. The extra money that we have asked for and been given in the budget is to allow us to completely revamp all of our ICT systems, particularly the electronic voting, the electronic counting system. We probably have to do a different kind of electoral roll name mark-off system. That was using, again, old hardware that we were able to borrow from the Queensland electoral commission.

The other systems that we are wanting to upgrade are all of our back office systems where we use quite extensive databases, when we are doing things like estimating numbers of materials we need at each polling place, the systems we use for calling our staff and so on. There is quite a wide range of ICT systems in the back office that we use to run our elections. All of them are getting quite old; so this money is hopefully to bring them up to date before the 2012 election.

MS BURCH: Is there a notion to increase the sites for e-voting?

Mr Green: The strategy we used at the 2008 election was to only restrict electronic voting to pre-poll voting centres. Previously we had also had an extra four polling places as ordinary polling places that we used for electronic voting for the 2001 and 2004 elections. We felt that the additional work that was involved just for setting up electronic voting for one day was not worth the return on our investment. So we consciously focused on the pre-poll voting centres as being the only places where we would have the pre-poll voting happening. We did increase the number of centres from four to five by introducing a new centre in Gungahlin for the 2008 election. The figures show we took something like 43,500 electronic votes just at those five pre-poll voting centres, which was about one in five voters who used that electronic voting system just at those five locations. We feel that that is probably the best way of using the electronic voting in future.

THE CHAIR: On the electronic voting, could you clarify something for me, because this was put to me. I am not sure whether it is true; so you can answer. Does the electronic voting allow individuals to simply vote "1" or do they have to vote for at least five in the smaller electorates and at least seven in the larger electorate?

Mr Green: The electronic voting system mirrors exactly what you can do on a normal ballot paper. On a normal ballot you are instructed in a five-member seat to put one to five; in a seven-member seat you put one to seven, and it is then optional thereafter. But the actual rules of counting the election effectively provide for a completely optional preferential system; so if someone just puts a "1" on a paper ballot that gets counted to the point where you are able to count it and the electronic voting system exactly mirrors that.

THE CHAIR: It allows the same. Mr Smyth.

MR SMYTH: Has the use of pre-polling grown over the years?

Mr Green: Yes, it has. We are reporting on that in our election report. Not just in the ACT but all over the country, the number of people using pre-poll voting and postal voting is going up quite remarkably.

MR SMYTH: Pre-poll, correct me if I am wrong, was always for those that were not able to reasonably vote on election day itself?

Mr Green: Yes, in the ACT people have to declare, if they are postal voting or pre-poll voting, that they were unable to get to a polling place on polling day.

MR SMYTH: How did we compare with other jurisdictions and the number of people that pre-poll?

Mr Green: It is about the same. I think we are looking at that in our election report, which is still being drafted. They are all going up.

THE CHAIR: What is the number here, roughly?

Mr Green: I do have that. It is about 20 per cent.

THE CHAIR: It seems to have become, for better or worse, more an issue of convenience for people to vote ahead of time and get it out of the way. Is that how you read it?

Mr Green: I think so. I am getting the impression—it is not just in the ACT; it is nationally—that people are living busier lives and Saturdays just are not the day of rest that they used to be. More and more people are working on Saturdays.

THE CHAIR: Are you suggesting a Sunday poll, or Tuesday like they have in the US?

Mr Green: I think Saturday works well. I am not sure that we will be moving from Saturday.

THE CHAIR: Were there any further questions on this, members? Okay, we will adjourn for 15 minutes. We are pushed for time, so we will work through the various agencies we have on the list there and then we will move to Emergency Services and Policing.

Meeting adjourned from to 10.31 to 10.51 am.

THE CHAIR: We will recommence. Minister, do you have additional information?

Mr Corbell: Yes, Mr Chairman. Just following up from a question taken on notice in relation to the Government Solicitor's office, Mrs Dunne asked about the difference in the funding between 2008-09 and 2009-10. The difference is the budget initiative of \$514,000 and a \$152,000 adjustment representing revised superannuation contribution and indexation of salaries plus a smaller amount for supplies and services.

THE CHAIR: Thank you very much, minister.

MRS DUNNE: Where are we up to?

THE CHAIR: We have Legal Aid, the Independent Competition and Regulatory Commission, the Public Trustee and any residual questions on JACS, but we would be looking to get on to Emergency Services by no later than 11.30 if possible.

MRS DUNNE: Okay. Could I ask a Regulatory Services question?

THE CHAIR: Sure.

MRS DUNNE: Minister, in the budget there are two or three swagettes, I suppose, of money for the Office of Regulatory Services, some being in relation to enhanced parking operations. I think Mr Goggs answered part of that this morning by saying that there were five new parking inspectors coming on. One of the things that goes in hand with that is the enhanced fine enforcement. Could somebody explain to the committee the rationale for the enhanced fine enforcement and the mechanism which gives no net return in this coming financial year and only small net returns in the outyears? It is quite a lot of money expended for very small amounts returned.

Mr Corbell: Fine collection is a difficult process. What the government is doing is a two-stage process. First of all there is funding provided for some policy capacity within my department to develop a new legislative regime. That will provide our courts with a greater range of options for providing for fine enforcement and also alternatives to periods of incarceration as a penalty for not paying fines. At the moment the ACT does not have as broad a range of mechanisms as some other jurisdictions have in relation to alternatives to paying fines or serving a period of imprisonment. For example, we will be developing legislative reforms that will allow for voluntary work to be undertaken as an alternative for fine enforcement so people will be able to perform a certain number of hours of voluntary community service work as an alternative to imprisonment if they are unable to pay their fines through other means. Some of the funding is being made available to provide for a project officer to develop a new legislative regime and the systems that will support that regime.

The government is also providing for additional funding to the courts to provide them with additional staff, as I understand it, to undertake compliance in relation to payment of fines. That is another element. There is also funding being provided to Volunteering ACT to fund them to develop the volunteer component of the alternative fine enforcement regime. This is a long-term piece of work. We do not anticipate a very significant uptake in the level of fines actually repaid. In fact, we do anticipate that a significant number of people who are unable to pay their fines for one reason or another will instead undertake community service as an alternative to fines. So our projections have been quite conservative in terms of the amount of revenue that we will actually collect.

MS BURCH: I have got some supplementary questions when you have finished.

MRS DUNNE: Okay. I also wanted to touch on a couple of other issues in relation to Regulatory Services. I notice that there is roughly \$300,000 in each of the outyears for regulation of owners corporation managers. That seems to be a full cost recovery initiative. Can the minister, or the agency, give us an exposition on how this is going to be implemented and where are we with the undertakings that have been given in

relation to advertising the new unit titles regime?

Mr Corbell: I shall deal with the second matter first. Through my department the government has provided a range of information already through a website presence in terms of information on changes to the unit titles law and how that affects individual unit title holders, body corporates, managers and so on. The government did give an undertaking that we would provide a mail-out to unit title holders which would have a summary of the key changes that have occurred and direct unit title holders to more detailed information on the web. That work is progressing, and the government anticipates having that information out to unit title holders around the middle of this year. So that work is well underway.

In relation to the funding provided for the unit titles reforms themselves, obviously there are a range of new regulatory functions that are occurring as a result of the passage of the Unit Titles Act. The main changes relate to the regulation of managers of unit title plans, the responsibilities they have and also the ability for unit title holders to be able to seek redress where there are matters that are not being dealt with satisfactorily. In terms of the detail of that, I might defer to Danielle to provide some more information.

Ms Krajina: The budget bid provided for the employment of three staff members to work across the licensing, advice, complaints and compliance areas. We have engaged one person at this stage. Because the licensing component and therefore some of the complaints mechanisms will not come into play until 1 July, the officer that we have employed to date has been working on literature and so on that we have placed on our website and has been taking a number of calls from the community.

MRS DUNNE: I notice that this is neatly full cost recovery. What are the costs associated with this for the owners corporations? There must be a fee structure that goes with this to give you neat full cost recovery, so what is the fee structure?

Ms Krajina: No. I think the element of full cost recovery is that the budget for this service is being paid out of the ACAT trust account.

MRS DUNNE: So there are no fees associated with this?

Ms Krajina: There are fees for owners corporation managers to become licensed under the Agents Act, but I am not 100 per cent sure of what the fee would be.

MRS DUNNE: So is there not actually a revenue measure associated with this?

Ms Krajina: No.

MRS DUNNE: It is in the initiatives as having a revenue measure associated with it.

Mr Goggs: I think, as Ms Krajina says, the owners corporation managers will become licensed through the Agents Act process. In that sense, while that contribution is not paid directly to Regulatory Services—that is a process that is managed under the auspices of the Agents Act—it does become revenue neutral. I just do not have the registration figure for the act.

Mr Corbell: ACAT obviously operates as the dispute resolution forum for any matters involving managers and, therefore, the costs of their registration go towards the cost of the mediation or the dispute resolution mechanism. So that is the nexus, if you like.

MRS DUNNE: In fairness, then, it could be accompanied by a note that says that this money comes in elsewhere but is not a revenue measure for the Office of Regulatory Services.

Mr Corbell: Well, it is a revenue measure overall, but it is not specifically for Regulatory Services, that is true.

MRS DUNNE: But the work is being done by Regulatory Services and the revenue is being collected by somebody else?

Mr Corbell: That is correct.

MRS DUNNE: There is one other issue that I wanted to raise with Regulatory Services, and it is a matter that came to mind as a result of Ms Krajina's notice last week regarding the operation of adult services on a boat on the lake. I understand that the operator has been spoken to, but he has been given some time to get his affairs in order. I wanted an understanding, if I could, as to why the operator was being given some time to operate on a quasi-legal basis if he has taken bookings that were not legal to be taken.

Ms Krajina: The only element from the fair trading perspective that we were able to become involved in was the misrepresentation in his advertising, and he had already paid for a certain amount of advertising. We have asked him to withdraw that. I believe he has updated his website and I believe he has withdrawn the advertising that we had seen over the last week or so. I believe he has complied with what we asked him to do.

MRS DUNNE: So your interests in his operations were fair trading matters and not adult service matters?

Ms Krajina: We did talk to him about the adult service matters, and they certainly were not anything that could be considered under the Prostitution Act, and we will also—

MRS DUNNE: No, but there are other elements.

Ms Krajina: Pardon?

MRS DUNNE: There are other elements of adult services as well.

Ms Krajina: Sure. We could only consider it in light of the legislation that we administer. We also considered elements around liquor licensing, so we spoke to him across the fair trading aspects, liquor licensing and the Prostitution Act.

MRS DUNNE: But there are other elements of adult services, which are restricted to—

Ms Krajina: Certain areas.

MRS DUNNE: To certain planning areas which are zoned areas, which certainly do not include Lake Burley Griffin. How is it that he is able to operate his services on Lake Burley Griffin?

Ms Krajina: I understand that your adviser was going to have a discussion with NCA, so I am not sure whether—

MRS DUNNE: I am asking because you are responsible for the—

Mr Corbell: I am sorry, Mrs Dunne. Could you fill the rest of us in on the story? I have got no idea what you are talking about.

MRS DUNNE: The story is that there is an operator of lake cruises who was advertising a range of services which were counter to the law, including gaming, which has been addressed, and adult services. The issue—

MR SMYTH: They call it the love boat.

Mr Corbell: What type of adult services?

MRS DUNNE: Lap dancing, lingerie, topless waitressing, et cetera.

Mr Corbell: Right.

MRS DUNNE: It is my understanding of adult services that they have to be provided in restricted areas under the Planning Act.

Mr Corbell: Yes.

MRS DUNNE: I want to know what allows him to operate those services on Lake Burley Griffin rather than at Mitchell or Fyshwick, which is the usual place for operations like that.

Mr Corbell: Off the top of my head, I think the answer would be that ACT planning law does not relate to Lake Burley Griffin.

MRS DUNNE: So that is the loophole?

Mr Corbell: Off the top of my head, I would imagine that is probably the case.

MRS DUNNE: What role does Regulatory Services have?

Mr Corbell: We do not have legislative control over the borders of Lake Burley Griffin and therefore anything—

MRS DUNNE: No. I am asking: what role does Regulatory Services have in ensuring that adult services are provided in the designated areas?

Ms Krajina: I think there is an issue about the definition of adult services. Based on the information we have been provided with, the entertainment is exotic dancers, for want of a better term, which I understand happen around the town in the sorts of areas of strippers and so on, which I do not believe fall under the provisions of adult entertainment.

MRS DUNNE: Okay. It looks as though there is an area where there is a hole in the legislation and a hole in the jurisdiction. Is that what you are telling us?

Ms Krajina: I will need to go back and confirm.

MRS DUNNE: Okay.

Mr Corbell: I think it would depend on the circumstances, Mrs Dunne. In relation to Lake Burley Griffin, obviously that is a matter where the commonwealth has retained its rights absolutely in relation to what occurs on Lake Burley Griffin. It has control of those areas and ACT legislation does not, generally speaking, apply.

MRS DUNNE: Okay.

THE CHAIR: Ms Burch.

MS BURCH: Just going back to the enhanced fine enforcement, you made mention of defaulters having the alternate of community service now for the first time?

MRS DUNNE: That is something we are looking at? Is that right?

MS BURCH: Yes.

Mr Corbell: Sorry, I missed your question.

MS BURCH: You made mention that under this line this will introduce a voluntary community service alternative to imprisonment of defaulters.

Mr Corbell: Yes.

MS BURCH: And then you made mention of Volunteers ACT being part of that discussion?

Mr Corbell: Yes.

MS BURCH: Is that any different from other community service options? Is Volunteers ACT involved in discussions around community service generally?

Mr Corbell: Volunteers ACT, as I understand it, do assist other agencies, for example Corrective Services, in relation to identifying opportunities to do community service as part of some sentence that may have been imposed by the court. That does not

currently extend to fine defaulters. At the moment, there is not a provision to discharge your obligation in relation to a fine through community service. You either have to pay the fine, albeit in instalments or however it can be arranged, or you have to serve a period of imprisonment equivalent to the amount that you owe, and there is a formula for determining that. That is something which we do need to move away from. We do need to provide for alternatives to imprisonment for people who are unable to discharge their liability through payment. That is something which this new regime will provide for, and Volunteers ACT will have a role to play in identifying opportunities with their member organisations for voluntary service.

MS BURCH: So the scope will in many ways be determined by the input from Volunteers ACT and what organisations may be interested in participating in this?

Mr Corbell: Yes. Obviously Volunteers ACT will provide an important link with a whole range of not-for-profit community-based organisations who provide services to the community where they will be looking for people to assist with some form of voluntary labour, voluntary activity. They will act as the auspicing point, if you like, for identifying those opportunities.

MS BURCH: Finally, would it be the decision of the individual to determine the option?

Mr Corbell: The exact details have not been worked out. That is subject to the policy work that we will now do over the next six to 12 months. But it would not solely be at the discretion of the individual; there would be other factors that would have to come into play—for example, whether the court or someone supervising the court order was satisfied that it was a reasonable program for the person to be undertaking to discharge their obligation.

MR SMYTH: Just on Regulatory Services, minister, you would be aware of Fairbairn motor sports precinct. I was just wondering what Regulatory Services monitor in an area such as a precinct. Do they monitor lease compliance?

Mr Corbell: No. Lease compliance is a matter for the planning authority.

MR SMYTH: Do they monitor environmental issues such as noise and dust?

Mr Corbell: No; those are matters for the Environment Protection Authority.

MR SMYTH: Do they monitor activities such as the availability of and access to alcohol?

Mr Corbell: Yes.

MR SMYTH: What other services does Regulatory Services provide in terms of monitoring compliance with the law?

Mr Corbell: Occupational health and safety with the property are one of the primary matters. There is liquor licensing.

MR SMYTH: Have you had any correspondence from lessees at the Fairbairn area over potential breaches of liquor, OH&S, noise and dust?

Mr Corbell: Not that I can recall.

MR SMYTH: I have had some correspondence about the activities of one of the motorcycle tracks that abuts the paintball area there. You are saying that you are not aware of the issue?

Mr Corbell: I cannot recall any correspondence in relation to that.

MR SMYTH: Ms Krajina?

Ms Krajina: Mr Quiggin just advised that we have had contact from TAMS about noise issues in that area, but that—

MR SMYTH: What action have you taken over the issues raised by TAMS?

Ms Krajina: We are unable to take—

MRS DUNNE: If it is a noise issue, it is a TAMS issue.

Ms Krajina: OH&S issue?

Mr Corbell: If it a noise issue, it is a matter for the Department of the Environment, Climate Change, Energy and Water and the Environment Protection Authority.

MR SMYTH: Did you pass that information on to the EPA or did you tell TAMS to do so?

Mr Quiggin: We had contact from the EPA in relation to noise issues. We provided them with some advice about what would be the normal requirements within a workplace for noise.

MR SMYTH: All right. Minister, noise credits for the motorcycle track there—is that an EPA issue or is that an OH&S issue?

Mr Corbell: That is an EPA matter. Any issue to do with safety in a workplace or safety in any other venue is potentially an OH&S issue and there is always potentially an overlap between the regulatory authority and—

MR SMYTH: I am just trying to work out who I should be asking this of. Is it you tomorrow?

Mr Corbell: If it is specifically about noise and the amount of noise that is permitted, it is a matter for the EPA. However, if people are concerned about the safety and wellbeing of patrons or staff in a venue, obviously it could potentially have OH&S considerations as well.

MR SMYTH: Under the OH&S flag, then, what action is being taken or has been

undertaken to ensure that any relevant maximum noise levels have not been exceeded? Have you taken any action in regard to Fairbairn park?

Mr Quiggin: We have not been contacted by an employer—presumably the paintball centre. The contact we had was from EPA, who I understand are trying to manage a situation between the motor sport park and the paintball centre. We have not been approached by the employer at the paintball centre at all.

MR SMYTH: Maybe I will take it up with the EPA then.

THE CHAIR: There are some questions for Legal Aid, so we will move to some questions in relation to that. I also have a reminder for members that, if there are questions for the human rights commissioner, the human rights commissioner is also here. Those questions can be asked at any time. We have also got ICRC and the trustees. Ms Bresnan?

MS BRESNAN: My question is in relation to a number of outputs noted on page 300 of BP4. The cost of keeping a remandee in detention is \$450 a day, and the amount that Legal Aid funds a private lawyer to do a bail application is around 250, I believe. Is that correct?

Mr Crockett: I have not got the scale of fees with me and off the top of my head.

MS BRESNAN: Okay. I believe it is about \$250. I am just wondering, given the sort of disparity in the costs there, looking at the \$450 and the \$250, why there is not more government funding for Legal Aid to provide legal representation for bail applications as a matter of course. I guess it is on a justice and a prudential basis as well.

Mr Corbell: Sorry, which figure are you referring to on page 300, Ms Bresnan?

MS BRESNAN: It is figure c.

MS LE COUTEUR: Figure c—average cost per prisoner per day for remandees and sentenced prisoners.

MS BRESNAN: I believe the cost for a bail application for a private lawyer through Legal Aid funds is \$250.

Mr Corbell: So what—

MS BRESNAN: I am just getting to that matter because I believe there are restrictions in terms of the number of bail applications that Legal Aid can provide.

Mr Corbell: No.

MS BRESNAN: There is not?

Mr Corbell: No.

Mr Crockett: No. The restriction is purely a matter of legal merit. If we assess that

there is a reasonable prospect of a bail application succeeding then we will fund it.

MS BRESNAN: Okay.

Mr Crockett: And it is funded as a priority, given that the liberty of people is at stake.

MS BRESNAN: So how is that determined, then—obviously on legal grounds, but how is the process determined?

Mr Crockett: It is determined by experienced lawyers who, having regard to the facts of the case and what the Bail Act says, make an assessment of whether they think in the circumstances the bail application is likely to be successful.

MS BRESNAN: Have there ever been any cases where the Legal Aid representation has not been provided and they have ended up staying in remand for an excessive amount of time?

Mr Crockett: That is possible, but not everyone, of course, applies for legal assistance for bail applications. Some people try to do it themselves.

MS BRESNAN: Sure.

Mr Crockett: Certainly, if they apply to us for assistance and they are eligible, then, subject to that merit test being satisfied, we would grant assistance.

MS BRESNAN: Okay.

THE CHAIR: Mr Smyth?

MR SMYTH: On page 505 of budget paper No 4, the second dot point states:

amending the Legal Aid Act ... to enable implementation of new strategic directions;

What is the proposed amendment, and what is the new strategic direction?

Mr Crockett: There are a number of amendments, Mr Smyth. The principal one is to change the arrangement by which legally assisted cases are assigned to private lawyers. At the moment we have an open panel system where any private lawyer can apply to do Legal Aid work, but we do not have the power under the act to attach any requirements or conditions to panel membership, which is the case, for example, in New South Wales and Victoria. So the amendments are designed to give us power to establish things like practice standards and other criteria for membership of the panels and also to create specialist panels. At the moment there is one general panel, but in the future we would probably have a family law panel, a crime panel and so on.

MR SMYTH: All right. Is there any concern about the standard of the organisations that are currently on the panel that would prompt this?

Mr Crockett: There is some concern with some private lawyers, yes. Like any

profession, I suppose, the quality of service varies between practitioners. At the moment it is very difficult to do much about that. Since there are no requirements for panel membership it is hard to establish grounds to actually remove people from the panel. With these new amendments we will be able to establish criteria for membership and criteria for removing practitioners from the panel if their competence is not satisfactory.

MR SMYTH: All right. Is there concern about the level of competence?

Mr Crockett: With some practitioners, yes.

MR SMYTH: Minister, are you concerned about the level of competence of the people on the panel?

Mr Corbell: This is a matter that the Legal Aid Commission have brought to my attention. They have advised me that there are circumstances where some, albeit a limited number, of practitioners perhaps are not performing at the level Legal Aid would expect in representing legally-assisted clients. The commission has raised with me their concern about their inability to deal with this matter, because once you are on the panel you are on the panel and the work has to be shared fairly amongst panel members. So there is, I think, a good argument for giving the commission greater discretion to ensure that law firms or individual legal practitioners who receive work from the commission do meet certain standards in terms of their performance and their professional ability. That, I think, is a sensible reform and we will put that to the Assembly in due course.

MRS DUNNE: Are you talking with the profession about those changes, Mr Crockett?

Mr Crockett: We have raised it with the profession as part of our consultation on the strategic plan, and once the amendments are in place we will be having detailed discussions, both with the Law Institute and with the ACT bar, about how we implement the changes. For example, the practice management standards would be standards that we develop in conjunction with professional bodies.

MRS DUNNE: And what is the timetable for the enactment and the implementation of this?

Mr Corbell: I am advised that it should be ready for introduction in June this year.

MRS DUNNE: And implementation by?

Mr Corbell: It is dependent on passage in the Assembly, Mrs Dunne.

MRS DUNNE: Yes. But there must be part of the strategic plan—

Mr Corbell: Later this financial year.

MRS DUNNE: As part of the strategic plan, do you have a time frame for implementation, Mr Crockett?

Mr Crockett: We would expect next financial year to complete those changes, those new panel arrangements.

THE CHAIR: Ms Burch, your question is on legal aid; is that correct?

MS BURCH: It is.

THE CHAIR: We will go to Ms Burch and then Ms Le Couteur.

MS BURCH: On page 97 of budget paper No 3—it is also identified in budget paper No 4 under “Priorities”—there is the “Homeless and Elder Law Project”. Can you tell us a bit about that and the benefits it will bring?

Mr Crockett: It is a joint project with the community legal centres in the ACT and the Aboriginal Legal Service. It is designed to develop a cost-effective model for providing services to two disadvantaged groups who are particularly difficult to access or who have particular barriers to obtaining mainstream legal aid services, namely, homeless people and older people. We have received in the ACT budget some funding to run that project over the next two years. That project will be focused on providing, really, a coordinating function that will enable us to make contact with the agencies that work with homeless people and older people and put those people in touch with the lawyers who can best assist them.

MS BURCH: So it is around directing them into Legal Aid legal services, but also then other wraparound-type support services?

Mr Crockett: To other services as well, yes. So it is going to be a fully coordinated approach. If the Legal Aid Commission is best able to provide the assistance, we will do so. Otherwise it might be one of the community legal centres or perhaps the Aboriginal Legal Service, depending on the client.

MS BURCH: And that does not exist at the moment?

Mr Crockett: We do provide services both to homeless people and to older people, if they approach us, but the difficulty has been often that these groups do not understand they have got a legal problem or that lawyers can help them. Even if they do recognise they have got a legal problem, they have problems in getting access—obviously, elderly people in terms of mobility and homeless people in terms of having more pressing matters to think about, perhaps, than going to a Legal Aid office. So the service delivery will be of an outreach-type, and we will deliver the service at other agencies that deal with homeless people and older people.

MS BURCH: And it is a joint ACT and commonwealth initiative for two years, so there are some criteria in place and, in 18 months time, you can look at how well it is tracking.

Mr Crockett: That is right, yes.

MS BURCH: The next line refers to ICT resourcing. That is mainly to enhance your

internal administrative processes?

Mr Crockett: That is to give us some capacity for business analysis. At the moment we do not have staff with the skills to analyse data to assist us with longer term budgeting and other decisions about the most cost-effective way of providing legal aid services, for example. That new resource will enable us to plan much better for the future based on better data.

THE CHAIR: Ms Bresnan had a follow-up on this.

MS BRESNAN: Just in relation to that, you said you would be working and basing yourself at different times with other agencies who work with homeless people. What are some of the agencies you will be working with?

Mr Crockett: We have had discussions with COTA, for example, and ACT Shelter, but as the project develops, the first nine months or so of the project will be designed to make contact with agencies who deal on a day-to-day basis with homeless people and older people. Decisions will then be made about which are the most appropriate agencies for us to provide the services to. So at this stage, apart from those umbrella organisations that we have had discussions with, we are still to develop, really, a network of agencies that we can provide the services through.

MS BRESNAN: Would refuges be one of the sorts of service delivery?

Mr Crockett: Refuges are certainly another possibility, yes.

MS BRESNAN: And, as you said, when you make contact with them, if it is more appropriate, you simply direct it towards another service, such as the Aboriginal Legal Service. Is that what will happen?

Mr Crockett: That is right, yes.

MS BRESNAN: And they will be directed where it is appropriate?

Mr Crockett: Yes. The idea is that coordination unit would call on whichever legal aid office is best equipped to help the people, group of people with a particular problem, and they would then provide the lawyers.

MS BRESNAN: When do you expect the service will start?

Mr Crockett: We hope the initial research and development of the model will be done in the first nine months of the next financial year. Then we will pilot the model for the remainder of the two-year period as part of the project, evaluate it and then, if it has been successful, look at how we can make that a permanent part of our service delivery model.

MS BRESNAN: So actual delivery of the service will start partway through next year some time?

Mr Crockett: Yes.

THE CHAIR: Ms Le Couteur?

MS LE COUTEUR: This is partly a follow-up to my earlier question where you indicated that all legally likely to happen bail applications were funded. Then, looking at strategic indicator 1 on page 506, which is legal advice and representation, it has a number of lines, but it does not seem—I may have missed it, but it does not actually have any accountability indicators. What I am getting at is: to what extent do you have reason to believe that you are actually funding all the needs for legal aid in the ACT? The supplementary on that is: what happens if you have a particularly big case that turns up that Legal Aid should fund, and how do you deal with those sorts of things?

Mr Crockett: I cannot claim that we meet all the need for legal aid in the ACT, for two reasons. One is that we have a fairly stringent means test and also a fairly stringent merit test, so there are people who miss out whose cases might be at the margin. In an ideal world we would probably be able to assist them but because, like other legal aid commissions in other jurisdictions, we have limited funds, we have to prioritise where assistance goes.

The other degree to which we do not meet the full extent of need is that a lot of need is still hidden. There has been some very interesting research recently into unmet legal need, not only in Australia but overseas as well. That shows that there are significant levels of unmet need, particularly among disadvantaged groups like homeless people and older people, and it is often a matter of addressing the barriers to those people obtaining advice and other kinds of assistance. That is what a number of our new projects, including the homeless and elder law project, are directed to.

So, obviously, in terms of accountability measures, we are developing at the moment some outcome measures for the first time and I think that will help us to determine whether our services are achieving the most effective outcomes, given the outlay of funds.

MS LE COUTEUR: And do you have some mechanism if there is a particularly expensive case that comes before you?

Mr Crockett: Yes. The mechanism there depends on whether it is a matter under commonwealth law or territory law. Under the current commonwealth agreement for funding legal aid in the territory, if a case is going to cost more than a certain amount of money we can apply to the commonwealth, and if they are satisfied that we do not have the funds to pay for that case they will make extra money available. In the case of the ACT at the moment we are dependent on the Treasurer's advance.

Mr Corbell: So the commissioner will write to me—indeed, I have had some correspondence with Mr Crockett recently in relation to a number of fairly large, lengthy and complex murder matters, murder trials, where the existing resources of the commission are not adequate to provide the representation of those matters and the government has previously provided from the Treasurer's advance—about giving consideration to that in relation to the current matters as well to make sure that people are appropriately represented during trial.

THE CHAIR: Thank you, Mr Crockett. We might move to questions for the human rights commissioner and then deal briefly with the ICRC.

MRS DUNNE: I have some questions.

MR SMYTH: The ICRC has been here all morning.

THE CHAIR: Indeed. Mr Smyth has some questions for the ICRC. We will try and deal with those as quickly as possible. Unfortunately, a lot of these are squashed in in terms of time. So I will go to Ms Burch for questions for Dr Watchirs.

MS BURCH: In budget paper 4, page 297, under accountability indicator b, the number of participants in community education, and also the number of completed projects, can you just tell me the scope of those, the type of projects, who is involved in the projects and the community ed?

Dr Watchirs: Community education: last year we did 5,000 a year and this year there has been a reduction but we are trying to build them up again through a cost-recovery model. We have got a lot of demand for Human Rights Act training with the strengthening of the act from 1 January to be direct application to public servants and also direct access to the Supreme Court.

In relation to projects, traditionally we have had only four a year but we can sometimes get to eight. I will have to review the history of how it became 12 but usually we try to do one large audit every two years. Last year it was the Psychiatric Services Unit and before that Belconnen Remand Centre and other correctional facilities. Our plan next would be probably something to do with people with disabilities. In terms of other projects, of course there are three commissioners.

Mr Roy: As Dr Watchirs has outlined, there are a number of projects and she has already mentioned the audit of the PSU. They go across the scope of the commission, including, for example, rolling out section 95 notices into the service delivery sector, developing an ACT kids network, new publicity material, developing a fee for training program, improving our visibility and accessibility. So there is a range of projects we are doing across the commission.

MS BURCH: Okay. And are those large audits self-initiated?

Dr Watchirs: Yes.

MS BURCH: Are those areas that you identified?

Dr Watchirs: The human rights one, certainly. The PSU was a joint audit with the Health Services Commissioner. That was a joint decision of the commission to do that.

Other initiatives: we are doing a human rights survey at the moment of whole of government employees, and in the future a community one—this is for the five-year review of the act—and also the ACT Human Rights Commission submission to the federal human rights consultation, given that we were the first jurisdiction with a

human rights act.

THE CHAIR: Any other questions for the Human Rights Commissioner? No. Thank you very much, Dr Watchirs.

I think there are some questions for the ICRC, so we will move to those. We welcome Mr Baxter from the ICRC.

MR SMYTH: Has the global financial crisis caused the ICRC to consider any review of the policies or the pricing that it has set in place?

Mr Baxter: The global financial crisis has raised a number of concerns for us in the sense that we have been particularly watchful of the impact on prices of utilities for those less fortunate, less able to pay their way. Accordingly, the commission, in a draft report on the temporary franchise tariff, which came out a month or so back, made some observations in relation to ways in which some of the concessional arrangements provided in the ACT could be modified to better reflect some of those increases that are occurring, in this particular instance in electricity prices.

It is a concern that the commission constantly faces, in determining prices and trying to address the issue of the balance between the interests of consumers and the interests of the suppliers and providers of those services, of how to get an appropriate balance and deal with some of those socioeconomic effects, particularly when they are compounded by things like the global meltdown that we have suffered in recent times.

MR SMYTH: All right, so do you have the ability to self-refer and come back and look at determinations that you have made, and will you be doing that in this case?

Mr Baxter: We certainly do have the power to come back and look at certain matters that we have previously decided upon. What we try to do in price determinations is to build in trigger arrangements so that we do not have to go through a rather costly process that the act provides where we self-refer. Those trigger arrangements are designed to address changes that were unforeseen that may occur. So, in relation to water, for example, where there is a five-year price path in place, there are a number of trigger arrangements there that relate to certain costs applying to capital works that have been endorsed by the commission. Actew have already spoken to us about that. We also have the opportunity to self-refer and undertake a full inquiry, a much more costly approach but one that would then take into account all of the wider factors.

MR SMYTH: Do you have the intention of doing that this time?

Mr Baxter: We have had some discussions with Actew at the moment because they have raised with us the issue that the cost of some of the major capital works they are undertaking to provide water security in the ACT are growing much faster than they had anticipated. At this stage they have yet to bring before us any evidence to suggest that that is correct—they have just warned us that this might be the case—and so the commission has given some thought to the possibility that it might have to self-refer and open up that whole matter to a further investigation, and we have given some thought as to how we might do that. But it is early stages yet.

MR SMYTH: All right. And utility prices, particularly the feed-in tariff that has been set?

Mr Baxter: The issue with the feed-in tariff at the moment: we were given the responsibility to provide advice to the minister on the matter of the feed-in tariff as it currently exists; that was built into legislation that the Assembly passed earlier this year. Certainly we will be giving some pretty clear thought to that and giving advice. In terms of the electricity prices per se, the retail prices, which is the matter that we have to bring down a final report on on Friday week, we are trying again to build into that, to the extent possible, trigger mechanisms which would save self-referral, because self-referral becomes so costly. Trigger mechanism allows a process, as long as we have set it out in the original decision, to be implemented if certain things occur.

But certainly we are aware and conscious of changes that are occurring, not only in the broader economic environment. To take on board that point that you made in terms of environmental costs, one of the issues that we are addressing, together with other jurisdictions and the ministerial council on energy and their advisers, is the whole issue of how we deal with the costs of the carbon reduction schemes that the federal government might put into place—how they might flow into retail prices and the variability that might occur, which will create quite a complex process for us.

MR SMYTH: In regard to any recommendation that you make, do you follow up to see whether or not the agency or the department has taken on that advice?

Mr Baxter: We try to highlight the point and bring it out and, if the opportunity arises, we will follow up and encourage that sort of flowing through. Of course then we have the opportunity in our annual report and in our subsequent reports to highlight where that has occurred or where that has not occurred, and to sort out what we might regard as being a good reason to encourage maybe some further action on that particular matter.

MR SMYTH: All right. Can you re-recommend that it be taken up or do you have to then self-refer?

Mr Baxter: We have certainly done that in terms of recommendations we have made to the government. One is this issue of the concessional arrangements for electricity. We did make a comment on this matter 12 months ago, that it was something that needed to be addressed. Nothing progressed. We noted that there was some action occurring, there were some IDC meetings and things occurring, but matters had not progressed significantly as far as we could determine in talking to various government agencies and the like. So we again raised the issue and made it a predominant issue in the draft report and in the final report, without revealing all that was going to be in that. We will certainly refer to that again, although I think probably some progress has been made on that matter.

MR SMYTH: So this is the report due Friday week?

Mr Baxter: This is for Friday week, yes.

MR SMYTH: I might ask you about that on Friday week, minister?

Mr Corbell: It does not directly relate to this portfolio, Mr Smyth, but, wearing my other hat, the issue of the community service obligation payments that are made by the government to electricity utilities to address the costs borne by low income earners is a matter of significant interest and concern to me as Minister for Energy. The previous arrangements and the current arrangements have been one-off adjustments to the CSO scheme. I think it is appropriate that the government now look at mechanisms for a rolling adjustment to the CSO scheme to take account of increases in prices. That would be the most sensible way of doing it, so that, if prices increase, the total amount of funds available and indeed the levels of recompense that are available under the CSO mechanisms also increase.

That obviously has significant budgetary implications, and the government will take the next 12 months to work through how that can best be addressed, but it is a matter in the new portfolio of energy that I am very conscious of and concerned about, and want to make sure that we have a more contemporary mechanism for dealing with what will be significant increases to electricity prices over the coming five to 10 years.

MS LE COUTEUR: I have got a question about a couple of items on page 488 of budget paper 4. Your second from the bottom dot point is overseeing the regulation of the greenhouse gas abatement scheme. I will not read the whole thing out. What I am interested in is your last phrase, which is the introduction of the commonwealth carbon pollution reduction scheme. What impact do you think that is going to have?

Mr Baxter: At this stage of the game, as I said earlier on, there are a number of joint jurisdictional and national bodies looking at this. But there is little doubt that, depending upon the scheme that is put into place, there will be some flow-on costs to consumers in electricity prices in particular and gas prices also.

The issue of just how large they will be: there has been a lot of modelling work done on that and more is being undertaken at the moment, so I do not want to sort of provide any guesses as to what those might be. The issue for the regulators in particular, with a regulated retail price as we have in the ACT—or we have a sort of halfway house, to be quite honest, where some of it is competitive and other people stick to the regulated price—which one usually sets 12 months in advance, is how much you allow for what could be some unknown variability in the cost of that electricity. If one leaves that cost to be borne solely by the retailer, one could find a situation—and this is the frightening thing—where the retailer is unable to meet their obligations under the national electricity law through NEMMCO to pay for their electricity. They could be then declared bankrupt and we would have to activate the retailer of last resort arrangements, which could be quite catastrophic if a few large retailers fell over on the basis of those technical matters.

Clearly, we do not want that to happen—neither the commonwealth nor anybody else wants that to happen—so we have got to find some way of addressing what might be some quite large variation as the market settles down in terms of trading in carbon arrangements or whatever the final form finishes up being. We have got to come up with some arrangement that will allow some variability probably in retail prices so that we do not see retailers being forced into a situation where technically they could become bankrupt and therefore trigger the fail-safe arrangements, which we believe

will work. They have worked under various tests and under some small retailers falling over in the past. But, if some big ones fall over, it would be quite a major event across Australia.

MS LE COUTEUR: And could that lead to seriously differential time-of-use charges, changing how we actually charge in the ACT?

Mr Baxter: There is a whole stack of mechanisms that could come into effect and indeed there are various trials of time-of-use metres and so forth being proposed in the ACT, being implemented in other states. These have all got costs and so forth involved with them, but there is no doubt that that could be the case. Indeed, with large users you already have time of use, and indeed even with households; to the extent that you use off-peak power, there is time of use. So there is no doubt those possibilities are there and, as the market evolves and we work through these things, I think we will see some of those things.

The important point to start off will be that there is an initial interregnum period which we are about to embark upon and that interregnum period is going to involve a lot of transaction costs; in other words, the cost of new metering, the cost of dealing with what do you do with a market where the prices are going up quite rapidly in the wholesale market and therefore have got to be passed on to consumers, between what normally is a 12-month price path or even a three-year price path set by a regulator.

So we have got a lot of things that are not matching together nicely here and there are a few issues there that we need to work our way through.

MS LE COUTEUR: Also on this page, up the top, you were talking about pricing arrangements for waste water. From other bits of estimates I know the government is putting in more waste water supply. Is that what you are pricing—the recycled water to the ovals—or what are you actually—

Mr Baxter: What is happening at the moment is that we are pricing sewerage services, so it is that waste water there. Re-used grey water is not something that we have priced. What the commission did several years ago when it was approached by, I think, Hardy's wines, and then the golf course out at Holt, to take water off the bottom end of the Molonglo system—Actew approached us, in actual fact—the commission took a view at that time, which was the only example we had, that we would not set the price for that water; rather, any cost associated with taking that water off the bottom end of the treatment works should be borne by the users of that water—in other words, Hardy's wine and the golf course—so it did not come back and impact upon the rest of the community.

That was fine for those times, but things have moved on a bit now. We are now looking at other options and possibilities. There are a number of these discussed and there were some things I noticed in the budget as well to do with water—holding ponds and so forth out at Flemington Road way—where these matters now become something that maybe the commission has to look at the issue of whether or not it is a designated service, whether it needs to be licensed and, if so, does it also need to be regulated in terms of the price.

The commission is giving some thought to that and will be making some more public comments upon that matter shortly. It is a matter that needs to be addressed and resolved so that people know what the rules are and how they can progress with some of their proposals that they have got on the table.

THE CHAIR: I think we will have to leave it there. Thank you, Mr Baxter. We will now move on to emergency services and then police.

MRS DUNNE: Mr Chairman, are police scheduled first at half past 12?

THE CHAIR: No, Police are scheduled as soon as we are done with Emergency Services. I understand they were to be here from roughly 11.30, so we will try to split it up as evenly as we can but probably half an hour and then 40 minutes or so.

We welcome Gregor Manson. Would you like to make any opening statements before we get into Emergency Services questions?

Mr Manson: Not from the commissioner's office.

THE CHAIR: I have a shake of the head from the minister as well, so we will throw it to questions. Mr Smyth?

MR SMYTH: If we go to the operating statement on page 328 of budget paper 4, I notice the employee expenses for this financial year were meant to be \$44.9 million and in fact they have come in at \$48.6 million. Is there an explanation for that?

Mr Manson: So in relation to employee expenses?

MR SMYTH: Yes.

Mr Manson: Sorry, could you perhaps ask the question again; I have lost it.

MR SMYTH: The budget for this year was meant to be \$44.9 million for employee expenses. It has come in at \$48.6 million. Can you explain why the increase and what it covers?

Mr Manson: I might just need to get some advice. The answer to that question is a combination of issues in relation to leave and other matters which I might need to get some specific advice on.

Ms Kennedy: The high employee expenses are largely offset by the lower supplies and services.

MR SMYTH: I am sorry, I missed that.

Ms Kennedy: The high employee expenses have been offset by lower supplies and services. There are a number of things coming through in employee expenses. A significant part of it is revaluations of the leave provisions associated with outcomes and finalisation of certified agreements partly to do with the fire brigade agreement and the ambulance agreement. They seem to be having a significant impact on the

value of our leave provisions, which is flowing through to expenses.

MR SMYTH: Seem to be or are?

Ms Kennedy: They are.

MR SMYTH: All right. In the coming year, though, the budget for employee expenses has dropped six per cent to 42 per cent, from 48 per cent. Your outcome for this year is going to be \$48.5 million and it is dropping to \$45.8 million. How will you contain that?

Ms Kennedy: The impact of the increased leave provisions is a one-off expense. Any time there is an increase in the leave provisions, that flows through as a one-off expense. We are not envisaging that that will flow through to the forward years.

MR SMYTH: You said earlier that the increase in employee expenses this financial year was offset by a decrease in supplies and services, yet supplies and services for the coming financial year then jumps 18 per cent. Why is that?

Ms Kennedy: The increased volume in dollar terms is similar.

MR SMYTH: Is what?

Ms Kennedy: Similar.

THE CHAIR: Similar to what; sorry?

Ms Kennedy: The increase from the estimated outcome in supplies and services is about \$3.8 million. Of that, \$3.5 million relates to one-off savings in 2008-09.

MR SMYTH: One-off savings? What are they?

Mr Manson: In terms of an overview, the emergency services budget has some highly variable components, such as fire season impacting on the amount of overtime and so forth. I always predict within the budget that salary and wages could fluctuate by \$1 million due to overtime, and it is similar with supplies and services, depending on which services and supplies we use—more fuel, more retardants and so forth. Within the whole budget there is a variance there which can move probably \$2 million, depending on the seasonal conditions throughout the year. So, while we predict an employee expense and supplies and services funding to go into the budget paper, there needs to be a realisation that there can be a variance between those two at the end of the year. We keep a balance between the two to make sure that our overall budget does not exceed the budgeted amount.

MR SMYTH: But these are only encountered cyclically. If you are having a heavy fire season and employee expenses goes up, then surely supplies and services would go up at the same time?

Mr Manson: Not necessarily.

Mr Corbell: I guess this is one of these discussions where we can highlight ins and outs and you can highlight ins and outs. Perhaps a reconciliation would be of more use to the committee in terms of just identifying what the individual factors were, what the ons and offs were, and then the committee can reach some conclusion about the adequacy or otherwise of that information. I think that might be a more useful way to spend our time in relation to these matters.

MR SMYTH: I am happy for that. Minister, at a larger level, though, the reason for the ESA losing its statutory authority status and being drawn back into the government was—let me quote you:

Let us remember one of the primary issues that the government was seeking to address: an agency that had received budget increases of over 50 per cent on recurrent occasions but was still blowing its budget by \$5 million to \$6 million every year. There was a \$5 million to \$6 million budget blow-out every year, despite the fact that its budget had increased ...

In the outyears, we are now up to \$7 million and \$8 million blow-outs. The outcome for this year is minus \$6.5 million, next year it is minus \$7.2 million, the year after that minus \$8.6 million, then \$8.4 million and \$8.4 million in the outyears. Having been drawn back into the department, why is the ESA still blowing its budget?

Mr Corbell: There are a range of factors that still need to be addressed, primarily around employee expenses, overtime and a range of factors associated with employee expenses. They relate largely to industrial agreements that are in place which require detailed negotiation with unions to try and address the excessive costs that still exist in terms of some employee matters.

MR SMYTH: But that was the same for the old ESA when it was a statutory authority and they had to negotiate with unions as well. They had overruns in terms of bushfires as well.

Mr Corbell: The factors in relation to the previous arrangements that were of principal concern to the government were the inability of the ESA, as it was then composed, to deal with budget-funded items, implementation of ACT projects and so on within the existing parameters that the government had set. Unfortunately, the ESA had consistently demonstrated under the authority arrangements that it was unable to deliver within the budget parameters in relation to those projects, and that was despite significant increases year on year to the ESA's budget.

Having dealt with those matters, what we are now dealing with are some more complex structural matters around the employee expenses in a range of the services of both ambulance and, to a greater degree, fire brigade. Those are some of the factors that influence this figure.

Mr Manson: Could I just perhaps point out —

MR SMYTH: But you are funding it to a greater tune—

Mr Corbell: I will just ask Mr Manson to elaborate on that if I may.

MR SMYTH: in the outyears and you are having greater losses.

Mr Manson: We are actually not over our operating budget. The figure you are looking at on the operating result is entirely the depreciation line, so we are actually within our budgeted allocation. This year we might be closer to the line. Last year, we came in under our budgeted allocation for the ESA. So that figure, the operating result, is an accounting figure for depreciation. As to our operating budget—in other words, the cash that we have to spend—we came in slightly under last year and this year we will come in on par.

THE CHAIR: Mr Smyth, anything more on that?

MR SMYTH: I will go further into your answer, Mr Corbell, on 29 May 2007, where you said:

We are seeing the budget issues brought under control.

But the operating losses are growing larger. The funding is growing larger in the outyears as well, but the operating losses are also growing. So is it truly under control, and are you happy with the state of the finances within emergency services?

Mr Corbell: As you have just heard the commissioner advise you, Mr Smyth, that loss relates to depreciation. In terms of the—

MR SMYTH: But depreciation occurs every year.

Mr Corbell: In terms of the total cash provision of the ESA, it is operating within the amount of money that is provided to it.

MR SMYTH: So the ESA will not be looking for a Treasurer's advance this year?

Mr Manson: There is no reason for us to be looking for a Treasurer's advance, except perhaps in the area of how we deal with the reconciliation of costs for our contribution to Victoria. But the Victorian government has indicated that if we pay the full amount—it is in the order of \$500,000—if the ACT government's final decision is to recover all of those costs from Victoria, then we will stay within budget generally.

MR SMYTH: I have other questions.

THE CHAIR: Yes, I have questions too. Ms Le Couteur?

MS LE COUTEUR: We have all been reading recently about the appalling situation of the boy who died in New South Wales in the national park. In light of that, have you done any work on how our 000 operators respond?

Mr Manson: That was in relation to a call from a remote area.

MS LE COUTEUR: Yes.

Mr Manson: I do not know the full details, but it appears the operators had difficulty

using the system in front of them to enter data and then make a proper decision. Our system and our operators should not fall into that technical trap, if you like. We train and expect our operators to be able to use some initiative to take calls. As you know, when people are distressed, some find it very difficult to give us the location. If it is from a landline, it is rather simple. If it is from a mobile phone, we do have an arrangement in place with ACT Policing to track a mobile phone under their authority should the person on the other end not identify their exact location. I think one other thing to remember is that the ACT team is rather small and we are able to perhaps have a closer supervision of them. We also have a clinical supervisor and senior officer generally in that operating room, so they can put their hand up if it is a very difficult call and try and get some other assistance.

MS LE COUTEUR: So you do not think this would happen if someone was lost in one of our parks?

Mr Corbell: Certainly our experience has been that, where we have had people lost in, say, the national park or areas nearby and they have made 000 calls, they have been responded to very effectively. We had, for example, the gentleman who went bushwalking near Tharwa and was bitten by a snake. He was in quite a difficult location to access, but he had a GPS which was of assistance to emergency services. Nevertheless, they were able to identify his location and get to him promptly. I do not think you can ever give an absolute guarantee in these circumstances, but I think our systems are well tested and our personnel well trained to deal with these matters.

THE CHAIR: Ms Burch and—

MS BRESNAN: Can I just ask a quick question? Is response time of operators still reported anywhere, because I was not able to see it?

Mr Corbell: That would be dealt with in the annual report, I would imagine.

MS BRESNAN: It does not actually report it in here, if it gets reported in the annual report so—

Mr Manson: It is not reported here. Our targets and performance indicators are here and last year's estimates are here. But we cover the target for response overall for fire and ambulance in the annual report where we tend to cover those figures in more detail.

THE CHAIR: Ms Burch and then back to Mr Smyth.

MS BURCH: My question was on budget paper 5, page 71, where there seems to be an investment in ICT. Again the commentary under the line talks around upgrading or replacing the system to better provide response services and computer-aided dispatch. Can you tell us a bit about that?

Mr Manson: Our computer-aided dispatch system is coming to the end of its natural life. The software support for that will effectively run out in December this year. We had programmed to do this last year, so we began work on the tender process. The government has funded it this year, so we will be going to tender shortly. It is really a

question of the system that has been in place—it is a little handset inside an ambulance or fire engine where we transmit data about the incident to that screen in the truck—has come to the end of its natural life. It is about five or six years old, and we are going to replace those sets.

MS BURCH: So in many ways it is just replacing equipment?

Mr Manson: It is essentially replacing equipment that has come to the end of its life.

MS BURCH: Thank you.

Mr Corbell: In relation to response times, Ms Bresnan, if you look on pages 302 and 303 of budget paper 4, you will see the accountability indicators in relation to response to incidents for both fire brigade and ambulance.

MS BRESNAN: Thank you.

THE CHAIR: Mr Smyth.

MR SMYTH: Response times, of course, depend on staff, minister. I refer to an article that appeared in the *Canberra Times* on 4 April this year, which states in the first paragraph that the union representing ACT ambulance officers says staff shortages have forced stations to close and increased workloads are pushing the service to disaster. Is the service being pushed to disaster?

Mr Corbell: No, I do not believe so, Mr Smyth. The reason I can say that is that the government has provided significant additional funding to the ambulance service over the last couple of years to allow for recruitment of additional staff and the putting of additional ambulances on the road. We have put an additional two intensive care ambulances on the road in the last couple of years. We have also recruited additional paramedics. I cannot recall the exact number, but I think it is in the order of 20.

Mr Manson: There were 14 extra staff in the last year.

Mr Corbell: Yes, 14 additional—

Mr Manson: Sorry, 12 additional ambulance officers in last year's budget.

MR SMYTH: Is that 12 net or has that been offset by resignations?

Mr Manson: No, that is 12 additional. Perhaps if I tell you that the ambulance service staff numbers are 156, that is the budgeted number of staff. There are 149 staff in the ambulance service today. We have been finalising final recruitment in the last month to bring that number right back to 156. The 156 also includes some office staff, but essentially that is the ambulance budgeted number. That 156 includes the additional 12 new staff from last year.

MR SMYTH: Right. The article goes on to say that ambulance officers told the *Canberra Times* that up to 12 stations had been closed at various times this year and several staff had returned from annual leave or been forced to work double shifts to

meet capacity. How many stations have been closed this year and for what periods of time?

Mr Manson: I cannot give you the exact number of stations that may have been closed for short periods while ambulances were elsewhere. I would not take the article at face value. What we have instituted in the ACT, through long discussion with the union and staff, is a demand modelling roster, which came into effect about eight weeks ago. That demand modelling is a change in the patterns of shifts and so forth so that we have more ambulance officers in front-line ambulances during the peak periods during the day. We are responding by putting the staff and resources to where the peak periods are, whereas previously during the evenings we often had a higher number of shifts when there was less work.

THE CHAIR: Just on that, did you say you are not able to provide those figures now, or are you not able to provide them at all?

Mr Corbell: We will take it on notice, Mr Seselja.

Mr Manson: We can take it on notice. I am not aware of any particular ambulance stations being closed per se. There may have been periods of time, but we will provide you with the instances.

MR SMYTH: Well, it is interesting if you are not aware that they were closed because in the article—

Mr Corbell: No. I think what Mr Manson is saying is that there are a range of reasons why an ambulance station may be “closed”. The first would be if ambulances are in attendance at other incidents. There may not be an ambulance sitting at that station because they are responding to other incidents. The circumstances that I think the union is referring to are instances where, due to unscheduled leave or other absences, it has not been possible to crew ambulances at a time when they have been needed to be crewed and so resources have been redeployed, with the consequent decision that for a brief period in time for a day a station is unstaffed and there is not an ambulance allocated to that station for a period of time.

These circumstances are, fortunately, rare and the resources, the remaining resources, are reallocated to ensure maximum coverage to meet response times to the best extent possible. The government is, though, doing a lot of work to improve the level of resourcing, training and support for our ambulance services. We are seeing an ongoing level of demand increasing for ambulance services in the order of 10 to 15 per cent a year, if I recall correctly, and that is year on year. So the government is responding by providing additional ambulances and additional ambulance personnel—intensive care, paramedic personnel.

The arrangements we have put in place provide for an additional two ambulances during peak times, if I recall correctly, and that means that we are better able to manage demand during peak times and better able to ensure that ambulance personnel get breaks. One of the real challenges has been that ambulance personnel have not been able to get breaks and have not been able to get some downtime during their shift. That obviously puts pressures on them as individuals and ultimately that builds

up, and you see ambulance personnel taking unscheduled leave and so on.

MR SMYTH: And access to counselling.

Mr Corbell: So the changes we have put in place through demand modelling arrangements mean that more ambulances are available when they are needed and fewer ambulances are available during quiet times, while still ensuring that we have got an appropriate response in place. That is a more effective way of utilising our resource. We are training additional ambulance paramedics. They are difficult to obtain. We have taken the step of training our own, effectively, rather than recruiting from other places, although we do do that as well, if possible. As Mr Manson has said, an additional 12 ICP paramedics—

Mr Manson: I might correct myself: the 2007-08 budget initiatives were \$4.9 million over four years for 16 additional ambulance staff and four new vehicles—

MR SMYTH: It is very hard to hear.

Mr Manson: There were 16 additional ambulance staff in the 2008 budget and four new vehicles. We fully implemented that by June this year. Assuming that, the current round of staffing recruitment will fill those last four or five positions.

MR SMYTH: Will you take on notice what the call-on service has been, the growth in call-on service since the 2006-07 budget?

Mr Corbell: Yes, we can do that.

MR SMYTH: You mentioned that downtime and access to post-incident counselling have been an issue. Is that an issue for the ambulance service, that because they are so busy they do not have downtime to talk about what has happened and how to deal with it?

Mr Manson: One of the reasons that the ESA put forward a request for the budget initiative to the government was the continuing rise in demand for ambulance services. It is preferable to have a staff utilisation rate of around 65 per cent, but it would get to a point where it was starting to get up around the 80 per cent. When you are utilising staff at 80 per cent, people cannot take their meal breaks and obviously that puts stress on people. Again, some days it is busier than others because you cannot program exactly what the accident stream or the need for services will be, although there are standard trends in that.

As a result of that, we put in place the proposal for some demand modelling with the union and we negotiated that through. The outcome of that is that I think there has already been some significant change in the trend towards staff having more meal breaks and, hopefully, as the figures come in over the next three or four months we will be able to tell what the utilisation rate of staff is, and that will assist us in working with Treasury on the demand model going into the future for requests for ambulance staff to meet demand.

MR SMYTH: With the calls on the service, can we also have the utilisation rate for

each year, say, since 2006-07?

Mr Manson: We do have those figures available. That is the utilisation rate as a general across all the staff and the figures for responses. This year I think it is somewhere around 32,000 responses by ambulance in the ACT. That is about 10 per cent up on last year. So the trend over the last four or five years has been about 10 per cent.

But the detail of what services are actually being asked for is also changing with changing demographics in Canberra. We are trying also to manage that, as are all ambulance services in Australia. We are trying to look at ways of better managing patient transfer, be that just individual transfers from hospital, which do not require an intensive care paramedic, through to what we call P1, or primary care, where that is an urgent job—lifesaving. So there is some continuation of work in ambulance services to better manage getting the best service with the right style of paramedic or patient transport to the case in front of you now.

THE CHAIR: Moving on to the Emergency Services headquarters, there is a rollover, I think, of \$10.4 million from the 2008-09 estimated outcome. Where are we up to on the Emergency Services headquarters?

Mr Corbell: A new heads of agreement between the Canberra Airport Group and the territory has been signed in December, late December last year. That agreement will see the airport provide three things for the new ESA headquarters. That is the construction of a new two-storey headquarters building, a new four-bay workshop and secure vehicle compound and the refurbishment of an existing building at Fairbairn known as building 183 into a resource and logistics centre. That work is now being advanced through to the final sketch plan stage. The Canberra Airport Group will commence construction on both the new workshop and the headquarters in June this year. Refurbishment of the existing building, building 183, has commenced and is due for completion at the end of this calendar year.

MRS DUNNE: Has the Government Solicitor been involved in contractual arrangements?

Mr Corbell: Yes.

THE CHAIR: Is it still the case that you have got a lease agreement on Fairbairn at the moment? How many Emergency Services staff are at Fairbairn at the moment?

Mr Corbell: The exact numbers—perhaps Mr Manson can advise on them.

Mr Manson: We have had the Rural Fire Service staff and about this time last year we moved some of our fleet and logistics staff into that building. That is the hangar building, which is a separate lease to the Fairbairn complex and the Fairbairn headquarters project. I think there is probably 20 staff.

THE CHAIR: Twenty in total?

Mr Manson: Yes.

THE CHAIR: Again, what are we paying in rent at the moment?

Mr Manson: We pay \$183,283 per month. We are paying that on the original heads of agreement, which includes all the original buildings. As each of the leases for the new building and the new heads of agreement come into place, our overall rent will be lower than what we predicted originally. The commercial arrangement is that any building that we are not going to use will drop off and we will come to the final floor plan leasing arrangements for the final contract.

THE CHAIR: But at the moment we are paying \$183,000 a month? That arrangement has been in place since when?

Mr Corbell: Since 2005.

THE CHAIR: At the moment it is 20 staff, but it will be gradually increased as we see the fitouts and the various constructions occur?

Mr Manson: I do not have the exact numbers, but by the time building 183 is completed—hopefully at the end of this calendar year—and we move in, that will take our fleet logistics probably up to about 100 out there. Then the rest of the head office staff will move into the new building the following year.

MR SMYTH: When will the new HQ and workshop be finished?

Mr Corbell: I am advised that is contingent on the airport group delivering construction on both those buildings in a timely way, but construction of the headquarters is expected to be completed by December 2010.

MR SMYTH: December 2010, and the workshop?

Mr Manson: It is programmed at the same time, but the airport is suggesting to us that it may well be—

Mr Corbell: At the end of this calendar year.

Mr Manson: It may well be the end of this year, because it is a rather more simple construction project.

MRS DUNNE: Mr Chairman, could I ask a question on this?

THE CHAIR: It is a follow-up on that, is it?

MRS DUNNE: Yes, directly on this.

THE CHAIR: Yes, and then I will move to Ms Burch. We do need to finish soon, because we need to move on to policing.

MRS DUNNE: Directly on this, I asked some questions in relation to this matter and the expenditure over the heads of agreement over a period of time during the annual

reports hearings. I have just been in the last few days reviewing the questions on notice that have come back. I have not seen any answers to those questions that were asked in the annual reports hearings in relation to expenditure. So could I ask that an acquittal be done of expenditure at Fairbairn since the beginning of the agreement, which, I think, was December 2006?

THE CHAIR: Yes.

MRS DUNNE: What has been paid for what buildings, which buildings are being occupied, which buildings are not being occupied and which buildings will be phased out in the second heads of agreement?

Mr Corbell: Yes.

MRS DUNNE: And just as an extra supplementary was GSO involved in the first head of agreement contract out there at the airport?

Mr Corbell: We have certainly provided that information previously, but I am happy to do so again.

THE CHAIR: So all of that will be taken on notice. Ms Burch?

MS BURCH: I am looking at budget paper No 5, page 70. You made mention of it in your opening comments. It is the ESA helipad and specialist training centre at Hume?

Mr Corbell: Yes. This is the other element of the headquarters project, which is now moving towards implementation. The government has taken the decision to relocate the helicopter base for our rural fire response from the base at Fairbairn to co-locate with the existing SouthCare helicopter base at Hume. This will involve the construction of new helipads and hangar space for the helicopters that we contract for the fire season, both directly and also the helicopters we contract through the national aerial firefighting arrangements. So we will build a new facility to accommodate our helicopter fleet at Hume adjacent to the existing SouthCare helicopter base.

We are also moving ahead with a specialist training facility for all of our emergency services. That will bring together training facilities for fire brigade, SES, ambulance service and RFS. It will provide facilities, including specialist hot fire training, specifically for backdraught and flashover training for the fire brigade, vertical rescue tower and training house, SES storm damage facility, trench rescue, road accident rescue and pumping facilities. That will provide us with a purpose-built training facility in a single location which will be able to be utilised by all of the services. That will also be located adjacent to the helicopter base at Hume.

MRS DUNNE: So does that mean—

MS BURCH: I am just looking at time lines on that.

Mr Corbell: Time frames on that are subject to development approval from the planning authority—

Mr Manson: The development applications for the helibase I think were submitted this week, and we are hoping that the development application will be finished for the training centre in the next few weeks to be submitted. We will go concurrently with the development approval to tender with the specifications and we anticipate full occupation by July at the latest next year. Again, the travelling of the development application we expect to be trouble free, but we are not sure of the exact time frame. There is some time frame to get through perhaps any questions that the planning authority might need us to address, but we are going concurrently to tender and we anticipate construction beginning prior to or just after Christmas.

MR SMYTH: Minister, one of the early justifications, primary justifications, of moving headquarters at Curtin to the airport was to have it next to the aerial assets. We are now moving the aerial assets out. What is the logic in this?

Mr Corbell: The advice has come from ESA that it is more appropriate to have the aerial appliances closer to the area of the territory where they would be most likely to respond, which is to the west of the territory. Having them located on the Monaro Highway provides for a closer location to respond to incidents, particularly to the south of the ACT in Namadgi National Park. It is also cheaper for the territory. The airport imposes very high charges to park aircraft at the airport whereas we do not have that cost if we park it on our own land. It is a similar issue that forced Snowy Hydro to relocate from the airport.

MR SMYTH: But that would have been known in 2005.

MRS DUNNE: We knew that in 2006.

MR SMYTH: With great triumph in 2005 we were announcing we were co-locating all these services at the airport so they could be closer to the aerial assets. We had space and room for training and storage—all the things you have just said. This was known in 2005. Why is it now being changed?

Mr Corbell: Well, hindsight is a wonderful thing, Mr Smyth, but the ESA—

MRS DUNNE: But we knew in 1998 the airport was too expensive for SouthCare, because we moved it out.

Mr Corbell: had a particular view about the headquarters at Fairbairn at the time in 2005, which has subsequently been found to be misplaced in a number of respects.

MR SMYTH: But SouthCare was moved out of the airport almost a decade ago.

Mr Corbell: This is another one of those legacy matters associated with unilateral decisions made by the then authority about the scope or scale of the ESA headquarters.

MR SMYTH: Blame Mr Dunn.

THE CHAIR: All right. We will have to wrap it up there, Mrs Dunne.

MR SMYTH: Sorry, just one final question on the Tidbinbilla rural fire shed.

THE CHAIR: You might have to take it on notice.

MR SMYTH: “I took the decision it was appropriate to allow these matters to be dealt with in the budget context, not through the special appropriation,” is what you said in March. I have not found Tidbinbilla rural fire shed in any of the budget papers. Where and when will it happen? And have you actually been out to the shed since this was raised in March?

Mr Corbell: Yes, I have, Mr Smyth. I visited the Tidbinbilla shed two weekends ago and had a good discussion with the captain of the brigade, the training officer and a number of members of the brigade at their training day.

The ESA has spent close to \$40,000 on improvements to the Tidbinbilla shed in the last few months, so we have acted to address an immediate range of matters in terms of occupational health and safety at the shed. We are proceeding with arrangements to install warning lights on Paddy’s River Road. They will be activated automatically by vehicles entering or leaving the shed, to improve safety in relation to access and egress. We have also upgraded water, we have fumigated and we have improved physical access around the premises, and lighting.

The ESA has taken some immediate steps to address the issues, and the long-term future of Tidbinbilla shed will be determined by identifying a suitable location for a permanent facility. The government felt it was not prudent to ask the Assembly for money when it did not have any real sense of where the facility would be located and therefore how much it would cost. We will take the decision over the next six months, in consultation with the brigade, to identify a suitable site for a new shed, and that will allow it to be dealt with in the budget process for the forthcoming budget.

MR SMYTH: Your commitment to PAC that it would be dealt with in the budget context: what happened to that?

Mr Corbell: It will be dealt with in the budget context.

MR SMYTH: Just not this one.

Mr Corbell: Next year’s budget.

MR SMYTH: Something to keep in mind then.

THE CHAIR: Thank you, Mr Manson. We will now move on to ACT Policing. Welcome, Mr Phelan. Would you like to, before we get started, make any opening statement?

Mr Phelan: No, thank you, I have no opening statement. I am just happy to answer any questions that may be put to me.

THE CHAIR: Questions, members?

MR HANSON: Minister, or whoever is going to take the question, there has been quite a considerable increase in the purchase agreement this year, about \$10 million. What are we actually getting in tangible outcomes for that, so in terms of police numbers, increased patrols, cars? What is the tangible increase?

Mr Phelan: I am happy to take that question. The budget for next year has increased by approximately six per cent. The majority of that is taken up really by two main elements. One is the normal cost escalation that occurs with the salary component, which has been agreed to a number of years ago and is part of the forward estimates that came out, I think, two years ago. The other substantial increase is based on Gungahlin station going 24/7, which is an additional 24 uniformed police officers.

MR HANSON: There is a separate line in the budget for that?

Mr Phelan: There is; that is right. That is part of the overall increase of six per cent of our budget.

MR HANSON: When you look at that increase from \$123 million to \$132 million, that does not include—

Mr Corbell: Can you just tell us which page you are referring to, please, Mr Hanson?

MR HANSON: Yes, it is page 294, down the bottom. We have increased that amount, in terms of what the ACT is going to be expending, from \$123 million, which is from budget papers 2008-09, to \$132 million. But then there is also a separate line for Gungahlin.

Mr Corbell: Yes, so Gungahlin is consolidated in that figure, Mr Hanson.

Mr Phelan: Yes, it is included in that figure.

MR HANSON: It is consolidated in that figure?

Mr Corbell: Yes, that is the total payment, including Gungahlin.

MR HANSON: All right; that explains it.

THE CHAIR: Thank you. Ms Bresnan and then Mr Rattenbury.

MS BRESNAN: I am hoping you are the most appropriate person to ask this question of. There are a number of initiatives in the budget relating to sexual assault and also domestic violence. In any statistics that are kept on violent incidents in the ACT, what percentage of incidents involve violence against women? Do you have those figures?

Mr Phelan: I do not have them right here with me now but I am more than happy to take those on notice and get them to you straightaway.

MS BRESNAN: Those sorts of figures are kept, are they?

Mr Phelan: Yes, they are. I can get those figures for you. We can get the breakdown

of serious assaults and assaults against all classes of citizens as well, and the severity of them.

MS BRESNAN: This question is for the minister: those statistics are used, I guess, to look at how certain initiatives are funded and, particularly in those sorts of areas, if it is about sexual assault or domestic violence. Are they used to inform programs that are funded in the budget?

Mr Corbell: Certainly they are used to assist in policy development more generally. Obviously the police have a very comprehensive record of matters reported to them. But it is important to stress that that is only one set of statistics within the overall criminal justice system. There are then statistics that relate to matters that are taken to court—

MS BRESNAN: That is why I was not sure if—

Mr Corbell: The success in terms of findings of guilt or early pleadings of guilt or indeed acquittal—these are all matters that would not necessarily be held by police. Some would be held by the courts; some would be held by the DPP.

MS BRESNAN: I understand that.

Mr Corbell: In fact, one of the measures that funding has been set aside for in this year's budget is to start development of an integrated criminal justice database so that we are able to bring together the range of data sets that are held across criminal justice agencies, corrective services, police, courts, DPP, victims of crime and so on, so that we can get a more integrated picture of what is occurring in the criminal justice system. It is one of the real weaknesses in policy development in the criminal justice area—that we do not have a more comprehensive integrated data set of activity in the system.

MS BRESNAN: It is good to hear that it is being funded then.

Mr Phelan: If I could also enlighten the Assembly, we work very closely with NGOs such as the Rape Crisis Centre et cetera to get as much information as we can. We have a very healthy working partnership with a lot of agencies and NGOs like that because we take particularly the crime type of violence against women extremely seriously. We have a dedicated area within our territory investigations group that does look after that particular area. Not only do they work with the Rape Crisis Centre; they also work very closely one on one with the victims over a period of time, not only for the investigation but during court care and so on as well. It is part of a whole process from beginning to end.

MR RATTENBURY: Minister, I understand that various ACT government agencies provide training for AFP officers, such as the Human Rights Commission and the DPP. What are the financial arrangements around that sort of training? Is it done on a cost recovery basis or is it done as a matter of complimentary service?

Mr Corbell: I could not tell you off the top of my head, Mr Rattenbury, but perhaps the Chief Police Officer is able to.

Mr Phelan: I could not tell you off the top of my head. I can say that we do not get a bill for them and we do not pay it, so I would imagine it is part of our overall service, part of the ACT public service, that we avail ourselves of that particular type of training. Likewise with the commonwealth, of course, ACT Policing officers take a lot of training from the commonwealth that is not billed to ACT Policing either.

THE CHAIR: Ms Burch?

MS BURCH: In budget paper 4 on page 287, under strategic indicator 2, community safety, whilst we have been through the discussion around numbers on the other side, what are the perceptions of safety; the proportion of people who feel safe or very safe at home or in public? How do you measure that?

Mr Phelan: There is a national survey that takes place. It is done right across the country and it is, I think, carried out by the Australian Bureau of Statistics. It is an annual survey and then what they do is benchmark each of the jurisdictions against the national average and so on. That is where some of our performance indicators in the purchase agreement come from; it is our benchmark against national average. It is an interesting scenario. You find that for most of the crime types the people in the ACT feel safe compared to the rest of the country, or above the national.

MS BURCH: So we feel safe as a community?

Mr Phelan: We are safer, particularly around assaults, sexual assaults and violent crimes. However, there are two crime types where we are below the national average and that is housebreaking and motor vehicle theft. That is where we are below the national average in terms of people's fear of being a victim of those particular crime types. But against all the others we are above the national average.

MS BURCH: Do you look at people's perceptions or fears in the numbers—how we go in incidents, say, of house break-ins?

Mr Phelan: I have been before this committee before and talked about perceptions of crime. It is a very difficult thing to try and quantify, so we can only go by the survey. One of the things that I think seriously about when it comes to perceptions of crime is getting the information out to the public and letting the public know exactly what we are doing and exactly what is going on. To that end, we have got a number of endeavours coming up in the new financial year to try and get as much information as we can out to the public, through not only an enhanced website but also getting out to the community a little bit more and helping them establish some benchmarks for us to work with. I am reasonably confident that, when we let the citizens of the territory actually know what is happening in terms of crime in this town and what we are doing about it, those perceptions of fear of crime will move in a favourable direction.

If you look at, for example, the number of police that we actually have on patrol here vis-a-vis other parts of the country, we do have more. Then again we have a community in the ACT that has expected a high level of service over many years and we try to maintain that level of service. But, at the same time, sometimes perceptions can be swayed by things that appear. This is not a detrimental comment at all, but this

is a one-newspaper town with one news service, and things that would not normally make the paper in Melbourne or Sydney will make it in Canberra. That is just a fact of life and that is something that, as a police service, we need to cope with and work with the community.

MS BURCH: When you say “work with the community” there is a line in budget paper 3, on page 87, Neighbourhood Watch. Are they the types of community groups that you talk with and have that two-way dialogue with around perception?

Mr Phelan: They certainly are, but I would like to expand it to beyond just Neighbourhood Watch and community councils, moving to setting up some areas to trial, one in the north and one in the south, around having some genuine community engagement, around them setting some of the priorities for particularly our patrols. But Neighbourhood Watch is certainly one of those and with the \$20,000 that has been allocated for the next four years we would be looking to work with Neighbourhood Watch on some programs for them, to be able to allocate that money, with some performance indicators and some targets set by them before I just hand the money out.

MR SMYTH: Following up on that issue of crimes against people, the motor vehicle and the burglary stats are good, but the crimes against people stats have been increasing steadily since 2004-05. What is causing that and how are we going to address that?

Mr Phelan: Mr Smyth, there are a number of things that create that. One is that we obviously have an increased reporting of crime, which is a good thing; people can actually report it and have confidence in their police service. But there is no doubt that in this city, consistent with the rest of the country, alcohol and the abuse of alcohol play a big part in that, and we are seeing an increase in violent activity, particularly on Friday and Saturday nights, directly related to alcohol. I might have, at this time last year, given an example, when reading through the morning reports, which I do get on a Monday morning, of one weekend where, but for alcohol, we would not have had any crime in the territory. For me, it is a very serious issue. Not only is it about safety in the community; it is also about the safety of my members that have to work, and the things they have to deal with, on those nights. It has the natural flow-on to domestic violence activities as well, which are also concerning.

MR SMYTH: There is almost now a weekly report on the increasing number of DUI offences as well. What has caused this current spate that we have seen in the last two or three months to suddenly appear?

Mr Phelan: One of the things that annoy me the most at the moment is drink-driving. I have got to tell you: we need an absolute attitudinal change here. The behaviour of Canberrans is disgraceful when it comes to drink-driving. The increase in the number of people we have caught is purely and simply as a result of our increased targeting. We are not about trying to get as many numbers as we can for negative tests—like sitting on Adelaide Avenue in the middle of day. We will specifically target outside car parks where people park on Friday and Saturday nights, if necessary, until we can get it through people’s heads that it is just not on to drink and drive.

If I can anecdotally say this, I went to a meeting with the deputy commissioners of police three weeks ago in Melbourne and, when I told them what our figures were, they thought our figures were disgraceful.

Last financial year, I think the average for us in the territory was that about one in 61 people that went through an RBT was over the limit. So far this year it is one in 54 and still heading in the wrong direction, to the extent that, not last Friday night but two weeks before, we did over 500 tests and got 45 offenders—one in 11—so one in 11 people that were driving was over the limit.

MR SMYTH: Have you done any analysis on what is driving it? Is it complacency? Is it lack of public transport at those hours? Is it the liquor laws? Is it stupidity or pig-headedness?

Mr Phelan: I think it is a combination of the lot. To be quite frank, already this year we have got 1,600 people who were over the limit. We have still got five weeks to go in this financial year, and that is a 50 per cent increase in the number of people that were caught over last year.

MR SMYTH: How many were caught last year?

MS LE COUTEUR: Was that “50” or “15”?

Mr Phelan: Fifty—five zero.

MR SMYTH: How many were caught last financial year?

Mr Phelan: It was about 1,300. I will get the exact number for you in a second.

MR HANSON: It was 1,554 last financial year, and we are at 1,594 now.

Mr Phelan: Yes; 1,600 already now. So what is going to happen? We are having people over the limit. And it is not only that. When I say it comes back to attitude—sorry for taking up your time—last weekend, for example, when we had 43 people, eight of them had already had previous convictions for drink drinking and two of them were currently before the courts for drink driving; they had obviously been caught in the last six months. So it is one of those things; it is just not getting through people’s heads.

We will continue to target it. I am spending a considerable amount of money on overtime to do it on Friday and Saturday nights, not only the city but working around Tuggeranong and Belconnen as well. I will continue to do that until we can do it no longer. But at the moment, if you look at the numbers, for everybody in Canberra that has actually got a licence and can drive, it is nearly one in a hundred or less than one in a hundred people each year who are going to get caught. If we assume that we are only catching half, it is one in 50. It is the same as the number of people that drive around unregistered. It is ridiculous.

MR SMYTH: Why do you assume we are only catching half?

Mr Phelan: I am not—if it is only half. Obviously, we do not close down everybody. If you are doing RBT and you can only take eight cars at a time, you have to wave some cars through.

MR SMYTH: So based on what goes through?

Mr Phelan: Yes. Some cars do go through. You will hope they will get caught further down the line if we have other RBT stations further down. It is one of these things that I will get on my soapbox about—and will continue to. But we do have to change community attitudes. We are working very closely with the government on looking at a number of initiatives outside what we currently do. If I throw more numbers at it, I am just going to catch more people. I do not necessarily know whether it is going to change them and get them off the road. Catching them is too late. Once I have caught them, they are actually driving while they are drunk. What we need to do is stop them from getting in their car in the first place.

THE CHAIR: Mr Hanson.

MR HANSON: Minister, I want to go to the suburban policing consultative committees which were an ACT Labor election commitment. The costings were done for that for this budget, but I cannot see it in the budget. Is that a policy that you are delaying or have deferred or is it incorporated in the purchase agreement?

Mr Corbell: No; it is not a policy that we are delaying or deferring. The government has not provided specific budget funding in the current budget, due to just the limited number of commitments that can be funded at any one time. However, as Mr Phelan has indicated, he is looking at options to implement that measure in the coming financial year to provide for a trial of consultative committees, one north side one south side, to engage with the community on setting priorities for policing in those neighbourhoods.

MR HANSON: So that is this financial year coming up in this budget?

Mr Corbell: Yes.

MR HANSON: But the commitment in the Labor advertising was \$300,000 that it was going to cost to set those up.

Mr Corbell: Yes.

MR HANSON: Where is that coming from? What are we going to take out of ACT Policing if we have not increased funding in order to finance that?

Mr Phelan: I can answer that question. We have increased the staff in our crime prevention portfolio by 14 coming in next year. What I intend to do is use some of those staff to run this trial. We will internally fund that particular process. We will be looking at what we can do in terms of programs that we currently do and see if we can fund the whole process then. But in this instance, it is mainly about the actual numbers of the individuals that will be doing it; I intend to take two people to do that.

MR HANSON: The election commitment—I am sorry to go on—was that ACT Labor will provide \$300,000 over 12 months for the trial. I am surprised that it has now been taken out of police resourcing, because in the answer to a previous question you said that the increase to the appropriation for the purchase agreement was simply for wages for Gungahlin. What you are saying is that there is no extra money and that what you are now going to do is take it out of other policing areas and other priorities?

Mr Corbell: No. It is not one of those measures that is going to be funded to the detriment of all policing activity. What ACT Policing is doing is reprioritising its resources in any event, regardless of this particular initiative, to give a much greater focus on crime prevention. Crime prevention obviously has a whole range of benefits in terms of potentially reducing activity at the other end of the scale in terms of law enforcement, so there are real opportunities to provide for this program within the crime prevention budget. I think that is entirely appropriate. I would have thought that the Assembly would be happy if the initiative could be delivered without the impost on taxpayers that those services imposed

MR HANSON: Sure, but there was a lot of publicity, a lot of advertising—

Mr Corbell: Yes.

MR HANSON: and a lot of statements made that you were going to be providing \$300,000 to the police to set up these committees. I think the community would be somewhat surprised to find that the police have now been told, “No, find it within”—

Mr Corbell: I think—

MR HANSON: You can put some spin on there about crime prevention measures and so on—

Mr Corbell: I think taxpayers will be happy to know that an election commitment is able to be implemented without the cost that was proposed.

MR HANSON: I think that it is a matter of how you proposed it. This is now a matter where we are going to have committees established rather than \$300,000 in front-line policing. That is the effect.

Mr Corbell: But the consultative committees were never about additional police.

MR HANSON: They were about additional funding. That funding has got to be found from somewhere.

Mr Corbell: They were about providing resources to facilitate the establishment of these committees. What the Chief Police Officer has indicated to me is that he still thinks it is a worthwhile initiative, one that he can deliver through his existing resources. The government has not asked ACT Policing to implement the consultative committees without budget funding. I have not made that request to the Chief Police Officer. The Chief Police Officer has indicated to me that he thinks it is a worthwhile activity that he would like to pursue in any event. I welcome that and I support that.

What is really important here is that we engage with the community in a range of ways that give them greater ownership of what police do in their neighbourhood. That is what this initiative is about. I think the community would be happy to know that we are going to try and do that without that cost. If that is feasible and if that is possible, I think it is a win-win outcome. I am surprised that you are critical of that.

THE CHAIR: On another election commitment, minister, you mentioned the Gungahlin police station. That was announced in that there was a story in the *Canberra Times* on 6 August. Why was that announced in the way it was in an election commitment being announced with the Chief Police Officer there at the launch?

Mr Corbell: It was not during the caretaker period, I believe.

THE CHAIR: Okay. So it was appropriate for an election commitment for the Chief Police Officer to be brought in for that even though it was a Labor Party commitment as opposed to simply a government announcement?

Mr Corbell: It was a government announcement.

THE CHAIR: If it was a government announcement, why was it that Labor candidates were invited to be part of that?

Mr Corbell: Because we chose to invite them.

THE CHAIR: Why is it—I will ask Mr Phelan.

Mr Corbell: We invited a range of people to attend that launch, including community representatives, including Labor Party candidates.

MR HANSON: I did not get my invitation, Mr Seselja.

THE CHAIR: Were Greens candidates or Liberal candidates invited to attend that?

Mr Corbell: No.

MRS DUNNE: Or members of the Legislative Assembly who were not government members?

THE CHAIR: So we have got a picture there of the three candidates, the Chief Police Officer and yourself, minister.

Mr Corbell: Yes.

THE CHAIR: What coordination was there? Who actually organised that event? Was that ACT Policing or was it done by your office?

Mr Corbell: It was arranged predominantly through my office.

THE CHAIR: And it was done also through your department?

Mr Corbell: It was predominantly done through my office.

MR SMYTH: So it was a political decision to use government money to fund a political announcement to gain advantage for the Labor Party?

Mr Corbell: There was no additional cost to the government associated with that announcement.

MRS DUNNE: Your staff are doing it.

Mr Corbell: In terms of the event.

MR SMYTH: But there is a cost, I think, to the station.

Mr Corbell: The event was staged to announce the government's decision to provide additional funding to allow the Gungahlin police station to operate on a 24/7 basis. Like announcements that occur around the country involving governments of all persuasions, it is not uncommon for representatives of the political party associated with the announcement to attend.

THE CHAIR: It was additional funding if you were re-elected, though. Let us get this clear: this was not anything that could be done prior to an election. If Labor was re-elected, then you would fund the 24-hour Gungahlin police station.

Mr Corbell: The government had taken the decision that that is what it would do.

MRS DUNNE: It was an election announcement.

THE CHAIR: Okay.

Mr Corbell: You could have a semantic argument, but the government—

MR HANSON: It does not say the government. It says in the press release, if I can read for you, Mr Chair: "ACT Labor will provide \$3.1 million"; "ACT Labor will also provide \$200,000" in additional funding.

Mr Corbell: I do not think we have ever made any secret of the fact that we are a Labor government, Mr Hanson.

THE CHAIR: Mr Phelan, were you advised—

MR SMYTH: Sorry. You just told the committee that it was a government announcement. It was not; it was an ALP election announcement.

Mr Corbell: It was a government announcement.

MR HANSON: It says ACT Labor, not the government.

THE CHAIR: Mr Hanson—

Mr Corbell: It was a Labor government announcement.

THE CHAIR: Mr Phelan, were you advised ahead of time that you would be having photo ops with Labor candidates?

Mr Phelan: No.

MR SMYTH: What is the AFP's policy on taking photographs with political candidates?

Mr Phelan: Certainly, during the caretaker mode, I made it quite clear that we were not to use any ACT Policing resources, and that is standard practice right across the board. We did not do that during the caretaker mode. With anything else prior to that, I play it straight down the line. As far as I am concerned, it was a government announcement at the time. Certainly, once the caretaker mode was in, I made my decision very clear to everybody that no ACT Policing assets would be used. I might have even corresponded with both major parties to that extent.

THE CHAIR: Yes. I do not think anyone here is critical of you, Mr Phelan. Just to finish off on this, minister, I know it was outside caretaker. We had an issue with another agency that was also outside caretaker—the department of education. The education department head decided that she would take advice on it and apply the caretaker conventions outside of it as well, and she made the comment that she was particularly concerned that a public school teacher, in that case, appearing in a political commercial could be mistaken for giving tacit departmental support for the filming or undermine the public's confidence. Given that it was close to the election and given that you had planned to bring ACT Labor candidates along, did you seek any advice from Chief Minister's, the public service commissioner or your own department about any of these issues, which clearly the department of education took into account?

Mr Corbell: No.

THE CHAIR: Why not?

Mr Corbell: Because the government can invite who they want to invite to a government announcement.

THE CHAIR: You do not think that, when it is an election announcement, as it was, it puts the Chief Police Officer in a difficult position?

Mr Corbell: The government can invite who it believes it is appropriate to invite to an announcement of a government policy. In the same way that you can decide who you invite to initiatives that you wish to announce, to events that you arrange and host, the government can decide who it invites to events that it arranges and hosts.

THE CHAIR: But I do not get to invite the Chief Police Officer to my announcements. That is the difference.

Mr Corbell: Well, you could. It would be a matter for him as to whether or not he accepted.

MR HANSON: So you are saying he turned up because he was invited to a Labor Party political announcement rather than a government announcement?

Mr Corbell: No. The point I am making, Mr Hanson, is that Mr Seselja is being critical of the fact that Labor candidates attended that announcement. I am simply making the point that the Labor Party candidates were there because they were invited to attend by the government. And the government—a Labor government—can invite who they wish to attend a government announcement, in the same way that any member of this place can invite whoever they like to attend whatever event they are coordinating or hosting. There is no difference—

MR SMYTH: Mr Phelan, did you know that Labor candidates were coming to the launch?

Mr Corbell: There are no different rules for the government as opposed to anyone else.

THE CHAIR: I think he has answered that.

MR HANSON: But you are trying to suggest—

MR SMYTH: So you turned up blind, in effect?

Mr Phelan: It was as much my announcement as the minister's in terms of moving Gungahlin to 24/7. It is something we have wanted to do. Certainly, I had no qualms at all about turning up there with the minister to open up effectively a new police station for Gungahlin. It is something we have been working on for a while.

MRS DUNNE: But which, Mr Phelan, was dependent upon the election outcome.

Mr Phelan: Well—

MRS DUNNE: Were you aware that that was part of the announcement before you turned up to make it?

Mr Phelan: I certainly knew that it was the government making the announcement about going 24/7 for Gungahlin. I can only take anything on good faith at the time.

MR HANSON: You said that you were—

Mr Corbell: The government can make an announcement about what it intends to do about a particular thing at any time of its choosing, and it can—

MRS DUNNE: But it was made an election stunt—

Mr Corbell: The government—

MRS DUNNE: by saying that this was contingent upon the Stanhope government being returned.

Mr Corbell: I am sorry, but governments do not stop making decisions ahead of the caretaker period. Governments make decisions at any time during the electoral cycle, up to the caretaker period. It is only during the caretaker period that governments are bound not to permit certain things and it then becomes a process of political party campaigning. Governments are entitled to make announcements about policy initiatives at any time that they choose, outside of the caretaker period, and that is what the government did.

MRS DUNNE: Why was the event—

MR SMYTH: It is a shame and it brings you no credit that you have politicised the office of the Chief Police Officer.

THE CHAIR: We will need to wrap it up

Mr Corbell: I am amazed at the naivety, Mr Chairman, that people seem to think that governments should not make policy—

MR SMYTH: Yes, we were naive in that we thought you would obey the principles of good governance .

Mr Corbell: announcements outside of the caretaker period.

THE CHAIR: It is just the way these announcements are made, Mr Corbell. We will move on. Ms Burch has a question.

Mr Corbell: It is such a radical step, isn't it, for governments to make policy announcements.

MS BURCH: There was a comment earlier around the community forums. I think we were at a community forum where you raised that. Most of that audience were quite supportive of it and, indeed, were saying, "Bring it on, let's get to it." I have since spoken to other community groups, including one Neighbourhood Watch, that are also very supportive of that. So just take that as feedback. I hope we do get to that fairly soon.

Mr Phelan: So do I.

MS BURCH: I wanted to ask about the new Belconnen police station, given that it is a major new initiative. Do you want to talk a little bit about that?

Mr Phelan: Obviously, some money has been put forward. The project is built by the department and ACT Policing will occupy the building. Certainly, we have been integral to the planning of the new station. The old station is a temporary one that was built over 30 years ago. We will finally be moving out of that, and the new—

MS BURCH: It has had its use, then.

Mr Phelan: Yes. The new site is on the current Winchester site, down on the corner of Benjamin Way and Lathlain Street. The project itself has been under development for a period of time. I think the development application has gone in. There was a little bit of a hold-up with doing a security risk assessment on the building. That has all been completed and, as far as I know, the project will be moving on. We expect to be in the station at the end of 2010, maybe early 2011—a month or so later or something.

MS BURCH: So it will significantly enhance the environment for your staff there, and also services and functionality for the area?

Mr Phelan: That is right. It will be a state-of-the-art, 24/7 police station that not only looks after the staff but also caters for the public. It will be a friendly area and environment for the public to come to and it is in a good location. It will also enhance the services to the Belconnen area.

MS BURCH: And in the planning—

MR SMYTH: So why the delay?

MS BURCH: Just let me finish. Your officers have been involved in the planning, so you are getting it to work?

Mr Phelan: Yes, absolutely. It is a functional police station first and everything else second, in terms of the overall development.

MR SMYTH: So why has it been pushed back? Work was meant to commence in the 2008-09 year and completed in the 2009-10 year. Why has indeed all the funding been pushed back to the 2010-11 financial year?

Mr Phelan: As an occupant of the building, not the people that are actually building it, I am concerned that the building gets done right, because this is something that will be for the long term. With things like the security assessment, that was our fault. We did have to get that done—ACT Policing. Certainly, that has been done now, and I do not anticipate there being too much slippage in the project at all. But I would much rather that it gets done right. We have learnt from the lessons of Woden police station and other police stations around the country, and this will be one of the state-of-the-art police stations in the country.

MR HANSON: Did the delay in moving people out of the BRC impact on the timeliness?

Mr Phelan: No.

MR SMYTH: What lessons did you learn from the Woden police station?

Mr Phelan: It is about functionality. Sometimes it is about the flow of the public through particular areas. You do not want the public walking close to watch-houses and things like that, so it is about having a separate component for that. There need to

be areas where cars can drive in, for example. On the odd occasion that we have to bring prisoners and interviewees there, they can be kept out of the public's eye—making sure that those sorts of things are done properly, and so that there can be a separation between the public and the business of running the police station.

MR SMYTH: Is there a need for remedial work at the Woden station?

Mr Phelan: No, it is fine. But, like anything, with 20-20 hindsight, anything can be done better. It is a process of ongoing learning, and no doubt every police station that is built around this country will be better than the previous one that was built.

Mr Corbell: Woden certainly faced some constraints in terms of the possibilities for design, given its location immediately next to Yarralumla Creek. Flood issues associated with that had to be taken account of in the design, as well as the relatively constrained nature of the site. We have got much more room to manoeuvre at Belconnen. We do not have those same constraints. That allows a friendlier design for the building. If there is one thing that I personally do not like about Woden, it is that it is not a particularly approachable building for members of the public.

MR SMYTH: There was another site, of course, which the Labor Party changed.

Mr Corbell: That involved a joint centre with everyone else that none of the services wanted to sign on to, Mr Smyth. The site at Woden is constrained, but the Belconnen site does allow for a much friendlier building for members of the public and a functional building for the police.

THE CHAIR: Thank you, minister. Thank you, Mr Phelan and Mr Goggs. We will adjourn until 2 o'clock.

Meeting adjourned from 1.03 to 2.00 pm.

Appearances:

Rattenbury, Mr Shane, Speaker of the Legislative Assembly for the ACT

Legislative Assembly for the ACT

Duncan, Mr Tom, Clerk

Kiermaier, Mr Max, Deputy Clerk

Duckworth, Mr Ian, Manager, Corporate Services

Barrett, Ms Val, Manager, Hansard and Communications

Skinner, Mr David, Manager, Strategy and Parliamentary Education

THE CHAIR: We welcome the Speaker of the Legislative Assembly, Mr Duncan, and other officials from the Legislative Assembly. Welcome to this afternoon's hearing. You guys are probably the people who least need to go through the preliminaries. I think you have written these. I would ask witnesses to state that they have read and understand the privilege statement. Before we proceed to questions, Mr Speaker, would you like to make an opening statement?

Mr Rattenbury: Thank you, Mr Chair. I will make some brief opening comments, particularly on some minor updates since the budget. Mr Chair and members of the Select Committee on Estimates, firstly, the Assembly thanks you for the opportunity to make the opening statement on the appropriation bill.

The budget for the Assembly this year is \$12.349 million for the next financial year. It represents 0.33 per cent of the total proposed appropriation for all government agencies in the ACT. You may be interested to know that, based on an assessment over the last 10 years of budget papers, this figure has gradually declined from 0.43 per cent to its current level.

The budget for the Legislative Assembly Secretariat is to provide procedural and business support for the operation of the Legislative Assembly and its committees. During the next year the Secretariat will be striving to provide excellent levels of service to ensure the efficient and effective operation of the Assembly. Whilst details were not finalised in time for this budget, I am pleased to be able to advise the committee that there is now agreement between the government and myself that the Assembly library will transfer to the Secretariat from 1 July 2009—in a couple of months time.

The Secretariat will again be conducting a members' survey in order to ascertain how the services provided by the Secretariat are received by members. Information gained from that process will be used to refine services where necessary and to address any issues raised. This is a process that has gone on for a number of years.

As can be seen from the budget papers, the Secretariat's departmental appropriation was increased in the 2008-09 second appropriation. The majority of this funding covered the cost of an extra staff position in the committee office. Additional funding was also provided through this process in the territorial appropriation as a result of the decisions made by the Chief Minister in relation to members' staffing levels. Nevertheless, it is incumbent on us to ensure that the resources allocated to run the legislature are spent efficiently and effectively, so I welcome the opportunity to be

scrutinised on whether the Secretariat is achieving this.

THE CHAIR: Thank you, Mr Speaker. I start with the enhanced accountability. I know this has been dealt with partially before but on page 3 of BP 4, the figure shown for 2008-09 is \$333,000, it is \$554,000 in 2009-10 and \$572,000 onwards. Are you able to just talk us through a bit of a breakdown on that enhanced accountability—where the dollars go?

Mr Rattenbury: Sure. I will pass that one to Ian Duckworth for the substance.

Mr Duckworth: Yes, Mr Chair, the \$333,000 is a part-year effect of the \$554,000 because it came in during the year. Following the election, there was obviously a different configuration in the Assembly. The Chief Minister, I think following some representations from different members in the Assembly, issued some revised staffing determinations and provided some additional staff resources. That probably accounts for about \$300,000 of the \$554,000.

THE CHAIR: So what is the breakdown of the 300?

Mr Duckworth: I would have to take the specifics on notice. I know there was about \$100,000 for members' salaries that were indexed. It was just a Remuneration Tribunal determination but normally that is a year behind. They took the opportunity mid-year to increase the remuneration. Basically, the Remuneration Tribunal traditionally makes a determination at about this time.

THE CHAIR: After the budget?

Mr Duckworth: The budget has just been handed down and so that—

THE CHAIR: How does that ordinarily work then; do we play catch-up? Do we sort of assume there will be a certain percentage and try and factor that in? How does that work?

Mr Duckworth: The thing with the territorial appropriation—because they are effectively expenses we have no control over—is that basically members are given a sum of money by the Chief Minister to spend and the tribunal determines amounts of salary and other entitlements for members. Our territorial appropriation basically picks up all of that.

We go through a process, particularly at this time of year, of just looking very carefully at how much we are spending in cash. We have had situations in previous years where we have had to go to the Treasurer and ask for a Treasurer's advance to cover a shortfall. This particular year there was \$150,000 extra funding in the territorial budget because it was an election year. There was always a provision for termination payments and so on. I think we overspent that particular allocation to the tune of about \$150,000. So we are watching—

THE CHAIR: This is the payout?

Mr Duckworth: Yes, just because there was quite a churn, as you would be aware,

and quite a high number of staff who normally depart moved on; so there were termination payments and so on. I think in terms of the breakdown, could I take it on notice and give the committee a more detailed breakdown?

THE CHAIR: Yes, so that would be roughly 300 but you will take us through those details as to what that amounts to—the other 250-odd in the enhanced accountability?

Mr Duckworth: As I said, I think that about 300 was staffing and I recall—

THE CHAIR: Another 100 is for the MLAs?

Mr Duckworth: It was about 100 for the MLAs.

THE CHAIR: Yes.

Mr Duckworth: It might have been close to 350 on staffing, but as I said we can provide the finer details of that on notice.

THE CHAIR: Yes, just the breakdown of all of that would be wonderful. Thank you. Dealing with committee staff, we have got one extra committee staff since the last budget. Is that where we are up to?

Mr Rattenbury: Yes, one extra committee secretary compared to the last Assembly.

THE CHAIR: Mr Duncan might want to comment on this; I do not mind who does. How does that place us historically in relation to where we have been over the past couple of Assemblies? Also, is there any benchmarking comparing us as a legislature with other legislatures per member or based on some sort of reasonable comparison when it comes to, say, committee staff and resources?

Mr Duncan: Mr Chair, I think it is fair to say that this is the highest number of staff we have had in the committee office. I think it is equal to the highest. I think in the Fifth Assembly we had six committees and we had six secretaries. We had a research officer as well, which is the current complement.

In terms of how we benchmark against other parliaments, there is not that much benchmarking going on. There was a benchmark exercise in relation to the public accounts committee, which I saw was done by an Ernst and Young type company. I think it is fair to say that, along with Tasmania, I think Norfolk Island and perhaps South Australia in terms of the number of staff for public accounts committees, we were basically 1.3. I think that was the figure, which is the committee secretary plus a proportion of administrative support and the research support. We were at the bottom end of the pile of other parliaments. So, yes, we certainly do run on the sort of lower end of resources compared to other parliaments.

THE CHAIR: There is no broader benchmarking that we are able to look at?

Mr Duncan: Not in terms of the total committee office.

MR SMYTH: Is it possible to provide a copy of that document?

Mr Duncan: Sure.

THE CHAIR: Ms Bresnan?

MS BRESNAN: Just a follow-up to that, Mr Speaker. You mentioned in your opening statement about some percentage figure—that there had been a decrease in terms of resourcing going to the Assembly. Is that something you can talk about?

Mr Rattenbury: Just to clarify it, the point I was making was an observation around the proportion of the overall budget that the Assembly consumes. It is not that the Assembly has gone backwards per se, but its proportion of the ACT budget is smaller than it was 10 years ago—from 0.43 to 0.33. Now I think that is a number that does not speak a great deal in its own right, other than to say that the Assembly has certainly not been growing faster. As a proportion, it has sort of become relatively less.

THE CHAIR: Feel free if you are not able to answer this question—Mr Duncan in particular—to say so. Obviously, we have looked at having a larger Assembly in the past. That has been on the agenda of various political parties, but has the Assembly Secretariat in any way ever been asked to consider what would be the cost implications going forward if we were to move to a larger Assembly? Has that ever been quantified?

Mr Duncan: Certainly, we have been asked on various occasions what the increase in the costs would be. There was a legal affairs committee inquiry into the possible size of the Assembly, and I think we lodged a submission to that inquiry which gave a whole heap of details.

Mr Duckworth: Yes.

THE CHAIR: That went to costs and—

Mr Duncan: I can see Mr Duckworth seems to recall that figure more readily than I; so I might pass to him, but we certainly have been asked and we have provided that figure on a number of occasions.

Mr Duckworth: Yes. The Clerk is correct. I cannot remember the year, but the legal affairs committee, at least two Assemblies ago, did conduct an inquiry. I do not know whether it was specifically about the size of the Assembly. We did make a submission to that committee. The costs for us were difficult to calculate because there was not a clear favourite model—what the best size should be.

THE CHAIR: I think that was the point of the inquiry, was it not?

Mr Duckworth: So we speculated about three models—21, 23, 25. At that stage, I think we were saying that 21 members we felt we could squeeze into the building. That was our view then. Certainly 25, we simply said that there would not be the space. I think there was some speculation about whether or not the executive might be relocated elsewhere.

THE CHAIR: That would be nice, actually.

Mr Duckworth: We did do some number crunching on the costs of typical members' staff allocations, all the additional supplies and services expenses. The big issue, of course, was accommodation, even though we do not pay rent on this building. If this building was not large enough and people had to go somewhere else then there was a sort of domino principle.

THE CHAIR: The capital costs that it opens up?

Mr Duckworth: Yes, and somewhere downstream there would be a group of people displaced and there would be rental. It was a big figure and I would be hazarding a guess to give it now, but we could certainly pull those out and submit them back to the committee.

THE CHAIR: That would be useful.

MS BURCH: When was that done?

Mr Duckworth: It was done on a couple of occasions. I think the most recent one would have been about 2002 or 2003.

THE CHAIR: Yes, that sounds right. I think it was then. Anything further on this area? I will go to other questions. Mr Smyth has got his hand up and then I will move to Ms Burch.

MR SMYTH: Mr Speaker, the Secretariat traditionally is apolitical, and yet I noticed the second-last dot point on page 1 states that one of the priorities of the Assembly Secretariat this year will be implementing:

relevant aspects of the Greens/ALP Parliamentary Agreement where they are agreed by Assembly;

Mr Rattenbury: Yes.

MR SMYTH: Why has that been included as a priority of the Legislative Assembly Secretariat?

Mr Rattenbury: Clearly—I am sure you have read it, Mr Smyth—the Greens-ALP agreement has a number of elements that relate directly to the functioning of the Assembly. These are issues around the committees, the standing orders, the library and a number of other matters. Clearly, the implementation of those will fall directly on the Secretariat. Off the top of my head, most of the time frames will see them fall in this financial year. It would be a point of priority for the Secretariat who implement the will of the Assembly.

MR SMYTH: Why would it be a point of priority for this specifically? Where is the relevant dot point that says “implement election promises of the ALP”? I do not see that dot point there.

Mr Rattenbury: They would be party-political specific. There are a number of elements, as I said, of the agreement that relate to the function of the Assembly. Therefore, they will be things that the Secretariat will need to undertake in the course of this 12 months.

MR SMYTH: I have checked back through a few of the objectives and the priorities and I am yet to find a political party mentioned by name in any of them. I am just curious as to who put this dot point in.

Mr Rattenbury: I will defer to the Clerk on this one.

Mr Duncan: Mr Smyth, I think when looking at the priorities for 2009-10, we did have regard to the parliamentary agreement. You would be aware that part of the parliamentary agreement, for instance, relates to two inquiries going before the administration and procedure committee. One is in relation to the adoption of the Latimer House principles, which is quite a significant document. The other one is the adoption of whether we need a parliamentary budget on its own.

If those two inquiries come down and recommend a number of changes which are agreed to by the Assembly, and you will note that those words are specifically put in there, that will be a priority for the Secretariat to come up with a parliamentary budget officer, which ironically will service this committee next year. That is the reason why it was specifically put in. I am not aware of any other policies of any parties that are specifically going to affect the operation of the Assembly. But even if I was aware, I would probably be inclined to—if I knew that they were going to be agreed to by the Assembly, I may well have considered putting it in. But—

MR SMYTH: But the Greens-Labor alliance is not a creature of the Assembly; it is not part of the Assembly. The Assembly will vote on various parts of it and if they are agreed to, of course the Secretariat will implement them, as is correct. I am just curious—well, perhaps I question the wisdom of including it in this way. It politicises something that we have all kept apolitical over the last 20 years. It is not a government agreement; it is not an Assembly agreement. It is an agreement between two private entities, that just happens to be the Greens and the Labor Party that forms the Green-Labor alliance. I am just amazed that we find it here in the document.

Mr Rattenbury: I see the point that you are getting at. I think we are drawing a distinction here between interpretations—one of pragmatism. I think it is in there as reflecting a simple, practical matter and you obviously had a different take on that.

MR SMYTH: The Secretariat will implement anything that the Assembly agrees to. I do not see a dot point, as a priority, talking about implementing anything else the Assembly has agreed to.

Mr Rattenbury: Yes, but the Secretariat can rarely predict what may happen on the floor of the Assembly. But in this case they have a fair inclination of what is coming, I think. That is the point that they have tried to pick up

MR SMYTH: If we have an inclination it is coming, it gets in; and if we have an inclination it is not, it does not get in?

Mr Rattenbury: I think they were talking about the practical element here that these things have been agreed, and I think it is appropriate for the Secretariat —

MR SMYTH: None of it has been agreed to by the Assembly.

Mr Rattenbury: This is true.

Mr Duncan: Could I just—

MR SMYTH: I worry about the reputation of the independence of the Secretariat and the independence of the Assembly. Who compiled that line? Mr Speaker, did you insist that line go in or did the—

Mr Duckworth: No. I would have prepared that. In the context of coming up with concise dot points that summarise our business activities for the year and in consultation with the management group in the Secretariat, certainly I felt—and I am not wanting to dispute your assessment of the inclusion—that there was an agreement reached that included some provisions that we felt, from the Secretariat perspective—

MR SMYTH: But there would be changes to the OH&S law; there would be changes to accounting standards; there would be changes to all sorts of things exterior to the Assembly that you could also include there as dot points because you know they are coming. The Greens-ALP parliamentary agreement is not a document of this Assembly. Whether or not such things happen, given the implication that it will happen or not, I simply question the wisdom of having such a thing which, in effect, legitimises the Greens-Labor alliance.

Mr Duckworth: And I am not wanting to argue that point with you, but you asked who wrote the words and I was saying that I did. I wrote those words because, in consultation with my colleagues, we were aware of a number of significant committee inquiries for which we were having to actually get in extra resources to conduct work; so it was about consuming our budget to conduct inquiries into things like the Latimer House principles. The transfer of the Assembly library is something that is very significant for us as an organisation—very significant.

MR SMYTH: Sure, but that is not the point.

Mr Duckworth: It is in the parliamentary agreement. I guess it was a way of—

MR SMYTH: How do you pick and choose therefore? Mr Speaker, did you ask that this be put in here?

Mr Rattenbury: No, I did not.

MR SMYTH: I would just pass this comment: I think it is unacceptable that we have party political statements and agreements, which is what this is, as the official business of the Legislative Assembly Secretariat. My fear for you guys is that it politicises everything that now occurs and that people reading this will say, “It is part of the ALP-Greens parliamentary agreement and it is being auspiced by the

Legislative Assembly.” And I think that is really unfortunate.

MS BRESNAN: Can I ask a question?

THE CHAIR: Sure.

MS BRESNAN: I was just going to say, Mr Duncan and Mr Duckworth, I imagine that this is in here because there are things like providing an extra Secretariat resource to the committee; so that is obviously one of the things. As you mentioned the Latimer House principles and then the parliamentary budget, obviously, as you said, that will actually go towards resources to the estimates committee. I would see that has gone in there because it goes towards a couple of things which actually affect the operation of the Secretariat. They would be the key things. They are actually about providing additional resources to you. I do not know whether I am making a statement but I guess I am just asking whether that is why it was in there, because they are a couple of things which will affect—

Mr Duncan: We certainly did talk about inclusiveness, but the key words there are “as agreed by the Assembly”. The Assembly has to agree to them before we would do anything in relation to that. And I cannot recall a time—

MR SMYTH: But the Assembly actually does not vote on the ALP-Greens parliamentary agreement.

Mr Duncan: It did.

MR SMYTH: The consequences of the agreement may—

Mr Duncan: It did. In relation to the Latimer House principles, it adopted those. In relation to the reference—

MR SMYTH: Yes, but that is standing alone.

Mr Duncan: In relation to the reference to the committee in relation to the parliamentary budget officer, it agreed to that.

MRS DUNNE: It agreed to an inquiry. It is possible that we may agree that we should not have one.

Mr Duncan: That is true.

MRS DUNNE: I cannot imagine the circumstance, but that is the intention there.

MS BRESNAN: Again, it says here “relevant aspects”; so it is those parts of the agreement which relate to the resources or the Secretariat and how it is going to operate.

Mr Rattenbury: I think Mr Smyth has made a point, and I will work with the Secretariat to ensure that next year we more carefully word this section of the document.

MR SMYTH: I would advise you—and take it as you wish—that any reference to political parties as such be kept out of the Secretariat and what they do. It has been for 20 years.

Mr Rattenbury: Yes. I think that is the practice—

MR SMYTH: And any tainting should not occur.

Mr Rattenbury: This is not intended to change that tradition.

MR SMYTH: While you are there, two political parties are mentioned as part of the strategic priorities of the Legislative Assembly Secretariat.

Mr Rattenbury: And I have given you an undertaking that next year we will be more careful in the wording to ensure that that perception is not there.

THE CHAIR: Thank you. Ms Burch?

MS BURCH: In your opening statements and just then you made mention of the Legislative Assembly library and its transfer arrangements. Can you outline that and the impact on the library service as a whole and for us here?

Mr Rattenbury: Yes, certainly. As you know, the Assembly library is actually the ACT Assembly library and the ACT government library, in one sense. To date, it has operated under the auspices of Territory and Municipal Services or that department's previous incarnations. And under the Latimer House principles, the idea is that the Assembly should run its own library so that it is in control of its own resources in the sense that the legislature should not be run or dictated to for resources or anything by the executive. So one of the items of the Greens-ALP agreement was that the library transfer. It was also discussed in a discussion paper that was around last year. The name of that discussion paper escapes me at the moment. It was a review.

Mr Duckworth: It was Libraries Alive.

Mr Rattenbury: The Libraries Alive review, which was undertaken during the last term of the Assembly. That is the background. The effect will be that, from 1 July, the whole library will move across under the auspices of the Secretariat. It will still be an ACT government service as well. There will be a service level agreement signed with the ACT government to ensure the continued provision of services to the government on the current basis. So at this stage it is essentially about transfer of ownership.

I was quite keen to ensure that the library remain in its current form. I think that there have been no complaints; there has been no sense that the library was not doing a good job. This move is entirely about the ownership and reflecting Latimer House principles. In fact, we went to some lengths to ensure that the library stayed as one unit so that it did not go below critical mass. To make two small libraries would have been financially inefficient; so we are keen to keep it as one operating unit.

MS BURCH: And the library staff?

Mr Rattenbury: The library staff will be retained. We do have one issue: the fact that, because it will now be a stand-alone unit, the head librarian position will be upgraded and become a senior librarian in order to run the library. This will be advertised openly and, in the event that none of the existing staff is successful, there will be a potential need for a redundancy amongst the existing staff, if that is the eventuation. The rest of the staff will remain as is.

MS BURCH: And the service level agreement is negotiated with the Secretariat?

Mr Rattenbury: Between the Secretariat and the government.

MS BURCH: And that is in place for the life of the Assembly or forever and a day?

Mr Rattenbury: We have not actually got down to that level of detail yet.

Mr Duncan: Yes, there will be a service level agreement. We have a service level agreement with InTACT, for instance, for IT services as well. We will probably be using something like that as the base. That has lasted since 2001, I think. I do not think there will be a time limit on it per se, but if need be it can be adjusted.

Mr Duckworth: I think there is certainly an expectation that it is an in-perpetuity type—

MS BURCH: It is long term, yes.

Mr Duckworth: We will continue to provide those services.

MR SMYTH: What resources will come across with the transfer?

Mr Duckworth: I do not have the exact numbers, but certainly whatever resources have currently been allocated within the Territory and Municipal Services agency. Both operating costs and the library collection will also transfer. So there would be a transfer on our balance sheet of an asset, the collection. There is a small increase that has been agreed to in the 2010-11 budget. The reason it is not in the budget we are looking at at the moment is that it was basically resolved too late to include. And that covers that additional cost of that higher level position that Mr Speaker was just referring to. I think the extra funding is about \$19,000.

MR SMYTH: Who will be responsible for maintaining the collection? Will the ACT Public Library service purchase and then donate, transfer, give to the library or will the Assembly be responsible for the nature of the collection?

Mr Duckworth: No. We would be taking over the responsibility for the management of the collection.

MR SMYTH: So there would be adequate funds in the outyears to cover the growth of the collection?

Mr Duckworth: Yes. There is some funding that Territory and Municipal Services

currently receive for all their collection. We are going through a process with the management of the library at the moment and the management of the Secretariat working party, just working through some of those issues. The expected date, as Mr Speaker mentioned, is 1 July; so over the next few weeks we will be working through just what those amounts are.

MRS DUNNE: Just to follow up, if I could: the estimated employment level on page 2 of BP4 does not include the library?

Mr Duckworth: No.

MRS DUNNE: Does that currently include the library?

Mr Duckworth: No.

MRS DUNNE: So how many staff are we—

Mr Duckworth: There are five people, but one is part time; so in FTE terms it is about 4.6.

MR SMYTH: Is there vision, then, for future expansion of the library, Mr Speaker?

Mr Rattenbury: Yes. This is something, but there is no specific plan at the moment. It is something that I would hope to discuss with the administration and procedure committee through the course of the year. We will now be in a situation where the Assembly will be entirely responsible for both the running of the library and the budget for it. That is something that I think I would be keen to discuss with my colleagues on the admin and procedure committee.

MR SMYTH: And your personal vision for the library, now that you have got control of it?

Mr Rattenbury: I am afraid I have not given that a great deal of thought. As I said already, I think the library provides a very good service, but I do know that people in this place look at the federal parliamentary library with some envy. That is perhaps the best choice of words I can think of. We are clearly not going to achieve that scale. Whether there is scope to do better within the Assembly library is an exercise I will be keen to see the staff and the staff of the library—I am sure they have got some ideas—as well as members of this place undertake. Members will no doubt have some requests or desires and they will have to be weighed up against the costs and the ability to meet those costs.

THE CHAIR: Ms Le Couteur?

MS LE COUTEUR: I have got a question in relation to more efficient use of IT. We still have a fax machine in every office. I do not know about you but, basically, the only faxes I get are Dell ads or from people who—

MS BRESNAN: You would rather not get them.

MS LE COUTEUR: Yes. I do not get any useful faxes and I do not send any faxes. I would think that the fax provision could be more efficiently done electronically, and certainly that is technologically possible. Also our offices are full of paper, and some of the paper could probably be scanned if we had some way of scanning and, occasionally, to be able to print some beautiful web pages that are in colour. Colour would be useful. I am aware that there are machines which will do all of these things. How are we going in terms of upgraded provision?

Mr Rattenbury: There are a number of things here, Ms Le Couteur. Both you and Ms Burch at least have put formal requests in over these IT and office machine-related matters over the last few months. The Assembly works on the basis of leasing this equipment; so two things have been going on. One is that there has been a request from new members asking for new generations of equipment. The other is that we are reaching a natural end point of our current leasing arrangements. I think it is a three-year lease that we operate on. And so the Secretariat, simultaneously or almost, not irrespective of those requests, have been looking at the new round of what we will be leasing in the coming three years.

On that basis, I had a brief provided to me about two weeks ago from the Secretariat with a number of options. I am yet to fully consider that brief, but certainly the matters you describe, looking to consolidate a number of functions into one machine, use of less paper, are factors that the Secretariat have looked at options for, and it looks quite promising. The things we need to be mindful of are the costs of moving to things like colour printing and how we simply manage the consumables budget in a way that is fair across all members, is consistent and does not suddenly result in a cost blow-out from large amounts of colour photocopying and the like.

So my expectation would be, once I have considered this brief and discussed it with the Secretariat, to potentially have a conversation with the administration and procedure committee about my recommendations and then we will be proceeding in time for the end of the leasing agreement, which is later this year, I think.

Ms Barrett: It varies. Some equipment expires at the end of this year and some, I think, in March 2010.

Mr Rattenbury: We will be waiting till the end of those leases. If we were to break the leases, it would be resulting in additional payments over and above the new equipment.

THE CHAIR: Ms Bresnan, did you have a question?

MS BRESNAN: Yes, a question around the reception room. I am wondering how much the cost to the Assembly in using the reception room has grown over the past three years or so.

Mr Kiermaier: I will have to take that on notice about costs. But it certainly has been used a fair bit in the last few—there has been a growth in—

MS BRESNAN: There has been an increase in the use, yes.

Mr Kiermaier: There has, yes.

MS BRESNAN: Obviously, though, I know that there have been some issues with light and sound in the room at times. I am just wondering if there are any plans to look at improving that.

Mr Kiermaier: Light and sound?

MS BRESNAN: Yes. I know there have been sometimes a few problems with the sound in the room in terms of using the audio equipment. I was just wondering if there are any plans around looking at any improvements towards it.

Mr Kiermaier: Again, I would have to take that on notice. I am not aware of any issues about light or sound in the reception room.

THE CHAIR: Mrs Dunne; then Ms Burch.

MRS DUNNE: Thank you. There are a couple of issues that I have, Mr Chairman, if I could, about recent acquisitions of stuff around the Assembly. One lot relates to the swipecard access; the other relates to the new ergonomic furniture. We have been through the situation where we have had two generations of swipecards in a very short time. I am wondering what was the process of deciding on changing the swipecard access and changing the technology. How did we get to the current technology?

Mr Rattenbury: That is one for the Serjeant-at-Arms.

Mr Kiermaier: Yes. As you are aware, in the last financial year we placed swipecard readers on each member's door. That was to facilitate better access and control over the rooms in that we would have complete logging of who went in through the door, who went into those rooms. What we are trying to do is get over the problem with keys, because keys get lost and staff move and go. With swipecard access, we can just cancel it on the system so that nobody can get back in: we can cancel anybody's pass when they leave.

What happened initially in the first iteration of the swipecard regime was that the type of card and reader we were using was a proprietary card and reader—in other words, it is one manufacturer—and it was not compatible with other cards being read or those readers reading other cards. One of our biggest problems or issues that we face here is that approximately 70 per cent of the cards on issue were to people who were not in the building: departmental staff; nominees of members. We would continually get requests for X people to have access to the building—as I said, 70 per cent.

What we discovered was that, if we were able to use a more generic reader in the building, those readers could read some of the other cards. In particular, the card that we issue now is a generic card. An example is that Chief Minister's Department and a lot of the ACT government department cards can be read on the new readers that we have got. We could not end up with a situation of having a particular reader on a member's door and not on the rest of the building, so we had to change all the readers and, as a result, use a different card, which was a cheaper card as well.

MRS DUNNE: So what we have ended up with is that ACT government officials who already have ID cards with electronic reading devices for their own buildings, for instance, can be authorised for entry into this building—

Mr Kiermaier: Yes. Essentially, yes.

MRS DUNNE: without issuing a separate card.

Mr Kiermaier: That is it. That is it in a nutshell, yes. As I said, 70 per cent of cards or passes issued were not to anybody in the building. In departments, people come and go, and we were not advised which cards to cancel or anything like that. So it was a management issue. It helps us. We can now, say, put a three-month life on a particular card out there and if a departmental official does not use that card in three months it will automatically come off the system.

THE CHAIR: What was the cost of moving to that new system?

Mr Kiermaier: There were two components. To do all the members' doors cost \$50,000. To replace the existing readers elsewhere in the building cost about \$20,000.

THE CHAIR: Is there an ongoing contract cost with any of this?

Mr Kiermaier: Separately, we have a contract with a security provider to maintain the security system of the building.

THE CHAIR: Who is that contract with?

Mr Kiermaier: SNP Security.

THE CHAIR: Who provided the original swipe cards that we have on our door?

Mr Kiermaier: Originally?

THE CHAIR: Who is that contract with to provide those swipe cards on our door?

Mr Kiermaier: Now or before?

THE CHAIR: We did not have swipe cards on our doors before.

Mr Kiermaier: Sorry, I was confused; I thought you meant the door to the Assembly.

THE CHAIR: No.

Mr Kiermaier: SNP has provided these.

THE CHAIR: So SNP has provided all these?

Mr Kiermaier: Yes.

THE CHAIR: Mr Kiermaier, you talked about the reason for going to it being so that you could log people going in and out of offices.

Mr Kiermaier: It provides a lot more flexibility in managing the system.

THE CHAIR: Was there a problem, though, before in terms of people accessing with keys?

Mr Kiermaier: There was the odd problem, yes. We had an instance where a member thought that somebody had been in their room, for instance. This helps; there is an electronic log now. We would know which pass has been used to open a member's door and when that occurred. Previously, if you are just using a key, obviously there is no record.

THE CHAIR: Indeed. I know that one of the problems with the new system is the incessant beeping from time to time; people are finding that they try and avoid using it.

Mr Kiermaier: Yes. That is a user problem in terms of getting used to the system. It seems to stem from—there are still some keys. For instance, members have keys for their room. If the door is locked using the key, that will cause a problem—or unlocked. Using the combination of key and pass does cause a problem.

THE CHAIR: Okay.

MRS DUNNE: Can I just go back?

Mr Rattenbury: You had a second question, Mrs Dunne.

MRS DUNNE: Sorry, I actually have another question about this. Mr Kiermaier, we put in the first lot of passes, the ones with the little blue lights on them, how long ago? About 18 months ago?

Mr Kiermaier: Two years.

MRS DUNNE: It is two years. At the time we did not foresee putting swipe cards on members' doors?

Mr Kiermaier: No, I did ask the installer at the time whether we could have a system like we have now, and the advice I received at that time was no. Obviously that was mistaken.

THE CHAIR: What was the cost of that original roll-out?

Mr Kiermaier: I would have to take the quantification of that on notice because it involved everything in the building, the complete electronic security system for the building. Those readers, for instance, cost about \$2,000 each to install.

THE CHAIR: I will go to Ms Burch and then I will come to your other question, Mrs Dunne.

MRS DUNNE: Okay, that is fine.

THE CHAIR: Ms Burch.

MS BURCH: Thank you. On page 1, under the objectives there is a dot point around communicating and promoting roles and functions of the Assembly to the community. Then there are some other dot points under priorities. I have two questions: one is how did the 20th anniversary go? Was that good?

MRS DUNNE: Were you there?

MS BURCH: I was; I thought it was good, but how does the Secretariat feel it went?

Mr Rattenbury: I will speak and then we might add some figures after that. Certainly my impression was that it was a very successful three days of events. I think that there was a good range of media coverage in the lead-up. The Secretariat and my office worked to make former members available to the press so that we were able to use the opportunity to tell the story of self-government in the ACT, particularly with regard to the changes over the 20 years. From that point of view the supplement in the *Canberra Times* and a range of other matters were very successful in terms of raising the profile of the Assembly.

It was certainly my impression that those people that attended the events at the Assembly seemed to have a very good time. The atmosphere in the building was generally quite a friendly one. The Secretariat staff and those members that took guided tours largely got very positive feedback about people being able to enjoy coming into the building and attending the various other events. Certainly the art competition we held in partnership with the CIT had a real buzz about it at the presentation of awards and the like. Overall, it was a very positive event for the Assembly.

MS BURCH: I do not know if other people have comments on that, but I will go down to the 2009-10 priorities. I did do a tour, and one of the fellows that I took around was surprised to see a public gallery. We want to invite and encourage people to come in here, but we still have folk in Canberra that obviously are not aware of that opportunity. The dot point around enhancing information management arrangements takes in that discussion. We have mentioned through the admin and procedure committee the webcasting of proceedings in real time, which we already do, but can people who are time poor come back after their day at work and settle down for the night and watch the proceedings? We do not have—

Mr Rattenbury: To watch Assembly debates?

MS BURCH: Sometimes question time could be more entertaining than TV. So are we moving towards that?

Mr Duncan: In terms of advertising the Assembly, I will just comment briefly on that and then I might hand over to Val to answer the second part of your question, Ms Burch. You might have noticed that the committee office is now putting in monthly ads in the *Canberra Times* which advertise all the inquiries to try to promote

the important work of committees in terms of having access to those inquiries. From time to time, we expect that, due to the scheduling of the committee work, there might be some gaps in the ad, because we have got the whole bottom of the page.

We are intending to promote the Assembly sittings; we are intending to promote public tours of the building; we are intending to promote various other aspects of the Assembly building as they happen as well, such as the 20th anniversary and educational activities as well. Hopefully that will improve the understanding of the Canberra public about what is happening at the Assembly building. We are always trying to update our website, because a lot of people use the website now as a way of making contact with the Assembly. So all the 20th anniversary celebration material is going to go on the website, with lots of photographs and things like that to enhance the profile of the Assembly.

In terms of being able to access the proceedings at the end of a hard day's work to see if you can watch question time, we do broadcast question time on radio 2XX. That is a delayed broadcast; I think they tape it and they put it out—

MRS DUNNE: It is lunchtime the next day.

Mr Duncan: Yes, it is the next day. If people are really interested we can promote that and tell them that they can listen to it on radio. I will now hand over to Val and see how far advanced we are about getting proceedings on the internet through a download or a podcast of—

MS BURCH: Downloadable video and audio records.

Mr Duncan: I will hand over to Val Barrett, who might be able to give some more details.

Ms Barrett: Thank you. Through you, Mr Chair, I might just add that radio 2XX also broadcast the adjournment debate. We just give them the CD of it each day and they have that available.

We spoke at the public accounts committee about webcasting on demand, and at that time we were looking at the concept. We have actually done some more work and proved the concept now with a company which has developed it and written the specifications. We are just about to go out for a request for quotation for companies to actually implement the solution. It looks very promising; we are quite excited about it. We have called it "Daily on Demand", and it will give everybody access to the audio and vision of the day's proceedings, hopefully within a few minutes of a particular session having finished.

For instance, at lunchtime we hope that the proceedings of the couple of hours before will be available, then another section will be question time. We already broadcast the audio replay of question time, but this will have the vision as well. By the end of the day, people will be able to access what happened for the afternoon session.

We think that will be a very useful adjunct to the *Hansard* transcript, which, as everybody knows, is not available to the public immediately. It seems to be generally

available now within a day or so of the proceedings. We are quite hopeful, but we want to go through the proper quotation process and get it implemented. What we envisage is that we will make it available internally within the ACT government to start with and, if that is successful, we will be able to put it out to the public.

MS BURCH: Successful in the implementation, as in how it works and how it—

Ms Barrett: Yes, how it works and what it looks like. We are matching it to the daily program. We have had to write a program that will look at the blue and look at the various business items that the Assembly is debating and then find some way for the listener to be able to search. There will be no text for them to search against, but they will be able to look at a series of notes which says, for example, “Mr Speaker is speaking on this particular issue,” or “Mr Rattenbury is speaking on a particular bill,” and they will be able to search in five-minute segments to get the sound and the vision of that. Eventually, the next stage will be to link it to the transcript once that is produced so it will be a true multimedia product.

THE CHAIR: Thank you. Before we move on, can I say that I thought the anniversary celebrations and the conference were particularly well handled. I thought they were a credit to Mr Duncan and his team, and that was the certainly the general feeling in the opposition. I will move to other questions. Mr Smyth?

MR SMYTH: I have a question about the configuration of this room, and this may be the first time that the Assembly Secretariat are sitting in that position.

THE CHAIR: I think it has been discussed at a committee chairs’ meeting, but—

MR SMYTH: The previous set-up allowed more room for members, and it also allowed the ministers who were across the back of the tables to have greater access to their staff. Why was the decision taken to have the two cameras where they are and have the room configured in this way? I would have thought, logically, a camera would be at either end. One looking north and one looking south may have functioned better?

Mr Rattenbury: Val, are you able to fill in the details on that?

Ms Barrett: Yes, Mr Speaker. Through you, Mr Chair, the main reason was the camera coverage. I have to say that it was probably a little unfortunate that the change happened in the election period last year when people were not available or were otherwise occupied. The previous camera coverage when webcasting was introduced largely captured the backs of witnesses’ heads, and there was not a good coverage for the public of who was speaking. The problem we would have had with putting a camera directly on the table at this end—this will be difficult for Hansard to transcribe—

MR SMYTH: At the northern end—

Ms Barrett: at one end of the committee room was that the camera shot would have been of the witnesses and also of the public galleries, which is contrary to the broadcasting guidelines that there should be no camera coverage of the galleries. Also,

we do not have the resources to have a full-time camera operator to get the best shots. You will notice that we alternate shots every minute or so between each side of the room. So the camera coverage is largely to provide the best possible coverage for webcasting. It is a difficult room to deal with, because we have got this pole here and it is a long room; it is not ideal. But in concert with the committee staff we did look at a number of different options.

The other thing that it has alleviated, too, was the tendency for extra witnesses to be called to the table at the end when Hansard could not always see them and identify them because microphones were not available. This configuration has made it easier to capture additional witnesses. It is probably making the best of a not ideal configuration generally. That was the reasoning behind it.

MR SMYTH: Simply as a comment, I think it is an uncomfortable arrangement. For instance, this morning Mr Hanson, as the shadow minister for police, ended up sitting next to the senior police officer of the ACT, so we all shuffled our seats over here. It just seems odd, because viewing it you are getting people side on, some people sit back, some people sit forward, and on occasions you actually do not know who is speaking because you simply cannot see them at all. I have to say I find it a very awkward arrangement.

Ms Barrett: It is not absolutely ideal, but neither was the previous configuration with getting camera coverage of the backs of people's heads.

MR SMYTH: Certainly. I agree that backs of heads was not on.

Ms Barrett: If there are other suggestions as to how it could be configured which are not in breach of the broadcasting guidelines and still allow us to identify witnesses and still allow us to record witnesses, then we could look at those other suggestions. This was done to make the best use of the room for webcasting.

MR SMYTH: Sure. The broadcasting guidelines you talk about are the Assembly's broadcasting guidelines, the ones we set for ourselves?

Ms Barrett: Yes.

MR SMYTH: Yes. So the answer may well be to change the guidelines.

Ms Barrett: As it happens, we do have some draft guidelines which make some amendments relating to the coverage of the galleries. They have been amended to reflect that cameras should not focus on a particular person in the galleries but some incidental coverage of the galleries is probably not a problem. You will recall what Senate estimates looks like in the federal parliament, and when there are camera shots of witnesses you generally see the other staff lined up behind them.

MR SMYTH: The entire gallery.

Ms Barrett: So we think that it is timely to have a bit of a look at those guidelines as well.

MR SMYTH: The cost of installation of the two cameras?

Ms Barrett: I would have to get that on notice. I have got a rough idea, but I would rather give you an accurate figure.

THE CHAIR: Thank you. Mr Speaker, I think you would have been in some of the hearings that the climate change committee has been having in relation to building standards. The comment is often made about this building and the energy efficiency or otherwise of it. What plans are there to improve that into the future?

Mr Rattenbury: You may be aware, Mr Seselja, there was an audit done of the Assembly building last year, and that has been provided to all members. It is quite a detailed analysis, and it shows the Assembly's current performance. There is now an environmental sustainability committee within the Assembly which is looking to implement some of the recommendations of that audit. Of course, these issues are evolving and it will be looking for new opportunities as well. There is constant improvement and continuing assessment going on for the building.

THE CHAIR: That assessment included the cost savings of moving towards a more energy efficient building?

Mr Rattenbury: Yes, it looked at both the costs and the benefits obtained for both energy and water as well as a range of other issues, such as waste.

MS LE COUTEUR: Can I follow up on waste? We all have our composts. How are they collected? What happens to the organic waste?

Mr Rattenbury: I sort of know this story, but I will find someone who knows the details more closely, which is probably David Skinner.

MRS DUNNE: Can we have a compost bin that actually says it is a compost bin?

MS LE COUTEUR: There is a sign above it that says it is a compost.

MRS DUNNE: Yes, I know the sign is above it.

Mr Skinner: I was talking to Rick, our facilities manager, about that this morning. They are collected by a group called Wamboin Worms on a weekly basis. Once they are deposited by the cleaners into the main receptacle in the loading dock, the group come and collect them. They are then taken out and worm castings are made of them out at the Wamboin worm farm. So they can take a range of organic matter and process it into something useful.

MS LE COUTEUR: Are there any issues in the summertime if you are only collecting it once a week—

Mr Skinner: Sorry; they are collected daily from each office but—

MS LE COUTEUR: Yes, I know they are collected daily from each office but—

Mr Skinner: I am aware of one instance where there was an overloading issue. The contractor had missed a pick-up and there was a little bit of a problem with the odour emanating from the loading dock. But, other than that, I am not aware of any other issues that have emerged.

MS LE COUTEUR: And the co-mingle is picked up by a commercial contractor or—

Mr Skinner: The co-mingle is also put into a main bin in the loading dock area by the cleaners every day. There are some moves afoot to actually improve waste management arrangements in terms of signage and how we actually reduce the landfill component. The Speaker is going to be making some announcements in the next week or so about that.

MS LE COUTEUR: Have you ever done auditing of what is actually going into the three bins?

Mr Skinner: Yes.

MS LE COUTEUR: And have you have published that?

Mr Skinner: What we found from the Rudds report was that 16 per cent of the Secretariat's rubbish went to landfill. Of that 16 per cent, 89 per cent should not have been going into landfill. Only about 2.5 per cent of all of the waste that we generate should be going to landfill; the rest is either compostable or recyclable. With some announcements that will be made over the next week I think we will have some pretty solid strategies in place to make that figure come down.

MS LE COUTEUR: How much contamination, though, do you have of the organic, the things that are not compostable—plastic bags et cetera?

Mr Skinner: I will have to go back to the Rudds report to see if that was examined. What they looked at was how much material was going into the landfill component that should not have been going into the landfill component, that should have been recyclable somewhere else. I will make reference back to the report and if I turn up something can I take that on notice?

MS LE COUTEUR: Thank you.

Mr Duckworth: Could I add to something that Mr Skinner said? I am not aware of any feedback from our compost collector that there has been a contamination problem. I think that would be a fairly good indicator that there probably is not—

Mr Skinner: He would take that quite seriously because obviously it affects the viability of his worm farm if there is lots of foreign matter showing up in there. But I will investigate in the report to see what it says.

THE CHAIR: We are up to Mrs Dunne, and then Ms Burch.

MRS DUNNE: I want to dwell a little on the rollout of ergonomic furniture for staff.

What was the process in deciding that we needed new furniture, then deciding on the furniture and then rolling it out in a sitting week? Since then, I have had a number of complaints from my staff and other staff about the general downgrading of facilities as a result of getting new desks. First of all, what was the decision process of deciding that staff needed new desks? When you decided that staff needed new desks, did you consult with staff? I gather there has to be a retrofitting of modesty panels or upgrading of modesty panels and things like that.

Mr Duckworth: Mrs Dunne, the process that led to the replacement of the desks had its genesis in our occupational health and safety committee. So we, as part of getting health and safety arrangements assessed and risk management processes for health and safety, identified that our single biggest risks included the risk of strains and damage as a result of workplace adjustment. A particular factor for members' offices is the sheer turnover of staff. We have a lot of people coming in to a desk that perhaps previously was occupied by somebody who had vastly different physical characteristics. A constant theme in the workplace assessments that we arrange for all staff was that there was a need to adjust.

The desks that had been in place since the building was occupied were not adjustable. So we were facing the risk that staff were exposed to injuries, injuries that we had assessed and known about. The question was: "What if we do nothing?" We felt that there was a need to put in adjustable desks, particularly in members' offices—ahead of other parts of, say, for example, the Secretariat—because of the turnover issue. We went through then a process of identifying what products were on the market and, as for all large-scale procurement, we went through a value for money assessment.

The product that we chose was a product that was assessed as meeting the requirements. It was discussed through the health and safety committee. The representatives on that committee have not raised any particular concerns that I am aware of. It is always difficult to provide a product to 40-odd people that 40-odd people are happy with. So we do acknowledge that not everybody was happy. I think the thrust of your question was: what triggered it? It was certainly a health and safety assessment.

MRS DUNNE: I understand that there is going to be some retrofitting of modesty panels?

Mr Duckworth: Yes. That was a disappointing element of the process. We knew that there was a modesty panel on the desk; it was just that it was not very modest.

MR SMYTH: In fact, it was too modest.

Mr Duckworth: Yes. I am sorry I cannot give you an update on where that is at right at the moment. The supplier certainly responded very quickly to us when we said there was a problem. They have had to go through a process of manufacturing, which is done locally. I will have to follow it up.

MRS DUNNE: So who is bearing the cost of the less modest modesty panels?

Mr Duckworth: That is something that we have raised with Corporate Express. I

think it is fair to say that the Assembly will not pay an unfair burden. I think there is a certain acknowledgement that Corporate Express have got to make good. We have already received quotations for a product. But I think that there is going to be some further discussion on that issue.

MRS DUNNE: Generally speaking, it seems that the desks are smaller than the previous desks and a number of staff—not just my staff but other staff—have commented on the fact that they now have a smaller working space. In addition, a lot of staff tended to work diagonally, because the previous desk allowed you to work diagonally, so you could put your computer in the large corner, which would otherwise be dead space. That does not operate now.

There are also other issues of spaghetti city because of the way the cabling is set up. A lot of staff cannot get reasonable access to the one cable hole that is available. Generally speaking, the feedback that I have received and the impression that I have got is that offices are untidier and that staff are, generally speaking, fairly unhappy with the reduced space.

Mr Duckworth: I must say, Mrs Dunne, that that is not feedback that I have had. I am not saying that that is not the case. Particularly if there is such a strong view about that, that has not been relayed back to my office, as far as I am aware. To answer the first issue you raised, it is a smaller desk space. As we discussed in the opening comments at today's hearing, the Chief Minister provided some additional resources to members at the beginning of this Assembly. There are more people being put into members' offices. We did not have the space in some members' offices, under the old arrangement, to fit everybody that had to be there.

That is not the case with every member's office, of course, but certainly there is a need to be a little bit more economical, I guess, with the space that we have. We have looked at trying to ameliorate that with some additional shelving. I certainly know that in some offices there has been a greater ability than perhaps other members who have been here a while who have got a bigger collection of resources, if you like, and some of the newer members have not had to face that prospect.

There are challenges; I acknowledge that. Anything that we can do to assist in the aesthetics or organisational issues within the office, I would certainly like to think that we would work through those issues. But, yes, it is a different desk. It does have some different functions. One of the issues that was driving the issue was the need to be able to accommodate a larger number of staff in members' offices.

THE CHAIR: Thank you, Mr Duckworth; we appreciate that. Ms Bresnan.

MS BRESNAN: My question is in relation to the media room. I am wondering if the Secretariat have been made aware of any difficulties faced by having the two competing services in the same room, which is fairly small. Has that been raised with you?

Mr Rattenbury: Yes, that matter has been brought to my attention. I guess my own opinion also is that I am concerned that the media are operating in rather cramped conditions, shall we say. I think there is scope. I have raised this issue specifically

with the Secretariat, and that is something we are looking at now. We have identified some possible options for making the media space better and giving the ability for media outlets to have more confidential spaces without a significant cost, looking at using some of the vacant rooms around the building and the spaces that we have available.

As part of the process of looking at the media guidelines, which Val Barrett referred to earlier, we are putting that together in a package. We will shortly write to media outlets seeking both their views on the new guidelines and their views on what space options they might need so that we make sure that we do not just say, "Here's what you're having," but also assess what their actual needs are.

THE CHAIR: And a big hello to all the media listening.

Mr Rattenbury: Exactly.

THE CHAIR: Ms Burch.

MS BURCH: Thank you. The first dot point under priorities is around development of a plan beyond 2004-09, the Secretariat's strategic plan. How is that progressing and what do you include in the Secretariat's strategic plan? I am assuming that is a calendar year, not a financial year.

Mr Duncan: Yes, Ms Burch. The Secretariat, like most organisations, has a strategic plan. We decided some years ago that we would do it on a five-yearly basis, but we update it each year with a revised action plan. I might let Mr Skinner comment. We are planning to update that in July and August this year. Managers are getting together and then we will have all staff meet to discuss where we go and what our priorities should be for the next five years, particularly for the year in front. As I said, most organisations go through this process, and the Secretariat is no different. Do you want to add anything, David?

Mr Skinner: In 2004—I think it was around the mid part of 2004—we undertook a strategic planning exercise where we involved senior managers, and then later on all staff, in looking at what we thought our outcomes were and the sorts of strategies that we thought we could put to use in achieving those outcomes. We decided that the life term of that plan would be five years, which is just up now. So we will be undertaking a broader look at the strategic plan in, I think, August this year. We will be involving a facilitator in that and trying to ensure there is a high degree of staff ownership, in particular, of that document.

Every year, in addition, we have this lower level planning exercise where we look at much more practical matters. It is an action planning document that sits under our four outcomes. That addresses things that arise from our budgeting and from priorities that are addressed through member surveys, feedback, the administration and procedures committee and so forth. I think we will be seeing a bit of a revamping of that document in August. After that time, I imagine that we will be circulating it to all members who show an interest.

MS BURCH: A draft?

Ms Skinner: No. Because it is a Secretariat plan, it will be a finalised planning document. It will be the Clerk's document. He will sign off after there have been drafts put to him.

THE CHAIR: Ms Le Couteur.

MS LE COUTEUR: Bike racks—progress on same. There is simply not enough space inside this building. I admit that it has given up raining in the ACT, so we need them less, but we live in hope that they will be necessary due to the rain.

Mr Rattenbury: Yes. Max.

Mr Kiermaier: At the public accounts committee hearing earlier this year, I indicated that I had approached TAMS earlier on in the year about installing bike racks outside. I informed the committee that it was going to happen in March.

MS LE COUTEUR: Yes.

Mr Kiermaier: March has been and gone, as you might have noticed.

MS LE COUTEUR: Yes.

Mr Kiermaier: I followed this up with TAMS. There is a planning document for central Canberra called the Canberra central design manual. In it it prescribes the sort of furniture that is supposed to go in in the city area. There is a prescribed bike rack in there. It is a very angular thing. I can provide this to you later on.

MS LE COUTEUR: It looks like the ones by the Street Theatre.

Mr Kiermaier: Yes.

Mr Rattenbury: Like the ones at the Canberra Centre as well?

Mr Kiermaier: Exactly.

MS LE COUTEUR: I know what you mean.

Mr Kiermaier: The issue is that the one person who owns the patent for it and produces it is no longer producing those bike racks, so they are very scarce. However, TAMS have indicated to me that they will install the stock standard, round bike racks in the next few weeks.

MS LE COUTEUR: Great. I will ask this tomorrow, but is this going to be a change for all of Canberra—that we will have round bike racks? Amazing!

Mr Kiermaier: I think Mrs Dunne asked where?

MRS DUNNE: Where, yes.

Mr Kiermaier: These racks will go out in the area that is in front of where Tom and I park our cars.

Mr Duncan: Adjacent to the office of the Clerk and Deputy Clerk.

Mr Kiermaier: Yes, right outside the office. So there is enhanced security there, too.

MRS DUNNE: So outside your office, on the pavement?

Mr Kiermaier: No, on the—

MS BURCH: On the little gravel area.

Mr Kiermaier: Yes.

MR SMYTH: That would be protecting from Collingwood supporters, Mr Serjeant.

Mr Kiermaier: Yes.

MRS DUNNE: So, they will be surveilled actively by the Clerk and the Deputy Clerk?

Mr Kiermaier: Exactly, yes.

THE CHAIR: Further questions from members? I have a brief one.

MRS DUNNE: If I could just ask this on notice—the run-down of the costs of the installation of the new desks and what we are looking at in terms of the upgrade to the modesty panels.

THE CHAIR: The lift upgrade—\$285,000. Do you want to briefly talk us through? That is into this year's budget. Firstly, how does that compare? I am not an expert on lifts, so that could be really cheap or really expensive; I do not know. What is the standard cost and what exactly is entailed in that upgrade?

Mr Kiermaier: We are not actually replacing the lifts. A few years ago the lift at the public entrance was replaced totally; it is a new lift. That cost was in the vicinity of \$300,000.

THE CHAIR: Okay. That was for a new lift.

Mr Kiermaier: Yes. What we are intending to do is upgrade the components of the two lifts at the members entrance, at a rough cost of \$125,000 each.

THE CHAIR: Okay.

MRS DUNNE: Does that mean the lights and the buttons will work?

Mr Kiermaier: That sort of thing—all the controls, yes.

MRS DUNNE: The buttons will work?

Mr Kiermaier: Yes.

MRS DUNNE: Perhaps the hydraulics will go faster?

Mr Kiermaier: Exactly, yes.

THE CHAIR: So that is both lifts? Why is it \$285,000 when it is \$125,000 each?

Mr Kiermaier: It is \$250,000 for the lifts, and then there is a component in there for Procurement Solutions. It is a standard four per cent they charge for overseeing the tender.

THE CHAIR: Yes.

Mr Kiermaier: And there is a component for contingency. It is just the standard tendering sort of contingency.

Mr Duckworth: Sorry, just to clarify—the \$285,000 is the total budgeted cost.

THE CHAIR: Yes.

Mr Duckworth: Standard inclusions in that are some contingency and project management, and the tendering process, which we pay. So the \$125,000 per lift is the cost of the actual componentry and the works; then there are some overheads, if you like—some project-related costs in there.

THE CHAIR: This is for the two lifts at the members entrance that we are talking about?

Mr Kiermaier: Correct.

THE CHAIR: So the other one that was replaced—we are not touching that, presumably?

Mr Kiermaier: No.

THE CHAIR: That is all from me. Is there anything else? We will adjourn for 15 minutes. We will come back at 3.35 with the Auditor-General. Thank you very much, Mr Rattenbury, Mr Duncan and officials.

Meeting adjourned from 3.17 to 3.36 pm.

Appearances:

Auditor-General's Office

Pham, Ms Tu, ACT Auditor-General

Nicholas, Mr Rod, Director, Performance Audits and Corporate Services

Sheville, Mr Bernie, Director, Financial Audits

THE CHAIR: We welcome the Auditor-General and officials. I would ask you all to confirm to me now that you have read and understood the privilege statement.

Mr Nicholas: I have.

THE CHAIR: Thank you. Auditor-General, would you like to make an opening statement?

Ms Pham: Thank you, chair. I have read and understand the privilege statement, thank you. Thank you for the opportunity to make an opening statement. I would like very quickly to comment on the government funding for our office in 2009-10 and for the forward years.

The government's proposed funding for the audit office of \$2.1 million in 2009-10 will not be sufficient for us to maintain the current audit capacity, nor will it be sufficient to increase our capacity to respond to the increase in government spending. In 2009-10, without any additional funding, the office will seek to reduce employee costs to return to a balanced budget, because, as you know, this year, 2008-09, we are operating at a deficit of \$199,000. In a small office, we have very little capacity to cut costs elsewhere, so we had to forgo some employee costs. That is the biggest cost pressure on our office and ultimately it will lead to a reduction in our capacity to conduct our work, especially in performance audits.

I believe that it would be prudent for the Assembly to ensure that we receive additional funding to provide independent advice to the Assembly on the delivery of government services, especially given the large amount of new and increased government spending under both local and commonwealth stimulus packages in the next year and the years to come. At the end of the day, I will deliver to the best of our office capacity within our allocated budget, but the lack of adequate resources for our office will affect our ability to provide independent advice to the Assembly to assist the Assembly to do its job.

THE CHAIR: Thank you very much. This does seem to be the story of the last few years; that is, there has not been enough money for the audit office. You have talked about the pressures on now and that you are going to have to look at employee expenses to try to stay within your very limited budget. Are you able to talk us through where that is likely to come from and perhaps about the number of staff? I think 35 staff is your estimated outcome in your budget. Where are the pressures? How many of those are auditors and where are you going to look to find those savings?

Ms Pham: To return to the balanced budget in 2009-10 and forward years, we need to cut around \$200,000 off our budget. For \$200,000, we are looking at cutting at least

one senior staff or two staff. The reduced funding means that we will not be able to employ people from outside, as we have in the past. That could translate to a reduction of one or two performance audits. So we not only reduce our current capacity; we will not have improved capacity to respond to the government's bigger budget and the government's increased spending.

If I could give you some numbers: since 2007, the percentage of funding allocated to our budget, to our appropriation, has declined as a percentage of total government spending. In 2006-07, the government appropriation to our office was 0.06 per cent of the total government spending. In 2009-10, it will be 0.053 per cent of total government spending. So we are not keeping pace with the government's increased spending, even though our work and the demand for our work link very closely with the government's spending and activities.

THE CHAIR: How will this then affect operations, the way you see it, for this financial year, 2009-10? How many performance audits do you believe you will have the capacity to do?

Ms Pham: I think we may have to reduce performance audits by one or two a year.

THE CHAIR: So that would be down to?

Ms Pham: It will be down to six or seven per year instead of a target of eight.

THE CHAIR: It is a pretty limited target to start with. Ms Le Couteur?

MS LE COUTEUR: Have you any figures or do you know any figures about the cost-benefits for performance auditing-type activities? Obviously they cost the government money but, presumably, often they end up saving money in the long run as well as possibly improving services and accountability and all those things. Do you know of any research about those?

Ms Pham: We know of international studies done by the UK which tend to suggest that, for every dollar spent on performance audits, the government will get the return of \$9 in terms of efficiency and savings. Although we are not able to verify the robustness of such a report from overseas, I know that number has been used by a number of audit offices. As far as we are concerned, we regularly review the outcome of our performance audits and see how it impacts on government activities in terms of recommendations implemented by government agencies. It is not possible to quantify in terms of dollar return but we can say with certainty that a number of recommendations in our performance audits when implemented will lead to savings and efficiencies.

I also would like to add that our performance audit works are not always aimed at saving money. We aim at improved transparency, improved accountability, the protection of community safety or look at the government decision-making process. So our performance audits cover a whole range of outcomes. Saving money and improving efficiency is only one of many outcomes.

MR SMYTH: On that issue, is there an Australian figure? I understand the

commonwealth parliamentary Public Accounts Committee quotes \$10.

Ms Pham: I understand that the commonwealth parliamentary committee relied on the UK study for their information as well.

THE CHAIR: Ms Bresnan?

MS BRESNAN: Following on the questions that have been asked, what impact does the reduction in the resourcing have on the normal work which you do in terms of auditing government departments? Will that have an impact as well in terms of the general resourcing of your office, the flow-on effects of it, I guess?

Ms Pham: For financial audits, there should not be any significant impact, because we generally recover the audit fee. Audit fees are set to cover our costs in delivering financial audits. The impact will be felt in performance audit functions more than financial audit functions. It will mean that we will not be able to use external capacity to help in complex audits. It will mean that we will not be able to keep the current staff structure. We may have to not backfill one or two positions when they leave the office. It can translate to about one or two performance audits per year less.

MS BRESNAN: In terms of performance audits, do you already have quite a long list waiting to go through? Does that add pressure as well?

Ms Pham: Yes. Our work at the moment covers only a very small percentage of major government activities. I think we only had capacity to look very much at a small list of potential areas which need to be audited. If we continue the way we are doing now, it will take at least 10 years to make sure that we cover all key risks and key activities of the government, and some of the government key activities may not be subject to audit for the next 10 years.

THE CHAIR: For the next 10 years? My goodness!

MR SMYTH: On that, did the government give you an explanation as to why there was no increase?

Ms Pham: The government believed that we had adequate resources.

MR SMYTH: You are about to implement some new accounting standards. Do you have adequate resources to implement those standards as required?

Ms Pham: No, we did not. That was the reason we sought that funding in the last two financial years. Because we had no option but to put aside resources to comply with many new audit and accounting standards, we are now operating at a deficit. That was the reason.

MS BURCH: You do other work with agencies and provide expert advice. You do not second-audit every agency but you provide advice and guidance in relation to new accounting standards and best practice. Will that, too, be impacted upon by your capacity?

Ms Pham: Yes. Some of the work will be recovered in audit fees but the majority of it will be reviewed. We may not be able to continue to provide the same level of advice or educational type of training to government agencies. Last year, for example, we provided a number of seminars to agencies on new accounting standards and audit methodology. There was a great demand for our courses; easily 200 agency staff attended various seminars. We may not be able to continue to provide that additional activity if we do not have money to do so.

Mr Sheville: Where the advice has been provided directly in relation to departments' audited financial statements, we can recover the fees for that. But when you are providing general whole-of-government advice, it may not be specifically related to any particular agency. That, by definition, has to come out of the appropriation. So it does put a cost pressure on us in providing these other important services.

MS BURCH: About what sort of advice and guidance in the global terms you offer agencies as a whole?

Mr Sheville: Yes.

Ms Pham: That is a type of liaison work that we would do with Treasury.

THE CHAIR: Mr Smyth.

MR SMYTH: What will be the impact on your cash reserves of not getting this additional money?

Ms Pham: I think Bernie will add more comment to it, but we have sufficient cash reserves as a prudent financial management to cover employee liability. We have a very large amount of employee benefit liability due to a number of longstanding employees, like me and Bernie, so it is prudent to keep that cash reserve to pay for employee liabilities. If we continue to use that cash, we will not be able to meet all the liabilities incurred by our office.

Mr Sheville: Essentially, I like to look at the operating result as the best long-term measure of your sustainability, because it does pick up increases in your employee obligations. Even though the cash is not required today to meet those employee obligations, the cash will eventually need to be provided. When I look at the office's operations, I say a \$199,000 deficit: even though you might not need to fund it in cash now, it is important that you actually manage to a surplus in the longer term to be able to do it. The cash problem may not occur for a number of years down the track, but it will obviously need to be addressed in the short term.

MR SMYTH: But your surpluses in the outyears are fairly thin. It would not take much—at \$37,000, \$40,000 or \$91,000?

Mr Sheville: Yes. There is not, within our operating results, much buffer for unforeseen negative financial events that might occur.

MR SMYTH: Sure. The standards in other jurisdictions seem to be moving to 50 per cent financial audit or that auditors-general spend their time 50 per cent on

legislative requirements like financial audits and 50 per cent on performance audits. What would it take as a financial boost to your funds—what funding would be required—to allow you, not necessarily in the first year but building up to it over time, to get to the target of 50 per cent of your work on performance audits, and how many audits a year would that represent?

Ms Pham: Currently, in terms of funding allocation, 30 per cent of expenses went to performance audits. If we increase that 30 per cent to 50 per cent, we will need another \$1.2 million for performance audits. That \$1.2 million for performance audits will mean that we could employ maybe five more staff and provide about five to seven more audits.

MR SMYTH: Five to seven more audits?

Ms Pham: Yes.

MS BURCH: How many audits do you do? What is the 30 per cent in numbers?

Ms Pham: Thirty per cent is equivalent to a target of eight audits but, as I mentioned, we may not be able to deliver eight audits this year or in the next few years, due to our effort to cut costs and to reduce the deficit.

MS BURCH: So up to 50 per cent is an increase in how many?

Ms Pham: Five.

MS BURCH: An additional five.

Ms Pham: Five.

MS BURCH: Or up to 12 performance audits?

Ms Pham: Yes.

MR SMYTH: If you were given the \$1.2 million this year, if the audit friendly fairy turned up and dropped another \$1.2 million on the table, could you immediately ramp up to that level of activity or is it something that is better done over time—if it came in, say, as \$300,000 this year and then \$600,000, \$900,000, \$1.2 million over four years?

Ms Pham: I think it would be easier for it to be done gradually, because we have a number of constraints in the accommodation, in the support, provided to the office. Even at the moment we do not have enough desks for our office. Many of our staff need to do hot-desking. One of the comments that came back from the staff survey is that they wish to have a desk each, and we cannot even give them that. To be fair, though, audit services are usually delivered at the agency location, so they may not spend all their time in the audit office. That is why we thought it would be efficient to share desks and to reduce accommodation costs.

Everyone would like to have a desk so they can have a photo of their baby or families

there and feel that they belong to the office rather than having to pick up their things and find a vacant desk and put their things down. But that is how we are operating at the moment. As I said, there is nowhere that we can cut services or cut any other expenses, because our accommodation cost, IT support and many other costs are already reduced to the minimal, basic level.

MS BURCH: How do you calculate your charge out?

Mr Sheville: The charge-out rate is generally based on our estimated costs for our office. It is designed to ensure that the rates that we charge are sufficient just to meet the cost recovery of each audit. It is not set in a commercial way—for example, a dollar to cover the salaries, a dollar to cover the overheads and some percentage in terms of a general return. It is mostly set at an amount that we believe is going to be sufficient to run it on a cost-neutral basis.

MS BURCH: If you had additional resources, would there be a ripple effect onto your user charge?

Mr Sheville: The cost per hour may not change. It depends on decisions that would flow from a decision to increase staffing numbers. If you went to a larger office, the impact would be a larger fee to charge. If you decided to hot-desk everyone in the organisation, then the costs would be lower. But of itself—

MR SMYTH: Productivity may suffer.

Mr Sheville: Yes.

MS BURCH: When was the last time you reviewed your user charge?

Ms Pham: We review our audit fee every year as part of the planning process to advise agencies concerning audit fees. This year we will not only do the normal annual review; we may have to rethink our current approach of keeping perhaps some subsidised audit fees for smaller agencies.

In the last few years, there have been a number of smaller agencies that do not produce very good financial statements; hence the audit office spent much more time on their financial statements than is usually anticipated. We advise the cost to these agencies at the beginning of the year to give them some certainty as to what it will cost them to do the audit. At the end of the audit, it may have cost \$2,000 or \$3,000 more in terms of our time allocated to the audits, but we did not come back and collect our \$2,000 or \$3,000. Especially for smaller ones, an increase of \$5,000 per audit could have an impact on their budget.

So in a sense we subsidise some of the smaller agencies. This year, given our lack of funding, we may have to advise them that we are no longer able to subsidise some of the audit work.

MS BURCH: So you clearly identify that so the agency knows. If they come back year after year still requiring additional support, it is not that they are unaware of it; they have been there before.

Ms Pham: Yes.

Mr Sheville: In a sense the smaller agencies that have struggled to meet reporting requirements save money by not getting the advice in relation to their reporting at the time they need it, and they are now going to be paying for that advice through the audit cycle. It does send a bit of a price signal to even a smaller agency that there is a need to improve their reporting systems, because there will be a consequence. When you set a fee before the audit cycle, there is a risk that they see it as a free resource from that point onwards and may not take the steps to make sure they put in a proper set of statements, safe in the knowledge that the audit team and the audit office will help them through. We think it is a good process, but we would like to recover the reasonable costs of doing that additional work now.

MS BURCH: I think it is reasonable.

MR SMYTH: Ms Bresnan asked earlier about the list of performance audits that you would like to perform. Is it possible that you could provide to the committee a list of what you have in mind?

Ms Pham: Yes. We have a performance audit program for this year and for the forward year. We also have a list which is used internally for us to select priorities. That list is actually an internal working paper, but we do have a list of some 100 audit topics that need to be done in the next 10 years.

MS BURCH: How do you construct that list?

Ms Pham: We construct the list by looking at all the major government activities, and we add into the list as we monitor community concern, Legislative Assembly committee debate and questions on notice. That is a long list that I am talking about. For example, this year, when I looked at the list of key responsibilities listed under the standing committees for this Assembly, each standing committee for the Assembly has about 10 key responsibilities. Within each of those key responsibilities, you have about 10 potential performance audits there. We work out the list based on government activities and government key risks and form a really long list. Then we go through the process of prioritising them and ranking them according to a number of criteria. Rod, do you want to add to that?

Mr Nicholas: We have a process of basically reviewing what is going on within government agencies. We do that through review of literature, including annual reports, budget papers et cetera, attendance at agency audit committees and a whole range of other broad activities like that. I guess that brings to our attention a whole range of potential areas for audit. They could be individual activities or they could be larger government initiatives. We think, for example, of the current initiative process to stimulate the economy. There are obvious issues coming out of that from an audit perspective. We are obviously keeping our minds on that.

That sort of process starts to alert us. We keep our eye on what is going on within the media, what is of concern to members of the Assembly and issues along those lines. We look at what is going on within other audit jurisdictions to see the sorts of matters

that are raising the interest of the auditor-general in those organisations. All of that helps us to focus on a multitude of topics.

From that we start trying to assemble a program that we can actually contribute to. As Tu mentioned, they are based on matters such as the materiality of a particular area, the significance of that matter to the organisation itself or whether we have identified some particular problems that are occurring there. It may be that there is just an issue or a program or activity out in the government service that we are aware of or we have some information that suggests that there are difficulties in the way that is being managed. There could be a transparency issue; there could be a whole range of matters along those lines that we factor into our consideration. We then try and balance that across a reasonable balance of audits across agencies so that we do not burn out any particular agency at any particular time. There are a whole range of matters. It is a bit of a juggling act in some ways, and we match that then to the resources that we have available.

MS BURCH: You would narrow that down to the eight?

Mr Nicholas. We narrow that down to about eight a year, yes.

MS LE COUTEUR: With the performance audits, how do you balance between auditing what happened in the past and finding the problems there versus recommendations for the future so that the future is better? How much is past focused and how much is future—

Mr Nicholas: Auditing, by its nature, is generally focused on the past, unfortunately, in the sense that we audit something that has actually happened—activities that typically have happened. We cannot audit what a government has in mind per se. But they are our clues. Our driver, I guess, is to encourage improvement in administration and improvement in accountability. Often our focus is not just on telling tales, if you like, but looking for a way forward.

One of the issues that we do consider when we are looking at the potential audit topics is how much we think we can contribute to a particular matter. If it was a one-off project, then I guess the chances of the audit office contributing significantly in the future to that are a bit limited. But if there is an activity that has relevance to ongoing processes and functions within the ACT government then clearly we see a greater role.

Ms Pham: Actually, one of the key considerations for us is how the audit can impact on future operations and future processes and procedures or how widely that audit can be considered by other agencies in similar situations. For example, when we looked at Rhodium we looked at the key outcomes for credit card use or waste of public money by all other government activities and businesses. When we looked at the power station and data centre, we wanted to look at the decision-making process and the facilitation of major projects and see how that can be improved for future projects, if the government continues the role in facilitating projects. So it is very much a key consideration for us when we select an audit.

Mr Nicholas: It is something also that comes through from other activities of the audit office. Ms Burch mentioned the opportunity to go out and help agencies and to

encourage them to do better in some areas. Well, part of our process now is to encourage agencies to think broadly about the performance audits that we issue so that an organisation does not necessarily recognise that a performance audit that does not mention them is not relevant to them. So we are trying to get them—I think we have largely succeeded there—to recognise that there are broader issues across the ACT government, regardless of the particular topic of the audit. That is a feature that we are rolling out, if you like, through our seminars and through our contact with agencies and other occasions.

MR SMYTH: That list you just tabled was the list of proposed audits?

Ms Pham: Yes. I just tabled to the committee a list of potential audit topics. It includes a hundred potential performance audits that we believe we should look at, given resources. Also, I would like to table our proposed audit program for this year and for the forward year, noting that this will go also to the public accounts committee for input and consultation. It is only in draft form, but it will give you some idea of what we have in mind for next year's audits.

MR SMYTH: Yes. Would it be acceptable, if the committee was to do so, for both those documents to be included as appendices to the report?

Ms Pham: Yes, subject to the PAC's agreement. We will consult with them on that document in the next few weeks.

MR SMYTH: Sure.

THE CHAIR: All right. Thank you. I will call Ms Burch and then Ms Bresnan.

MS BURCH: Is your question on this, because I am slightly to the side?

MS BRESNAN: It is related.

MS BURCH: Yes. You go first.

MS BRESNAN: It is just related, I guess, to the most recent audit you have done of respite care services. I know you have outlined the process you go through, but I was interested in that audit in particular. Did you look at major reports or inquiries into disability services from the past to inform what you did? I guess the Gallop report is one major report in relation to that.

Ms Pham: For any audit we need to do sufficient planning to arrive at the scope and coverage of the audit. As part of the respite care audit we looked at disability activities as a whole. We consulted with relevant stakeholders and we looked into previous reports, including the Gallop report and a number of other audits done in Australia.

MS BRESNAN: It is quite a thorough process.

Ms Pham: Yes.

Mr Nicholas: The short answer is yes. All those reports will inform the development of our audit and help to focus the particular scope of that audit. For that one, for example, we did make a deliberate decision to focus on the ACT government-provided services rather than those that were provided by NGOs. The NGOs, I guess, is through an agreement-based arrangement, and to get into that particular area we are really looking at contract management issues. We wanted to avoid that and look more at what was going on within the ACT government's regime.

MS BRESNAN: Thank you.

THE CHAIR: Ms Burch.

MS BURCH: On page 22, the second dot point is around maximising opportunities offered in working partnerships with auditor-general's offices in other jurisdictions. Do you do much of that?

Mr Nicholas: Absolutely.

Ms Pham: Absolutely, yes.

MS BURCH: You do?

Ms Pham: It is essential for a small audit office with a small budget to piggyback on larger audit offices to save money. For example, to meet the new auditing and accounting standards, other offices need to develop the whole audit methodology system to meet compliance standards. It costs about \$10 million to develop such a system. So we work with them to contribute as much as we can from a small office perspective to help develop that system. In return, they allow us to use it with a small licence fee. Without our working closely and maximising opportunities with other audit offices, the costs of our office would be much, much higher and we would not be able to deliver the type of output that we are delivering now.

We also utilise the opportunity of their training courses, for example. We are not able to provide comprehensive performance audit training courses for a few staff members so we send them to the courses provided by the Queensland Audit Office or the National Audit Office.

Mr Nicholas: We are also obviously involved in the Australasian Council of Auditors-General. That organisation or entity has a series of subcommittees. Later this week I will be attending a meeting of the performance audit executive and all the basic equivalents of my position in the other jurisdictions will be meeting to discuss a range of matters that are typically quite beneficial to us, ranging from methodology through to the use of particular tools et cetera. There is the equivalent in the financial audit area. There are a whole range of matters. We certainly bounce off the experience of our brethren.

MS BURCH: Page 21 mentions the quality assurance regime. You look to where others have got best practice and standards of excellence and you pick those up?

Mr Nicholas: The ACAG arrangement—the Australasian Council of

Auditors-General—have put together a review process for examining the quality issues, and we are going to be participating in that review process. We are already using the tool they have created for self-assessment within our organisation. We are well and truly taking advantage of the savings, if you like, to be made out of that sort of work.

Mr Sheville: Because the other audit offices are not commercial operations and they do not see us as competitors, we often contribute to the development of some products. We contributed and provided our advice on IPSAM, which is now used on all our financial audits. It is used also by Queensland, Victoria and Tasmania. Often, as Tu said, by putting in a little bit of effort in the development phase, you can get a vastly reduced price in terms of licence fees. We are only paying, I think, \$20,000 a year for a licence fee. If we had had to acquire that from a private sector firm, it would have cost far more than \$20,000 a year.

So you can align all your training programs. You can tap into their changes in auditing and accounting standards. There are very few issues that we encounter in the ACT that have not been dealt with in another jurisdiction. Often we can survey other jurisdictions and see whether they have had this similar issue or this grey area. Often they do come back very quickly with their comments and views on the particular issue. So it is a very active group of people we have.

MS BURCH: That is good. Thank you.

MS LE COUTEUR: You have two halves to your business—financial and performance audits. Do you move from one to another? I assume that there is a peak of financial audits given the end of the year. Do you spend some of your time in the less financial auditing time doing performance audits? Is that how it works?

Ms Pham: We certainly maximise the productivity of our staff members by transferring the resources freely between the two areas to meet the needs of the office. During peak periods sometimes we may transfer people who have capacity from performance audits to help with financial audits. During off-peak times we get some of the financial audit people to work on performance audits. Having said that, they do have different skill sets; not all financial auditors can do performance audits.

MS LE COUTEUR: Yes.

Mr Nicholas: And vice versa.

Ms Pham: Yes. So we put a lot of effort into training financial auditors with new skill sets, like report writing and problem solving to enable that transfer. But, yes, we do. We plan for that every year.

MS LE COUTEUR: So is there a possibility, then, because of that relationship, that the reduced funding will affect the performance auditing and will impact on the costs to agencies for the financial audits?

Ms Pham: To some small extent, yes, because this year, in an effort to cut costs, we are thinking not to fill one or two positions in the office; hence, the number of

financial auditors being available for off-peak work will be reduced. Also, to cut costs in the last few years we have brought in financial auditors at a less experienced level, at graduate level, rather than senior auditors. During off-peak periods we put them through training courses to build up their skills and expertise. The time that they normally have to move to performance audits will be limited because we want them to spend that time doing further training and learning and development to improve their skill sets. We do transfer staff between the two areas as the need to undertake audits requires.

MS BRESNAN: How do you go in terms of recruiting staff and being able to compete with the private sector for the sort of expertise you need? Does providing people with that additional training become a plus for people in that they will have some skills that they might not necessarily get if they went to the private sector?

Ms Pham. Our staff turnover rate is still high, 25 per cent this year. Last year, it was 29 per cent. We put a lot of effort into learning and developmental programs to reduce the staff turnover and to retain staff. We, for example, provide an average of, I think, 17 days for staff for training. That is very high compared to the average training. That could be one of the reasons that we retain some staff who are very happy with having the opportunity to learn on the job but who also take on other professional programs like a CPA program or postgraduate studies. Bernie just told me that it was about 10 days for last year.

Mr Sheville: That was for last year.

MS LE COUTEUR: That is still high.

MS BRESNAN: That is still very high.

Mr Sheville: It is still high.

Mr Nicholas: The 17 days that Tu mentioned are made up of courses that we provide, actual training programs. It includes study assistance provided to some individual officers and some of the internal forums that we run that we consider to be also a training and learning and development activity. So in total it really is adding up to a fairly significant number. We cannot not do that, to a large extent.

The internal training courses are run to provide staff with technical and other skills, human relations skills, that they need to act as quality auditors. We have got to keep them up to date with what is going on within not only the professional service, as in the accounting and auditing field, but also within what is going on within the ACT government. So there are a whole lot of activities there.

Our staff consider our studies assistance to be one of the matters that are quite beneficial and rewarding for them. We provide assistance largely to people participating in the CPA program in the chartered accounting year but in other activities as well. So there are a whole range of matters. All of that contributes to us making some fairly valuable people.

The turnover that we have experienced, as Tu was saying, is pretty high. That is

disturbing for us. It has been for quite a while. We are not able to make much of a dent in that. But I guess that is in common with the rest of the field that we are working within. There is a high demand for experienced financial staff and auditors.

Ms Pham: I would like to confirm that the statistic for our learning and development program for this financial year, 2008-09, is 17 days per staff, with 11 days to attend courses, four days to go to other study, their study assistance, and then two extra days for internal forums; so, yes, 17 days per staff member and the total cost, including the costs of staff salaries, went to nearly \$547,000. So that is a very significant investment on our part to address the high staff turnover. I must say that we are happy also, through the staff survey, that almost 100 per cent of staff are very, very happy with our learning and development program, and 94 per cent of our staff are happy with their job and have overall job satisfaction.

Mr Nicholas: It was 97 per cent last year, actually.

Ms Pham: It is a very high percentage compared to everywhere else in other government departments.

THE CHAIR: Have you had any problems with government agencies, particularly in terms of their responsiveness, the timeliness of their responses and general cooperation, when you are doing performance audits?

Ms Pham: I think the level of cooperation from government agencies generally is very good. There are occasions where we do have problems with timeliness in coming back to us with the information requested. Some other times the agencies do not give a higher priority to audit work; hence they do not make staff available to help us with the audits.

THE CHAIR: Which agencies have done that?

Mr Nicholas: The response has been pretty good over the last couple of years, I think. We have had some variable successes. Mostly we are getting a fair amount of attention to our work. On occasion, we have had some delays while agencies have been collecting information or gathering information. There have been occasions where the staff that we want to see, including the executive officers, have not been available to us, and that has caused some delays in the audit program. But in terms of getting information back from agencies in response to our draft or proposed reports, it is a pretty quick turnaround nowadays.

THE CHAIR: On that, though, where it has slowed you down and where those officers have not been made available, are there particular agencies that have done that or is this across the board? Are we tarring all ACT government agencies with that?

Mr Nicholas: Auditor-General, do you want to respond to that? I am quite happy to. We have had a pretty good response rate, as I said, from most agencies. We have had some slight difficulty with the Department of Disability, Housing and Community Services lately. That was with the respite care audit. That has actually been addressed, and we found some very good cooperation with that organisation towards the end of

that audit.

Our friends at Treasury and CMD are typically a bit more difficult for us to deal with. They are not so much more difficult in terms of getting the timing out of them but often they demand more precision in terms of what we are providing to them. So they want more information provided to enable them to make adequate responses.

THE CHAIR: I imagine, then, when that does happen, that slows down the process. It means that it takes somewhat longer to complete a performance audit?

Mr Nicholas: The short answer is yes, it can. The slightly longer answer is that, if we spend some more time working with the agency over the issues that we identify and provide more detailed information for them, they can respond with more clarity regarding that particular matter. At some stages it has taken us extra time at, say, the implementation phase of the audit. That has helped to cut back some of the time during the later reporting stages. So it is a bit of a balance thing.

MS BURCH: That would also allow them to give you more targeted information rather than boxes of information?

Mr Nicholas: That is true. I guess we should also bear some of the responsibility. Sometimes we have not been as clear with our requests as we could be. When you go into an audit, you go in without a great deal of understanding of the detail of the operations of any particular agency or area. We might make a fairly broad request that is difficult for that organisation to interpret. It takes a bit of time for us to get around to “This is what we want. No, we want some more information on this particular area.” So there is a bit of delving there that takes a bit of toing and froing at times.

MS BURCH: The turnover and difference in agency staff, does that then impact on your call for documents, particularly on performance continuity of information?

Mr Nicholas: In the general scheme of things, it probably does not a lot but we have found it on some of the recent occasions when we have audited programs where staff have now left the organisation. I can recall work, for example, on the Chris21 audit. There was essentially no-one left within the ACT government that had a significant role in that, other than two very senior executives within CMD and now TAMS. With the Firelink audit that we did over at the ESA, similarly a lot of the people who were involved in the detailed administration of that particular activity are no longer with the ESA. That clearly makes it difficult for us as an auditor. From there, though, we obviously have to rely on the quality of their records and their records management to provide us the information.

MS BURCH: And is there much of a difference between financial auditing and performance auditing?

Mr Sheville: In financial auditing, generally the records are quite well established. The information that you would produce for a set of financial statements is the same year in, year out. Even if they have replaced staff—you replace one financial controller with another financial controller—there is generally a good appreciation of what level of documentation is required. So we do not tend to experience the same

level of difficulties in that regard.

Ms Pham: In terms of agencies' responses, I would like to add that one department in particular, the Department of Housing, Disability and Community Services, is a very good department to deal with in audits. Even when we have quite critical reports, like the respite care report or public housing, there is a general willingness from officials in that department to work with audit to improve their services. I think I have to put on the record that there are some departments who are really willing to work with us and there are more difficult ones. But, overall, we learn how to deal with them as effectively as we can.

Mr Nicholas: In some ways, it is a partnership activity. We have to be able to persuade the organisation, to a degree, that we are there to work with them; and, they, the same with us. We have had some variable successes, I guess. We have had some extremely good outcomes. There are those Tu mentioned. DHCS is one. I did mention the delays in that particular organisation with the respite care—that is the one I was thinking of—but it was very well resolved at the end. There was not a problem at all, in fact. We were very happy with the way in which we worked with that department and they worked with us.

THE CHAIR: Members, are there any more questions? We thank you very much for your time this afternoon and we look forward to you getting more money in the future.

The committee adjourned at 4.32 pm.