



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**SELECT COMMITTEE ON ESTIMATES 2010-2011**

(Reference: [Appropriation Bill 2010-2011](#))

**Members:**

**MS M HUNTER (The Chair)  
MR Z SESELJA (The Deputy Chair)  
MR J HARGREAVES  
MS A BRESNAN  
MR B SMYTH**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**TUESDAY, 25 MAY 2010**

**Secretary to the committee:  
Dr S Lilburn (Ph: 6205 0199)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

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

## APPEARANCES

<b>ACT Policing .....</b>	<b>1102</b>
<b>Department of Disability, Housing and Community Services .....</b>	<b>1033</b>
<b>Department of Justice and Community Safety .....</b>	<b>1102</b>
<b>Independent Competition and Regulatory Commission .....</b>	<b>1102</b>

## **Privilege statement**

The committee has authorised the recording, broadcasting and rebroadcasting of these proceedings.

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While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

*Amended 21 January 2009*

## **The committee met at 9.03 am.**

Appearances:

Burch, Ms Joy, Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women

Department of Disability, Housing and Community Services

Hehir, Mr Martin, Acting Chief Executive

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

Hubbard, Mr Ian, Chief Financial Controller

Ford, Ms Lois, Executive Director, Disability ACT

Whale, Mr Andrew, Director, Disability ACT

Power, Ms Leanne, Director, Policy Planning and Business Support

Hayes, Ms Ros, Senior Manager, Therapy ACT

**THE CHAIR:** Welcome to this public hearing of the Select Committee on Estimates. The Legislative Assembly has referred to the committee for examination the expenditure proposals of the 2010-11 appropriation bill and the revenue estimates in the 2010-11 budget. The committee is due to report to the Assembly on 22 June 2010 and has fixed a time frame of five working days for the return of answers to questions taken on notice.

The proceedings today will commence this morning with an examination of the Department of Disability, Housing and Community Services output class 1, disability and therapy services.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the yellow-coloured privilege statement before you on the table. Could you confirm for the record that you understand the privilege implications of the statement?

**Ms Ford:** Yes.

**Ms Burch:** Yes.

**THE CHAIR:** I also remind witnesses to keep their responses to questions concise and directly relevant to the subject matter of the question. We have a great deal of ground to cover during the hearing and I would like to maximise the opportunity for members in attendance to put their questions directly today rather than on notice.

Before we proceed to questions, minister, would you like to make a brief opening statement of no more than five minutes?

**Ms Burch:** Thank you; I will keep an eye on the time. I welcome the opportunity to discuss the work of my portfolio responsibilities for disability and therapy services. By way of introduction, I will give a brief comment on those as they relate to the budget for 2010-11.

The committee will be aware that in the last six years there has been a fundamental shift in the way that people with disability and their families and carers are supported across the ACT. Service has been greatly enhanced through a significant and sustained increase in funding and a more diverse and individualised range of supports.

The ACT government funding for special support services has now increased to \$68.6 million. This is a 65 per cent increase in the disability budget from the \$41.5 million since we came to government in 2002. These services continue to target people who have core and profound, severe limitations through their disabilities. This targeted group equates to around 31 per cent of all people in the ACT who have a disability. More importantly, this is increased funding that has gone directly into service and supports for individuals and families. Accommodation support places have increased by 43 per cent, community support hours have increased by 132 per cent, community access hours have increased by 106 per cent, and flexible respite hours have increased by 96 per cent.

Families have been showing an increasing preference for flexible respite or respite-effect services such as community access. This area has grown from 145,000 hours in 2008-09 and is expected to be 200,000 hours in 2010-11. This increase reflects families' preference for more flexible services rather than the traditional centre-based respite providing valuable skill development towards increasing individuals' independence and enabling families to re-engage with employment through steady support arrangements for their family member.

Further, the individual support package program has doubled in value over the past six years. We know, however, that direct support and funding are not the only answer for people with a disability in their families. This is why we have developed a range of additional initiatives to provide further assistance and support, including the ACT companion card program. Last year, the government allocated \$400,000 over four years to develop and embed the companion card in the ACT. The program was officially launched in September 2009 and enables people with a disability who need a carer at events and venues to participate without paying the cost of a second ticket. The program has already issued 364 applications; it has a membership of 184 and has 49 business affiliates supporting people with disability.

The 2010-11 budget continues to build on the government's commitment to improving outcomes for people with a disability, their families and carers. This year, we have allocated \$1.74 million over four years to provide priority and respite services for up to four weeks for older carers. This demonstrates the ACT government's ongoing commitment to the joint ACT-commonwealth government respite program for older carers.

I am pleased to report that this year's budget includes funding of \$425,000 over four years for a family support and coordinator position to assist families with a member with autism. This position will be based in the community sector and builds on the wonderful work by parents who support each other and provide information about autism and autism services. The committee will be aware that last year's budget contained significant new funding for play therapy services for young children with autism and other disabilities. Funding was for eight months to enable recruitment and

to set up services in 2010-11. The funding will increase to enable these new services to operate for the full year.

The work of Canberra's carers is recognised in the budget, with almost \$2.164 million in funding over four years to support services. It commits \$424,000 over four years to establish a carers advocacy service and \$1.7 million over four years to continue the older carers respite program. The carers advocacy service will enable carers to make better use of existing services and programs, reducing administrative and other impediments in accessing support. Carers will be able to get information from one central point.

The establishment of the carers advocacy service, in addition to the autism family support coordination position, meets a direct request from carers and delivers on the government's election commitment to provide \$800,000 over four years to provide a range of services to support carers in the ACT. The committee will be aware that this commitment was made before the global financial crisis impact on the territory revenues. This forced us to re-examine how we could best deliver this enhanced support and guidance and advocacy for carers. We took the decision in two parts, the first being to support carers broadly and the second being to provide a more specialised service to support carers of people with autism, which I have just referred to. In this way, I believe we have met our election commitments.

I am happy now to answer questions. I have a number of officials here that can go to the detail of each and every program.

**THE CHAIR:** Thank you, minister. I want to turn to page 367 of budget paper 4. At the bottom of the 2010-11 priorities, the second priority listed is about implementing the strategic priorities within *Future directions: towards challenge 2014*. I believe that the first implementation plan covers 2009 to 2010 and that the implementation plan to cover 2011 to 2014 will come out around September this year.

In the first implementation plans, there seem to be a lot of output measures, but some people with disability would like to see a greater focus on outcomes. I am wondering if you could advise when and how the government is going to measure those outcomes, and when you might make that public.

**Ms Burch:** The future directions document sets out a long-term, broad approach to how we manage disability services and support to those people in the community with disability. It also sets a framework for not only government services but also non-government providers here in the ACT and commits not only DHCS but the broader government as a whole about how we better respond and support people with a disability. It will have an implementation plan and be an action outcome. If you want to know where the t's are crossed and the i's are dotted, I think Lois can give you the detail on that.

**Mr Hehir:** The actual document, *Future directions: towards challenge 2014*, in the way it has been created, does see some high-level outcomes being sought. The language that we used in framing that document was important in setting that. The language is from the perspective of a person with a disability or their family, and it tries to put their views, their main desires and aims, right at the front of the process. In

that sense, we are very conscious of the need to move to an outcomes focus, and that is why that framing and that phrasing were very deliberate, and we worked with the community very carefully around making sure that we effectively had their voice in the document.

Very high level outcomes are, I think, quite clearly enunciated. The outcome measurements and the targets are the work that we need to do; there is no doubt about that. That was a process we went through with the community in trying to identify what were appropriate measures, what information we actually had and how we could move forward to look for some more outcomes.

I might ask Ms Ford to talk about the detail of that process because it is engaged in another process that we are looking at which is probably useful to discuss more broadly at this point as well.

**Ms Ford:** *Future directions: towards challenge 2014* is very much an outcomes-based framework. It is intended to deliver some very real supports to people with disability. I want to contextualise a little bit where we have come from to where we are going, because that helps to understand a little better why *Future directions* has been targeted in the way it has.

When I first came to the ACT, which was about eight years ago, the focus of services was traditional and historically it had a national and international focus; it was not specific to the ACT. The focus of services was very much on the very formal service delivery—delivering to people with very high and complex needs, and rightly so, and delivering fairly traditional block funded, in most instances, accommodation, community access in centre-based type environments, with limited or very little contact out into the community. Some of the more innovative services were linking out into the community. It was also, as I say, very much focused on the 3.4 per cent and did not take into account that over 15 per cent of the ACT population do identify as having a disability.

The first strategic priorities introduced the notion of a much broader context for disability services and, in fact, in which people with disability would receive their services. So it introduced more family-determined, family-oriented services, which introduced family-governed arrangements, increased the individual support package arrangements and also started to look at the different ways in which government could engage with business, sports and the arts to get leverage and increase access for people with disability into those areas.

It did not directly address the issue which is an absolutely key point for people with disability—meaningful employment and meaningful vocational and career development. This *Future directions* has taken up and built on the last *Future directions*, so the outcomes are not just about what government will provide in terms of formalised services but also how government will work with the community to increase access around better information for people so that people are able to make better choices about what they want to do, engaging much earlier with families and individuals in the planning process so that they are able to take much better opportunities regarding what is available across the whole community, working much more closely with not just the formal service providers but all of the informal and

generic organisations in the community to improve and increase access. Those are really solid outcomes that we are seeking.

This particular document was very much driven by the community through the formation of a strategic governance group. That strategic governance group has family, community, provider, Disability Advisory Council, Disability ACT, Health and Education representation at a very high level. That group now is charged with the monitoring and oversight of the implementation of it.

If you want some more detail about some specific outcomes that we are working on at the moment, Ms Power can give you some of that information. I am very happy for that to be done. Alongside that is another process that we are working on with the community, an outcomes-based purchasing framework, which is an important part of the work. Whilst it is for the whole of our department, it will also very much complement the work around future directions. The outcomes-based purchasing framework is designed to look at a prequalification framework for the community, and that prequalification framework is largely being developed within the community providers.

It is looking at extending our contractual arrangements from a three-year funding cycle to a 10-year funding cycle. That will enable us to get more information and set some baseline trends and data so that we can see whether the way in which services are being delivered, the way in which providers are working together and the way in which they are linking into the local communities is actually improving the outcomes of people with disability or whether we need to change the way that we are funding.

The other part of it is an outcomes-based framework which will be made up of very few—three—high-level targets that government would seek to have as an outcome from the funding. They were going to be individual outcomes but the providers have suggested they should be service outcomes, and then performance indicators that sit alongside that. That piece of work is progressing in partnership with the peak bodies across the ACT community. I do not know whether you want to add any more to that, minister.

**Ms Burch:** Also, the roundtables that you are working through go to feed in to what we do into the future, and they are quite issues based and focused.

**THE CHAIR:** I would be interested in a little bit of detail around the specific outcomes-based work that is being undertaken at the moment.

**Ms Power:** As you mentioned before, Ms Hunter, the 12-month implementation plan operates across 2009-10. There are 42 recommendations for action in that plan. All of those are underway and a number have been completed. I can give you a couple of examples and then see if that answers your question.

For example, we have been working with Social Ventures Australia around a social enterprise hub in the ACT. There are 13 initiatives underway across the territory. Two have been launched so far. Cafe Ink in Woden, working with Woden Community Services, is actually run by people with disability. Just recently, the minister launched a young man's business enterprise around growing and selling snails. That is a small

business being directly run by a young man with disability, and that is an employment prospect for him. These have been great examples of partnership between business, community and government in establishing employment arrangements for people with disability.

We are working with one of the large sector providers around a retirement pilot under a future directions initiative, and that is to look at, probably for the first time in the ACT, and, indeed, nationally, the issue of people with disability reaching retirement age in larger groups, as is apparent. We are working with one of the larger providers around a pilot on which they are working with a number of their current clients that work through their disability enterprise, and it is intended that that will then be spread across the ACT. So they are two examples.

**THE CHAIR:** Mr Doszpot.

**MR DOSZPOT:** Thank you, Madam Chair. A supplementary to the question asked by Madam Chair a few moments ago: when was the strategic governance committee established?

**Ms Ford:** When we first launched future directions 2004-08, we also at that same time aligned it to what was called a strategic oversight group. That strategic oversight group was made up of a similar mix—the Disability Advisory Council, people from the community et cetera.

**MR DOSZPOT:** It was established in 2004?

**Ms Ford:** I think it was early 2005, actually. The launch for *Future directions* was in 2004. I think the strategic oversight group had its first meeting around early 2005, if not late 2004. We had a look at that group. We got some international advice on how we might better develop a shared governance arrangement to oversee the implementation of our strategic priorities but also to ensure that the strategic directions stayed close to the heart of the people that they need to serve. The advice was that we needed to shift from an oversight group arrangement to a much stronger governance group arrangement and change the way in which we were doing that. I think it was in about 2008 that we shifted to establishing it under a much stronger governance arrangement. We had always had a shared chairing arrangement between the deputy chief executive of the department and a community person—either a provider or a family member.

We changed the terms of reference, strengthened the role of that oversight group, provided some fairly high level secretariat support to it and changed my involvement in it from being an active participant to reporting to that group on the way in which we were moving. That group more or less then took over the development of the strategic directions. Out of that came the next iteration of the policy framework, which is *Future directions* 2009-14.

**MR DOSZPOT:** Can you tell us when the strategic governance committee last gave an update on their review of how things are progressing?

**Ms Ford:** The strategic governance group does not report to the minister; it reports

directly to the chief executive. Mr Hehir, in his role as deputy, is the government co-chair, so he might want to—

**Mr Hehir:** The last update was about three months ago. We were due for one a week and a half ago, but that had to be delayed. It is routinely done about quarterly.

**MR DOSZPOT:** Is the measurement of the outcomes included in that?

**Mr Hehir:** Up until recently most of the conversations have been around the strategic direction. I am working on both sides of this because I have been acting chief executive for a while. A lot of the conversation initially since 2008 was around trying to establish the right direction, to make sure we were connecting effectively to the community and that the document represented what the community had said to us, effectively.

Certainly, the feedback to me, both as the acting chief executive at the time and when I was the deputy chief executive going out to talk to the focus groups, demonstrated that it was actually there. There was a sense of frustration in those conversations—“we are told to do this”—but it was, I think, important to go back and check it and make sure we had the voice right in that sense. The update to the chief executive last time would have included a level of update in terms of progress but, as I said, unfortunately it had to be cancelled. The one prior to that was identification of where the projects were underway.

**MR DOSZPOT:** Are you saying that there are no accountability measures as such in place at the moment?

**Mr Hehir:** No, I did not say that at all. What I said was that the report would include that, but unfortunately it was delayed by a week and a half.

**MR DOSZPOT:** So there are accountability measures in place?

**Mr Hehir:** In terms of where we are up to with the implementation plan, yes, there are. That is reported to the strategic governance group and it is then reported through to the chief executive.

**MR DOSZPOT:** Thank you.

**THE CHAIR:** Ms Bresnan, a supplementary, and then back to the deputy chair.

**MS BRESNAN:** I just have a follow-up. Ms Power, you outlined some particular programs, and I was aware of some of those programs. I think Ms Hunter was asking for some more detail on the actual outcome measures that you are working on. I know Ms Ford said that you were working on three high-level indicators that were going to be service based. Is it possible to get some more detail on those?

**Mr Hehir:** I think the three high-level indicators are not going to be service based. They are meant to be broadly representative of the community. Lois can probably talk about them. Underneath that there are meant to be service-based indicators, which could number three, four or five, depending on—

**Ms Ford:** The three high-level what we call target areas are around improving the health and wellbeing of all vulnerable Canberrans. The purchasing framework is not just for people with a disability; the purchasing framework is across all people for whom Disability, Housing and Community Services fund or serve. We are looking at three high-level targets which are around improving the health and wellbeing of vulnerable Canberrans, increasing the resilience and reducing recidivism in vulnerable Canberrans. The third one is around improving the social and economic outcomes for vulnerable Canberrans. Vulnerable Canberrans are described as people who access funded services to alleviate the impact of their psychological, social, physical or emotional vulnerability. That is just a precis; there is a clearer one than that.

What we call individual outcomes or individual results but which the providers feel should be called service results, which sit under that, are around improving employment, education, sustainability within education and tenure in housing. There is a whole list of outcomes that sit underneath that which, as you all know through the research, are the very things that actually improve outcomes for vulnerable people around housing, meaningful employment and meaningful activities to do during the day—completing education, being able to have access, where possible, to tertiary education, skills training et cetera. That part of the framework is a work in progress.

**MS BRESNAN:** Will these be reported on through annual reports?

**Ms Ford:** The intention of the purchasing framework—and it is to be implemented over a three-year period—is that it will become the service funding agreement. So there will be a process of a prequalification for a provider who is wishing to access government funding through, in the first instance, DHCS funding. Once prequalified, they are then eligible for a longer term contract with review dates—there are quite strong review dates in there—and then reporting on the performance indicators which leads to reporting on the outputs. The work that we have to do around that, of course, is determining what the trending data will be, where we actually start, and also looking to the longer term because, as you would be aware, when you look at trending data it takes a while for that to start to become evident.

**MS BRESNAN:** So it will get reported on publicly?

**Ms Ford:** Yes, absolutely.

**MR DOSZPOT:** I have a subsequent supplementary to that, if you do not mind, Madam Chair. In terms of vulnerable individuals, minister, in one of the other inquiries that took place recently we were talking about a vulnerable individual who was placed in care by Disability ACT in Queanbeyan. The person subsequently suffered an injury and died in Canberra Hospital. The family of this individual is still waiting on information as to what inquiry is in progress. I asked about this approximately four weeks ago and Ms Ford was going to get back to me with information on how this matter was to be attended, or was being attended to. Can you give me an update on that? What is happening in that individual's case?

**Ms Burch:** I actually fail to see the connection—

**MR DOSZPOT:** Well, it is to do with vulnerable people in your care.

**Ms Burch:** We are aware of this case. We have said to you that it is a New South Wales coronial matter. The New South Wales coroner is currently investigating the incident. As part of the process the department will no doubt respond to any information or requests for information.

**MR DOSZPOT:** How long will it take for that information to get back to us?

**Ms Burch:** Our response to you?

**MR DOSZPOT:** Yes.

**Ms Burch:** I am sorry, because I would have assumed it would have been to you by now, but—

**MR DOSZPOT:** I have received nothing.

**Ms Burch:** But can I say, though, that—

**MR DOSZPOT:** The family has been waiting for—

**Ms Burch:** I have spoken with the mother of that child, and she is frustrated by the delay. But it sits in the New South Wales Coroner's Court; I am not quite sure how I can influence the New South Wales Coroner.

**MR DOSZPOT:** My question is: has the New South Wales Coroner actually started an inquiry?

**Ms Burch:** I think that—

**MR HARGREAVES:** This is outside the jurisdiction of the ACT, Madam Chair, surely.

**MR DOSZPOT:** But it is about an ACT resident.

**MR HARGREAVES:** Nonetheless, this has been going on for a fair while. This is an estimates committee, not a question time.

**MR DOSZPOT:** It is to do with—

**MR HARGREAVES:** You cannot just keep going forever on this thing. The minister has answered your question; let us move on.

**THE CHAIR:** Mr Doszpot has asked a question. Would you like to respond?

**Ms Burch:** I have responded. It is my understanding that the process has started, but most of us are aware, just in our daily community living, that coronials can take some time. I think that is all I can respond—is that it is part of it.

**MR DOSZPOT:** I do not think you have got any idea of what is happening in this situation.

**THE CHAIR:** Mr Doszpot—

**MR DOSZPOT:** The relevance of this is that we are talking about people with vulnerability.

**MR HARGREAVES:** We are waiting to do the estimates committee work.

**MR DOSZPOT:** And we are trying to evince how the department addresses these issues, and in particular how the minister addresses these issues.

**Ms Burch:** So you are taking an issue with the New South Wales coronial process?

**MR DOSZPOT:** I am taking an issue with the lack of—

**Ms Burch:** That is what you are doing.

**MR HARGREAVES:** I am going to take an issue here, Madam Chair, and ask for the standing orders to be upheld.

**THE CHAIR:** Thank you, Mr Hargreaves. Mr Seselja.

**MR SESELJA:** Thank you, Madam Chair. I have a quick question in relation to the opening statement from the minister, and then one on strategic indicator 1. Minister, in your opening statement, you mentioned the financial hit that has been taken as a result of the global financial crisis. Could you quantify for us this year how much less revenue we will see as a result of the GFC?

**Ms Burch:** Into the ACT Treasury?

**MR SESELJA:** Into your department and the ACT Treasury. You referenced it in the broad, so I am asking it in the broad.

**Ms Burch:** Ian Hubbard would be the dollars man. We need to understand that this budget was delivered in a tight financial environment that came through the global financial crisis and also with the Grants Commission, which saw, whilst we were in budget deliberations, a hit that we all took across the bottom line. This budget was delivered with that in context.

**MR SESELJA:** How much less revenue do we have now than, say, a couple of years ago, before the GFC?

**Mr Hubbard:** Most of the substance of what you have asked is really an issue for Treasury and the parameters around how they—

**MR SESELJA:** It is an issue that goes to the minister's statement, so—

**Mr Hubbard:** Fair enough; I am just answering it from the point of—

**MR SESELJA:** She put it in her statement; that is why I have asked her the question.

**Mr Hubbard:** the second part of your question about revenue for the department and the impact on the department, which I think is probably relevant to this hearing. As you would see from the operating statement and the GPO, the revenue for the department has gone up; that is mainly through a selection of initiatives that have come into the department. DHCS operates every year in quite a tight financial situation, and we manage that pretty closely.

**MR SESELJA:** But is it tighter this year than in other years? And if so, how?

**Mr Hubbard:** Martin, I do not know whether you want to talk about it, but I think the demand for our services has definitely been impacted.

**Mr Hehir:** As Mr Hubbard said, the overall impact on the ACT government is absolutely a question for Treasury. The impact on this department has been felt through the one per cent savings target which was initiated last year but removed from this year's budget and the forward estimates reductions of one, a further half and then a further half per cent. They are all the savings measures that we have been asked to deliver on. That is the impact for us.

Over and above that, a number of initiatives have been agreed for this financial year and the previous financial year. That, combined with normal growth indicators, does lead to a higher GPO for the department from previous years, but the overall impact from our perspective is that we have been asked to do further cuts over and above the one per cent that we were tasked with last year.

I would say that that is the first time in quite some years when I can remember having sequential efficiency dividends applied to this department. In fact, I do not recall it being applied to this department previously. I do, in the dim, dark past, remember efficiency dividends being applied previously in ACT government departments; I could not remember the years when they were there. Certainly it has happened in the past, but it has been quite some years since I have seen sequential efficiency dividends applied.

**MR SESELJA:** So, minister, going back to your statement, could you quantify for us where this hit is taken when you say that as a result of the GFC there is less funding and that is one of the reasons why it is a tighter budget for the department?

**Ms Burch:** It is reflected into the community bids that came forward through the budget process, the bids that were generated from the department. The bids that I had an interest in progressing were not able to be progressed because of the constraints across all agencies and ministers to deliver within a rather frugal budget. Mr Hubbard and Mr Hehir have given you an outline about where some of those have had an impact. The efficiency is one. It is DHCS, and I think next year we will apply it to Housing as well. These efficiencies will not be at the risk of front-line services, because that is one thing that we will protect; but it is something that we as a department will have to measure and deliver, and we are prepared to do that.

**MR SESELJA:** You said that some of your budget bids failed as a result. Which failed?

**Ms Burch:** I am not prepared to go into that, Mr Seselja.

**MR SESELJA:** You opened up the conversation, minister.

**MR HARGREAVES:** She just closed it up, too, just then.

**Ms Burch:** Yes.

**MR SESELJA:** Well, no.

**MR HARGREAVES:** Yes, she did. She closed it.

**MR SESELJA:** Minister, you said that you took things to cabinet which failed. Normally, ministers do not offer that information. How many of your budget bids were knocked over in cabinet?

**Ms Burch:** I have answered that, Mr Seselja. I am not prepared to discuss that.

**MR SESELJA:** You do not know how many? Okay.

**THE CHAIR:** Mr Smyth.

**Ms Burch:** No, that is not what I said. I said I am not prepared to discuss it, Mr Seselja.

**THE CHAIR:** Mr Smyth.

**MR SMYTH:** Just following on from that, you said that, because of the tight circumstances, you have not got as much as you wanted. What is the total funding for new initiatives this year, minister?

**Ms Burch:** Total funding? It is \$6 million, this year—I was never good at maths.

**Mr Hubbard:** You can see them on page 383 of the budget papers in the appropriation table.

**Ms Burch:** I could borrow your calculator.

**MR SMYTH:** You could, if you want.

**Ms Burch:** Yes, I could do that.

**Mr Hubbard:** You can see that. If you go down that line—I have not added them up—they are in the order of six point something million.

**MR SMYTH:** It would be \$6.197 million. It is on page 92 of budget paper 3. The total over the forward years, minister, for the four years listed in this budget, is

\$22,000,787. You have told the committee that things are tight and that is why you have not got as much money for initiatives as you would like. How much money did you get in last year's budget over the four years in the estimates?

**MR HARGREAVES:** She got nothing; I was there.

**MR SMYTH:** How much did the government appropriate?

**Ms Burch:** You took the words right out of my mouth.

**MR SMYTH:** You are making a statement; you have said to the committee that there is not as much money—

**Ms Burch:** I was not the minister last year. In the budget papers last year, there was a mix of new initiatives, but there was also a mix of self-funded initiatives.

**MR SMYTH:** I am not counting the self-funded initiatives, because that is money that has already been appropriated.

**Ms Burch:** Thank you for that clarification, Mr Smyth.

**MR DOSZPOT:** A supplementary—

**MR HARGREAVES:** She has not answered the question; it still has to come.

**MS BRESNAN:** I have got a supplementary.

**MR SMYTH:** According to page 81 of budget paper 2009-10, it was \$22.8 million. It is almost exactly the same amount of money. How can you make the claim to this committee that things are tighter and you have got reduced funding for the department when there is \$100,000 difference on \$22 million over four years in the two years?

**Ms Burch:** So you think that is adequate, do you?

**MR SMYTH:** No; I am asking why you made a misleading statement to the committee—

**Ms Burch:** It is not a misleading statement.

**MR HARGREAVES:** Point of order, Madam Chair; that needs to be withdrawn.

**Ms Burch:** It is not a misleading statement.

**MR SMYTH:** You are saying that there is not as much money this year—

**THE CHAIR:** Mr Hargreaves.

**MR HARGREAVES:** Point of order, Madam Chair: the statement that the minister has put a misleading statement is unparliamentary. Mr Smyth knows it.

**MR SMYTH:** No. It is misleading when you say that there is less money this year than last year when there—

**MR HARGREAVES:** And it needs to be withdrawn.

**MR SESELJA:** Do you want to have a motion—

**MR HARGREAVES:** It is the same as the chamber.

**THE CHAIR:** Thank you, Mr Hargreaves. We will go back to Mr Smyth.

**Ms Burch:** Mr Hehir will respond.

**MR HARGREAVES:** So will I.

**Mr Hehir:** I think the reference in the minister's speech was actually to the GFC. The GFC actually impacted last year's budget as well. So I do not think it is an incorrect statement. I think the statement actually referred to the impact of the GFC. We saw the impact of that in both last year's budget and this year's budget. I think the statement—

**MR SESELJA:** How are we seeing it in this year's budget, Mr Hehir?

**Mr Hehir:** I think I have answered that question, Mr Seselja. The answer is that we have seen it in the one per cent efficiency dividend for 2009-10. We have seen a subsequent one per cent efficiency dividend—

**MR SESELJA:** Sorry, Mr Hehir, that does not answer the question. A one per cent efficiency dividend does not go to whether the government has taken a revenue hit. That goes to whether or not you are spending more than you are earning. It does not go to whether you have taken a revenue hit. Can you point us to the revenue hit you are taking this year as a result of the GFC.

**MR HARGREAVES:** Madam Chair, let an answer come forth, would you?

**THE CHAIR:** Yes, Mr Hargreaves, thank you.

**Mr Hehir:** I have actually referred you to the correct area to ask that question, which is the Department of Treasury, which is responsible for the revenue estimates for the territory.

**MR SMYTH:** You just said, Mr Hehir, that it was last financial year where there was reduced funding. What is the comparison between the new funded initiatives in the 2008-09 budget and the 2009-10 budget?

**Ms Burch:** I think you just told us it was—

**MR SMYTH:** I will give you the answer, because if you go to page 78 of budget paper 3 in the 2008-09 budget—

**MR HARGREAVES:** They are moonlighting—asking a question and answering it themselves.

**MR SMYTH:** the newly funded initiatives over the four years were \$11,593,000. So it went from \$11,593,000 two years ago to last year, \$22,899,000, and this year it is \$22,787,000. Minister, the question is back to you: you have said you have not got the funds to put the initiatives forward that you want. But your budget two years ago was double last year, and it has been maintained this year. So, logically, you have not taken the hit that you claim that is limiting what you are attempting to do.

**MR SESELJA:** Maybe you are not managing your budget well.

**THE CHAIR:** One at a time.

**Ms Burch:** Can I answer the question without being interrupted, or you can play duets for the rest of the morning.

**THE CHAIR:** Minister, could you answer the question.

**Ms Burch:** The response is that the Treasury has clearly set out that the revenues in to ACT have taken a hit.

**MR SESELJA:** Where? Where have they set that out?

**Ms Burch:** The Department of Disability, Housing and Community Services is responsible for caring for the vulnerable, those who are at risk, and for a sector in the community that needs support. Every minister, every department, would say that they would have liked to have seen more for their departmental portfolio in the budget. I am prepared to say that, but I am also prepared to say that I will operate within this window, this envelope. If we have seen—

**MR SMYTH:** But it is incorrect. You have got as much as last year for new initiatives.

**MR HARGREAVES:** How about we just—

**THE CHAIR:** Mr Smyth, could we wait until the minister has finished.

**Ms Burch:** If there are going to be interruptions, I will stop giving the answer.

**MR SMYTH:** Well, you have to not mislead the committee.

**MR HARGREAVES:** Here we go again!

**THE CHAIR:** Mr Smyth, could you allow the minister to finish the answer to the question.

**Ms Burch:** I will operate within the envelope that I have secured. If that has increased over the various years, I think it is a reflection that this government is paying attention to those that are vulnerable in the community. I cannot see how that is not a good

thing and how you would possibly deride it.

**MR SMYTH:** No, we are asking you for accuracy.

**Ms Burch:** Madam Chair—

**THE CHAIR:** Please, Mr Smyth, wait for the minister to finish.

**Ms Burch:** Madam Chair, can I just go back to a question—

**MR HARGREAVES:** This is getting really out of control.

**MR SESELJA:** Go for it.

**MR HARGREAVES:** Either you take control, Madam Chair, and show these guys the standing orders, or you don't.

**MR SESELJA:** Bring it on.

**THE CHAIR:** Mr Hargreaves, thank you.

**MR HARGREAVES:** I am really getting sick of it.

**THE CHAIR:** The minister is in the middle of answering the question.

**MR HARGREAVES:** Yes, and she is not getting a chance to go to it.

**THE CHAIR:** Mr Smyth, I would ask you not to interrupt the minister again.

**MR DOSZPOT:** Because you are interrupting.

**MR HARGREAVES:** Steve, for God's sake!

**MR SESELJA:** Are you concerned she is not up to it, John?

**THE CHAIR:** Thank you.

**MR HARGREAVES:** No, I am concerned you are not up to it, and you are bullying and you are badgering. That is what concerns me.

**THE CHAIR:** Members!

**MR SESELJA:** Would you like to step back in?

**MR HARGREAVES:** You are a bully.

**THE CHAIR:** Members, settle down. Thank you, minister.

**Ms Burch:** I have finished on that question, but I was going back to a question that Mr Doszpot asked. It is my understanding that the question regarding the New South

Wales coroner was signed on 18 May and delivered to the committee on 19 May.

**THE CHAIR:** Thank you. Ms Bresnan.

**MS BRESNAN:** My question relates to what we have just been discussing. In budget paper 4, page 370, strategic indicator 1, looking at the number of service users by service type accessed, there is quite a significant increase there in the numbers. If we look at 2009-10 and then at 2010-11, there is a steady increase. Particularly if you go to 2012-13, it goes up again, to 4,000. So there is a big increase in the expected number of people accessing services. But looking at the degree to which funds to provide services to these people have been appropriated in the budget, it is difficult to see where that is occurring—where we are trying to meet the needs of the large number of service users that we are seeing here. Also, when you look at the number of families, there is quite a significant increase, from 800 to 1,000 in 2010-11. How is that actually being accommodated within the budget?

**Mr Whale:** The increase in funding recorded as strategic output No 1 primarily relates to the agreement between the states and the commonwealth that the ACT entered into some years ago for additional funding in the national disability agreement, the funding component of that. With respect to where it is being allocated, if you were to look at the accountability indicators on page 375 of budget paper 4, you can see that there have been significant increases in the targets and the outcomes across the range of indicators. So the majority of the funding is outlined in the accountability indicators on page 375.

**MS BRESNAN:** You are saying that these are the number of people that are going to be accommodated but what are we actually doing to meet the needs of these people that are coming into the system? We are seeing quite significant increases there.

**Mr Whale:** I will quickly run through some of the accountability indicators. You can see the growth in accommodation support places. It has grown by around eight per cent; it has grown by 43 per cent since 2002-03. There has been an increase in community support; the number of people accessing services has risen dramatically in that area, as it has in community access hours of service. A lot of people picked up in those areas are school leavers, people who are transitioning from school to adult life, and their families are accessing community support or hours of service through community access. So under “b” it is the number of people; under “c” it is the amount of hours that those people are accessing. Respite in home has risen quite dramatically, and that reflects people seeking, rather than just centre-based respite, to use their funding, largely through individual support packages, more flexibly. So they are accessing community support services rather than just respite.

**MS BRESNAN:** I understand that. I guess the question I am asking is: with the number of people that are coming into the system, are we able to accommodate them within the current budget? So are the numbers that we are showing here in the budget being accommodated within the current budget?

**Ms Burch:** We will meet these numbers.

**Ms Ford:** Yes.

**MS BRESNAN:** You are meeting those numbers?

**Ms Ford:** The numbers that are in here—

**MS BRESNAN:** The numbers that we reflect in here across the number of services and types, the number of families.

**Ms Ford:** It is what we project we will be meeting through our budget, yes. I understand what your question is now.

**MS BRESNAN:** Thank you.

**THE CHAIR:** Mr Hargreaves.

**MR HARGREAVES:** Thank you very much, Madam Chair. Good morning, minister, officers. I want to go down that track a little bit, too, so Mr Whale might like to stay because he might be able to shed some further light, and no doubt the infamous Mr Hubbard will also. I wanted to see whether there was a connection, and what it was, if there is one, between the FTE which is on page 369 of BP4 and what I note in the 2009-10 outcome is in fact reported for FTE under the budget.

I also note that, with regard to the accountability indicators that Mr Whale has just walked us through, the outcome for 2009-10 is significant increases in the three indicators, “a” “b” and “c”. I was wondering, firstly, whether a significant proportion of the money which has come to the department either through the national disability agreement or through ACT sourced funding is going more directly to the people who need it, rather than to administrative structure. Secondly, how might the department have changed its business to enable that to happen?

**MS BURCH:** I will answer broadly, and I will then go to Lois or Andrew to go into the detail. Administratively, it is less than seven per cent, at six-point-something per cent that Disability ACT would put into admin. That shows that the overwhelming bulk of our money goes out to services. It is a split between money to our community provider partners or our NGOs.

**Ms Ford:** I could go to the detail of that. I think I said at the very beginning—and this again goes to outcomes—it is outcomes that we seek. And we want people to see tangible outcomes for the dollars that are provided but also for access across the community. We want it for people with a disability. People with a disability indeed want it for themselves and so do families—better access to all of the community, not just to funded services.

The area that we have worked most closely in to get more flexibility around how we deliver our services is, firstly, our funding. We have increased the individual support packages. Roughly—and they go up and down—it is about 70 per cent. It just depends because, sometimes with an individual support package, once a person has accessed the service and is feeling comfortable with that service, and particularly if it is in the area of accommodation support, we will transfer their ISP into block funding.

Some of the figures that you have had previously, as you will know, shift around individual support packages. But within the individual support packages, one of the things that individuals and families have been very clear about in the early stages is that they need to be walked through the system. They need considerable support to assist them on how they will put their support arrangements together but also how they will access generic services, how they will work with other agencies to get a better outcome for themselves.

You will see in our figures that we have invested strongly in community support. Community support is largely around case coordination and, within our service, we have, I think it is, about three people who work specifically in the area of case coordination. We also provide some case management, which is a slightly different model, where a person has more intensive needs and needs much more coordination for those needs through our ITAS program, which is our intensive treatment and support program, but also through the funding from the affirm program, which is for children and youth. Those are the sorts of arrangements we have put in place to get better outcomes for the dollars that we have and to be able to use them more efficiently.

The other area that we are moving towards, and have done it for the last three years through our quality of life grants and also through post schools options, is small, direct grants directly to the person. This is where families are able to coordinate their own services or where they might want to use the funding in a way that is outside of a paid support worker and they might feel they get a better outcome if they can use those funds to buy some employment or some technology or a piece of equipment or any of those types of things where they believe that it will really enhance their outcomes. We have started to model direct grants through the quality of life grants and at the moment we are actually trialling a larger direct grant package directly to a person.

Using the Victorian model and looking at the strengths and weaknesses of that model and some of the areas that that would need to be safeguarded, we are working slowly on that. But that is another model that we are investing in.

The other area is innovations grants. Previously it was largely to an organisation but now it is really encouraging organisations to work with individuals to look at small grants that can assist them to develop different types of arrangements for them for their future. That has just started.

The other area that we are working closely with is the demand management across the sector. Previously or what happens to some extent at the moment is that individual organisations will prioritise from their own waiting list and that may not necessarily reflect the priority across the sector as we know it. So we are strongly encouraging all organisations to use the registration of interest.

The other area—and again this goes to outcomes—is that we are looking at a no-wrong-doors arrangement. There are a range of things that sit underneath it and it is coming out of one of the focus groups. But if a person accesses an organisation, at the point of access they can get full information about everything that is available. So we have worked on developing our information service through Disability ACT and

our website to give full information to families and we are working closely and in partnership with the local area coordination to make sure they are building their capacity around working with people, to link them into their local community resources.

Those are some very tangible outcomes that are not just through this policy framework but the previous policy framework. Working closer with the community is actually being able to leverage off the business, the sports and the arts, to make sure that people with disability get access to those areas in a fair and equitable way. Those are just some of the examples.

**MR HARGREAVES:** Thank you. I have a supplementary or a continuation. As I mentioned, BP4 page 369 says that the FTE went down in your estimated outcome. It is going to go up to the same figure. What I am seeing is no change to the staffing profile going into 2010-11; yet if we have a look at page 372, output 1.1, disability services and policy, there is a \$6.168 million increase on your estimated outcome for 2009-10 going into 2010-11.

What I would be interested in seeing—and I could not find it anywhere; I was looking around and maybe I could not find it because I have got domestic blindness or something like that—is some sort of breakdown on that. It is quite clear that those funds are not going into the department's bureaucratic black hole; they are actually going out to these people. I would like to know where that \$6.1 million is and possibly the source of the funds. Mr Hubbard can give us that?

**Mr Hubbard:** Thanks. As you do know, there is an increase of approximately \$6.1 million going forward, and that money is made up of \$2 million in the initiatives, as described in the changes to the appropriation; also, some additional \$2.2 million funding from the commonwealth under the recently renegotiated agreement. Then there are about a million dollars worth of indexation going forward, just standard indexation. And then you have got some smaller amounts, which include an allowance for the certified agreement, some finance leases on cars and some additional superannuation.

**MR HARGREAVES:** And the source of those funds—apart from the \$2.2 million, which is the additional funding that has come from the commonwealth under the national disability agreement, I take it?

**Mr Hubbard:** That is right, the \$2.2 million, yes.

**MR HARGREAVES:** In round figures, the ACT government has put \$4 million into service delivery?

**Mr Hubbard:** Correct.

**MR HARGREAVES:** And not into staffing?

**Mr Hubbard:** Yes.

**THE CHAIR:** I think some staffing was mentioned.

**MR HARGREAVES:** The staffing, as I go back, has got the same figure.

**Mr Hubbard:** There is an increase in salary, rather than additional numbers.

**MR HARGREAVES:** On page 369, it says that 860 was the target. The actual outcome is 856. And 860 is the target going forward. Clearly, there is no increase other than a wage indexation or an EBA-type arrangement. There are no extra people but we are seeing extra services delivered.

**Ms Burch:** More dollars going into supporting people with a disability is what we are seeing.

**THE CHAIR:** Minister, I want to go—

**MR SMYTH:** Sorry, before Mr Hubbard goes, what was the indexation used? You just said there was a million dollars of indexation in this output class. What factor was used?

**Mr Hubbard:** I think that is a combination of a couple of different types of indexation. The fact is that we are using for indexation for our budget this year, I think it is, 2.5 per cent.

**MR SMYTH:** Because a million dollars on \$69 million is only about 1.4 per cent. What index is that?

**Mr Hubbard:** I can get you the breakup of indexation but I think there might be—

**THE CHAIR:** Is that also including indexation for community organisations, which is the—

**MR HARGREAVES:** I think it is one of the budget initiatives.

**THE CHAIR:** Yes, it is WPI-CPI.

**Mr Hehir:** That is a separate number. It is greater than 1.4 per cent.

**MR SMYTH:** Can you explain the difference between it being 1.4 per cent and WPI?

**Mr Hubbard:** Yes, I will get you that in a moment.

**Mr Hehir:** Part of that will be what is budget funded, what is admin funded. We would actually need to have a look at where the split is and what the level of funding has been for previous increases. So we will take that on notice and get back to you.

**MR SMYTH:** Thank you.

**THE CHAIR:** I want to go back to the efficiency dividend that will kick in in the 2010-11 financial year. As you mentioned, there will be an extra 0.5 and 0.5 in the following financial years. You have had a year to have a look to see where that might

come from. Can you give us the detail of where you will be saving that money in the 2010-11 financial year?

**Mr Hubbard:** In the department it is based on a pretty straightforward and simple formula, which is based on the number of FTE in a certain area, then describes how much the savings is. From a budgetary point of view, the government deciding that the decisions around where savings will be made will be made by the department I think is a very sensible approach because departments know best where they have got some flexibility. From a CFO's point of view, having to save a dollar in a hundred would be some flexibility I would like to build into the budget from now and going forward. It gives you that bit of flexibility and I think a lot of agencies do not explore that flexibility every year.

One thing that we are trying to do each year in our budget approach is to have a look at which areas simply require funding and we have got no flexibility whatsoever and in which areas it would be easy to extract some funding going forward. That is what we have done. We have had a look at all the different areas. It is very different, depending on which business you are talking about, where the funding can come from. We have just basically done a combination of where there is admin we have really come down hard on admin, rearrangement of accommodation and all sorts of different things like that. We had to deliver up 1.6, so that is how we have gone through. We have asked each position to put forward what they are doing.

**THE CHAIR:** So by admin, do you mean people, or do you mean supplies of things?

**Mr Hubbard:** Supplies and services. We have really had a look at what those things cost us. In the budget of \$200 million, to deliver up 1.6 is eminently do-able. It depends on how it looks going forward, but—

**THE CHAIR:** Have you also looked at things like trying to save a bit of energy, trying to cut the energy bill? Is that something you can do?

**Mr Hubbard:** Definitely.

**Mr Hehir:** There are also some other areas that we are looking at. These are more difficult, both in terms of delivery and also in the work to achieve them. That, particularly in the disability areas, is looking at some of our service provision and how we reshape that. For example, we do have a small number of properties where there is only one resident within that property, and that is quite an expensive service delivery methodology. Most of our group homes will have two or three individuals in them. Having a team dedicated to one can actually drives up costs. So that is a process where we will be working with families to look at how we can consolidate it—how we can find an appropriate match is probably a better phrasing for it—for those individuals, so we can improve some of the efficiency within that service.

As I said, it is a difficult one. It is a very emotive and difficult issue for families. It does take some time in working with families to try and find the right match, particularly given we have got a relatively small number of individuals within those circumstances. So the broad pool of options—the relatively small pool of options—for shared house arrangement can be quite difficult. But, in terms of improving our

efficiency overall, we think it is an exercise worth doing.

**THE CHAIR:** Mr Smyth, you have a supplementary and then a question, I believe.

**MR SMYTH:** What is the saving this year?

**Mr Hubbard:** In 2010-11, it is 1.615.

**MR SMYTH:** So that is about 9.2 over the four years of these budget papers?

**Mr Hubbard:** Do you mean the four-year forwards of that 1.615?

**MR SMYTH:** No, 1.615 plus the outyears, then you have got—

**Mr Hubbard:** Yes, these are cumulative, so—

**Mr Hehir:** That would be roughly right.

**MR SMYTH:** So this year the process is, based on FTE, to go to each area and ask them to find the per cent. What is the process in the next three years, then, when you have got to find that other \$7.6 million?

**Mr Hehir:** We have got a year to plan it, the same approach as we had in previous years, so we are now talking within our areas about where we have got options, and we will take those options back to the minister and have this conversation with her. So we will do the same process we did in the previous year, which is to take the time to have a look at it and make some decisions once we have had some conversation with the minister about ideas that we have been able to generate internally. So there is no set process for this. The fact that we have got a year to plan for it does allow us the opportunity to sit down and work through a number of different options.

**MR SMYTH:** You actually have had a year to plan for it because this was announced in last year's budget, that departments would be expected to offer up savings. Why is it that a year after that announcement we actually have not determined what savings will be made in the coming financial year?

**Mr Hehir:** I do not think that is correct, Mr Smyth. What we were told last year was that we had to find one per cent for this year and then across the outyears. That is what has been done and that is the conversation we have just had in terms of where the efficiencies are being made. This year, the budget introduced a further one per cent cut for 2011-12 with an additional half per cent and an additional half per cent in each of those subsequent years. That is the process I was just talking about. That is the time we have got to plan for those further one per cent, 1½ and two per cent cuts.

**THE CHAIR:** So, to clarify, you have worked out your plan for the one per cent for 2010-11 and you are now working on the further efficiency dividend that has been announced?

**Mr Hehir:** That is right.

**MR SMYTH:** That is not what the Treasurer said in the last budget. She said that departments would be working with EREC—I think that is what she calls it—to put forward proposals for savings to cabinet. What proposals for savings did you put forward?

**Mr Hehir:** The process we used was we discussed with the minister the one per cent. That is what we were asked to do. You would be better off talking to the relevant agencies in terms of the process that EREC undertook. That was chaired—

**MR SMYTH:** But aren't you involved in that process?

**Mr Hehir:** That process was chaired by Chief Minister's Department and Treasury and I think you get a better view—

**MR SMYTH:** Yes, but each of the departments was to bring forward initiatives and savings. Did you not bring forward initiatives and savings to EREC?

**Mr Hehir:** We brought forward what we were asked to bring forward, which was the one per cent and other options. So we did bring those options forward to EREC and then we were asked to do some strategic high level processes, which we did, in terms of whole of government and looking more broadly about services.

**THE CHAIR:** What were the other options you took along besides the one per cent?

**Mr Hehir:** Those matters were finalised through a cabinet process so I am not really prepared to discuss them.

**MR SMYTH:** But they have been achieved. so surely it is—

**Mr Hehir:** I think Ms Hunter asked me what the other ones were.

**MR SMYTH:** Do we know what they were or not?

**Mr Hehir:** As I said, I think they went through a cabinet process, so I am not prepared to discuss them.

**THE CHAIR:** Were they implemented?

**Mr Hehir:** The one per cent has been implemented, yes.

**THE CHAIR:** Okay. Mr Smyth, did you have a new question?

**MR SMYTH:** Yes, just to follow up on what Mr Hargreaves was asking, we determined there is \$22 million worth of initiatives in the budget and \$6.197 million delivered this coming year. As Mr Hargreaves said, the staff level does not go up. How will you deliver these projects without increases in staff?

**Ms Burch:** Disability ACT is not the sole provider of disability services in the ACT. We work strongly with our community partners in providing those services, whether

through providers or indeed allocating initiatives such as the disability flexible support funds or ISP going to individuals. Lois Ford or Martin could comment on that, but every dollar of this is not delivered through staff in Disability ACT, nor should it be. We are supported by our very good and strong community partners.

**Mr Hehir:** That is correct. Also, a number of the \$6 million worth of initiatives actually do not require additional staffing to deliver. I know we are talking about disability and therapy but it was quite a broad question. The older carers respite program is an extension of the program so the processes already exist and we are able to deliver those services because it is an extension of an existing program.

The support for disability services is about ensuring we have got sufficient funds to provide to the sector. More broadly, the support for out-of-home care is funding for the actual costs of children in care. So the carer advocacy service goes out to an organisation and does not require additional staffing to run. From our perspective, prevention of violence against women is, again, community-based funding, as is Warehouse, the autism support, the languages, youth services, the—

**MR SMYTH:** That is okay; I get the gist. In your staffing are there any vacancies in some of the specialist positions that you have? How many unfilled FTE are there at this stage? How many are actually unfilled position numbers?

**Ms Burch:** Just broadly, I think we have just done a recruitment round. We were oversubscribed to vacancies or positions available.

**Mr Hehir:** I would have to take that on notice in terms of across the board. We can bring that back, if you are happy with that.

**MR SMYTH:** That is okay. You just mentioned the support for disability services. It is the second initiative on page 92. The explanation is:

This initiative provides funding to Disability ACT to assist in ensuring that disability services are sustainable.

Does the sustainability only last two years?

**Mr Hehir:** No, it does not.

**MR SMYTH:** If it is funded for two years then, by that definition, sustainability occurs within two years. Why is it only funded for two years?

**Ms Burch:** Can I make some comment on that and then Martin, please?

**MR SMYTH:** You are the minister. You do not have to ask for permission.

**Ms Burch:** It was quite a deliberate approach to put in two years funding. There are a number of discussions, one of them being the national disability insurance scheme and also the work that is coming through the national disability agreement. We need to take stock of the outcomes of those dialogues. We need to work with the sector around how we increasingly move within our constraints and meet the community's

expectations and deliverables. We have got the purchasing framework coming up. There were a few things that we needed to balance. I wanted to put two years in to give us time to do that work so that we can come back with a very informed local and national position about where disability services in the ACT can go. I am quite happy to hand it—

**MR SMYTH:** Why was that work not done to inform it as well? How do you know 1.2 is the right number if you have not done that work?

**Mr Hehir:** The 1.2 is to ensure that we have sufficient funds to pay the WCI2.

**MR SMYTH:** Can you explain the acronym?

**Mr Hehir:** Wage cost index 2. We have been cash managing that payment within the department.

**MR SMYTH:** Why have you been cash managing that payment?

**Mr Hehir:** At the time that was appropriated, for that year Disability ACT, from memory, got a reasonably large account. We had a process where we were going back out to community sector organisations when they had not expended their funding and recouping that funding and then being able to ensure we were applying that to fund the wage cost index.

**MR SMYTH:** But how can you say that this will make the services sustainable when you are cash managing something that you now have to carry forever and you have got two years worth of funding? That strikes me as ad hoc at best and not sending very good signals about sustainability. You are claiming that this will ensure that disability services are sustainable. Minister, how can you claim it is sustainable when you have not been able to get long-term funding for WCI 2 and this is only a two-year initiative?

**Ms Burch:** I think I have just explained to you my strategy. I think Martin Hehir has explained why the two years. We have now got the money so we do not need to cash manage this amount of money. This is going into services, which means our cash management goes back into services. Mr Hehir, do you want to reply to that?

**MR SMYTH:** How much cash was used up in cash managing and how many years was it cash managed for?

**Mr Hehir:** Since the WCI was agreed? I would need to check that date, but I think that was three or four years ago, from memory.

**MR SMYTH:** So this would be coming out of the department's cash reserves?

**Mr Hehir:** Yes. We have been cash managing it, yes.

**MR SESELJA:** What was the total of that cash management amount?

**Mr Hehir:** I would need to take that on notice. I do not have that.

**Mr Hubbard:** It starts off quite small and builds up. We can get you that number. Inside the Disability ACT budget it was not a huge amount. There was sufficient flexibility to cash manage it each year. This funding goes to NGOs. As the pressure on NGOs through their own wage increases, indexation et cetera grew, that requirement for additional funding became greater. In negotiations with Treasury, we agreed that it was time that we stopped cash managing that and used our cash management more about receiving services coming straight in the door. That is part of the normal business of departments in negotiating for these funds. Here is an example of where it was actually put in place.

**MS BRESNAN:** So the entire amount—

**MR SESELJA:** So after the two years will you be cash managing again?

**Mr Hehir:** I think that repeats Mr Smyth's question. It is a completely reasonable question, obviously. It is an interesting discussion. This is an area where we have not seen such a significant interest in one of the fundamental questions around funding from the Australian government in many, many years. The conversation around the national disability insurance scheme is seeking to address an issue which is an issue internationally, nationally and here. Very few jurisdictions in the world have been able to tackle it effectively. It is about moving from a prioritisation approach to working and responding to disability—and it will not be completely entitlements based—to a more entitlements-based approach.

The best way of doing that in terms of the ACT government is our concessions access. If you apply for a concession and you are eligible, you get it. That process is funded through the territorial output. We do not have a budget cap on that. There is an overall estimation, but if you are entitled to it, you get it. Funding for disability services nationally, internationally and here in the ACT is done on a prioritisation basis. You have people with disability who could receive support, who would find support useful, but they do not receive it because there is not sufficient cash to prioritise everybody for funding.

**MR SMYTH:** How many have missed out? Do we have a number on who has missed out?

**Mr Hehir:** I think the Auditor-General's report said about \$8.3 million—there was an \$8.6 million shortfall in funding. So it is not an insignificant figure for the territory's budget. It is a particularly big figure if you put all the state and territory budgets together. We have an Australian government which is interested in looking at this. It has actually asked the Productivity Commission to examine—those terms of reference are out there and the Productivity Commission is consulting now—models and options and some of the core questions that need to be firmed up for this discussion.

It is a time of incredible flux in terms of this discussion. It is a really exciting time from the perspective of bureaucratic support services for people with a disability and also from a community perspective to say that those people who are entitled to a service could receive it. For those people who have a disability who could do with support and would get it, is, I think, a fundamental reshaping of the discussion.

**MR SMYTH:** When is that going to happen—that we will move from priority to entitlement?

**Mr Hehir:** That is what the Productivity Commission are looking at. I am not quite sure what their time frame for reporting is. It will clearly have to go to the national government. All the state and territory governments will be involved in those discussions. Certainly, we are hoping that within two years we will have an idea of whether we are going to go down that pathway or not.

**MR SMYTH:** Minister, Mr Hehir just said that \$8.3 million is not a big amount for the territory budget.

**Mr Hehir:** I said it was a large amount.

**MR SMYTH:** Sorry?

**Mr Hehir:** I said it was a large amount.

**THE CHAIR:** He just said it was a large amount, yes.

**MR SMYTH:** I am sorry. You said “was”; I thought you said “not”.

**Mr Hehir:** No.

**MR SMYTH:** I do apologise.

**THE CHAIR:** I did hear that. Ms Bresnan, a supplementary?

**MS BRESNAN:** It is just a very quick point of clarification. The entire 1.2 is going to NGOs for WCI?

**Mr Hehir:** That is correct. It will not be seen as an increase for them because we have been cash managing the WCI.

**MS BRESNAN:** That is right, but that entire amount is going towards that?

**Mr Hehir:** Yes.

**THE CHAIR:** Did I hear you say that for those NGOs who had not expended their money during the year you took that back into that fund to hand out again?

**Mr Hehir:** We put it back in, and that was part of our cash management process. That is right.

**THE CHAIR:** Did you look at their books insofar as making sure they had the necessary reserves and so forth to be sustainable?

**Mr Hehir:** Yes, we do. It is a very cooperative arrangement, actually. The sector understand what we are doing. They understand the need to make sure that the money

is out there delivering services. You know that sector well. We work with them. We discuss with them what their requirements are. It is a very cooperative process.

**THE CHAIR:** Mr Hargreaves, a supplementary. Then off to Mr Doszpot for a new question.

**MR HARGREAVES:** Thanks very much, Madam Chair, and I thank Mr Doszpot for his courtesy.

**THE CHAIR:** A supplementary, Mr Hargreaves?

**MR HARGREAVES:** It is, yes.

**MR SESELJA:** Was the note you just passed up the answer or—

**MR HARGREAVES:** No; actually, it was the question, because—

**MR SESELJA:** Okay; good. You have passed the question up? It is good to get it—

**MR HARGREAVES:** I have two supplementary questions. First question: do you think that Mr Seselja is being particularly rude? And the second supplementary—

**THE CHAIR:** Can we get some real questions, Mr Hargreaves?

**MR SESELJA:** Are you still pulling the strings there, John?

**MR HARGREAVES:** goes to the sustainability that the ever-clever Mr Seselja has raised. We have heard from the officers that the sustainability of disability support services is being cash managed in this most recent time, and now Treasury have recognised, at least partially, that the sustainability can be supported through appropriation. They are also saying, as I understand the comment, “We will give you two years worth while we wait to see what comes out of the national agreement.”

**MR SMYTH:** Don’t you trust the minister to make this case?

**MR HARGREAVES:** Yes, and I am not—no, I am doing what you do, Mr Seselja.

**MR SESELJA:** Well, you have handed the note; you have made the speech.

**MR HARGREAVES:** I am setting a context.

**THE CHAIR:** Okay. Mr Seselja—

**MR SESELJA:** I think just a yes or a no, Ms Burch, will be fine. John can just keep doing speeches.

**MR HARGREAVES:** No comment. You can answer the first question now if you like. The answer is yes, he is rude.

**THE CHAIR:** Mr Hargreaves, it is very kind of you to give a summary of what has

happened. Could you get to the question?

**MR HARGREAVES:** No; it goes to this question, Madam Chair.

**MR SESELJA:** Just read the note you gave her, John.

**THE CHAIR:** Mr Seselja.

**MR HARGREAVES:** I cannot read the name that I gave you, mate; it is unparliamentary.

**THE CHAIR:** Mr Hargreaves, move on.

**MR HARGREAVES:** The issue is—if he is going to sort me, I am going to sort him back.

**MR SESELJA:** You are doing a great job, John. You are kicking goals.

**MR HARGREAVES:** The issue about sustainability—in fact, it goes to the issue of growth within the disability services budget and appropriation. So far I have seen it provided through cash management and I have seen it provided for two years in appropriation. Now, we know that ACT Health receives growth funding at a certain per cent each year. Was there specifically growth funding given to recognise that disability services are, in a sense, a human services and health type cost?

**Ms Burch:** There are two questions there. I will take Mr Seselja's advice and give single responses. In fairness to Mr Seselja, the response to the first question is "not yet" and the answer to the second question is "no".

**MR HARGREAVES:** And the services that are provided for by disability services—are they not in many cases provided in partnership with ACT Health, sometimes within their facilities and sometimes external to their facilities?

**Ms Burch:** Disability ACT works across a number of agencies, whether it be Health or Education. The HACC program, for example, is administered through Health, but it is also providing services and support to people with a disability as well as those that are ageing in our community. Mr Hehir can make some more comment on that.

**Mr Hehir:** Certainly in the conversation around the growth discussion for disability services, that has not been funded at this point as a specific quantum going forward. There has been, as the minister said to start with, quite an increase in growth over a number of years in funding for Disability Services. I am not quite sure what that is on an annualised basis; we could probably do the math to figure that out.

The conversation nationally is that there is growth in disability in terms of the demand, and that is due to a large number of factors, including the high survival rates in babies born with a disability, people ageing and staying alive longer because they are getting better support and care through their life, and natural growth in factors such as ABI through car accidents and other type of accidents. We are seeing quite a sustained growth. Again, that is not a particularly localised phenomenon. It is national. It is

international. It is something which I think is driving the Australian government to move to that conversation around that.

**MR HARGREAVES:** Right. I need to go down this thing, because I can see a recommendation coming out of this, Madam Chair.

**Ms Burch:** Can I just make a comment, too, going on from Mr Hehir. There is a 65 per cent—but I think using updated figures it is closer to high 70 per cent—growth in overall funding. But the question—my understanding from Mr Hargreaves’s question is: there is the built-in growth percentage in the health budget; there is no fundamental built-in growth factor within the disability budget. That is why my answer was “no” to that element. But certainly, when we are getting in the high 70 per cent of growth across disabilities since this government has been in place, we have seen a growth. I just wanted to clarify that.

**THE CHAIR:** Which goes back to Ms Bresnan’s question earlier: the numbers are going up, but the dollars do not seem to be going up at this point, and that is that growth perspective.

**MR HARGREAVES:** Madam Chair, the final question I have on this issue is this. Given that the people that come in as clients are not cured very often, and therefore stay with the service for the rest of their lives, you can see therefore an exponential growth in demand which is not satisfied until the horrid end bit. Would it be difficult to formularise a predicted growth formula to be applied to future budgets?

**Mr Hehir:** Technically, I think that is possible. I think that there is some national work around that. I also think that that is the work, or an aspect of the work, that the Productivity Commission will be looking at. But certainly it is something. We are there. When Mr Hubbard was reading out the figures earlier in relation to the growth of \$6 million, he indicated to me that that was actually from the Australian government. That was quite a substantial increase from their funding.

Committee members may remember that we talked about the process and negotiating that agreement in the past. We very consciously took quite low numbers in the first year or two of the agreement, on the basis that, when Australian governments roll out the next part of an agreement, they tend to base it on what your funding was in the last year of the agreement. They said we could have \$16 million, I think, over the period. Our strategy was to take quite low dollars in the first year or two, so that we had high dollars sitting at the year that they would index, roll out and do the renegotiation on. That is where you start to see some of these really significant dollars come through. An increase of \$2 million a year from the Australian government is actually quite a substantive increase from them.

It is something that we do try and dig our way through. We try and make sure we maximise the dollars coming in. That growth was important in terms of being able to deliver additional services this year, but it was done through the negotiation process.

**THE CHAIR:** Mr Doszpot.

**MR DOSZPOT:** Minister, I understand that new federal funding for disability was

announced yesterday. Can you tell us what the ACT's allocation is?

**Ms Burch:** From the announcement of yesterday?

**Mr Hehir:** I have not heard any announcement.

**MR DOSZPOT:** I think it is \$15.3 million—\$15.6 million, which is about \$2.5 million up on last year. That is my understanding.

**Mr Hehir:** I must admit that I had not been anticipating any additional commonwealth funding for this area—not to us, anyway. I do not think it is incorporated in our budget. I would need to check and see what that is. The national disability agreement funding per annum has been negotiated. I would need to take that on notice, Mr Doszpot, and just check.

**Ms Burch:** Could you provide us with exactly what it is you—

**MR DOSZPOT:** My source? Where I get this information from? Yes; okay. Can I ask a supplementary also? If that is the case, will that enable you to fund some of the programs that you said you could not fund out of the current budget?

**Mr Hehir:** It will depend on whether it is tied.

**Ms Burch:** We are not clear what you are providing to us.

**THE CHAIR:** We are going to take a morning tea break. Maybe during the morning tea break that information might be shared so that it can be verified.

**Meeting adjourned from 10.32 to 10.53 am.**

**THE CHAIR:** We will recommence the public hearing of the Select Committee on Estimates.

**Ms Burch:** Chair, if I can?

**THE CHAIR:** Yes.

**Ms Burch:** Just before the break, Mr Doszpot made reference to an announcement of today or yesterday. The officials have been in touch with the commonwealth and they are not aware of any new funding stream coming into the ACT.

**MR DOSZPOT:** I can make—

**Ms Burch:** If you have got the piece of paper, just share that with us.

**MR DOSZPOT:** Sure. What I was referring to was not the new funding stream but the announcement that was made by the government for the increase in the ACT disability budget over the last budget, which was \$15.6 million compared to \$13.1 million in the previous budget. My question to you was: with respect to the amount by which the disability budget has increased, has that been taken into account

in your current budget?

**Mr Hehir:** Sorry, is that differential the \$2 million?

**MR DOSZPOT:** \$2.5 million.

**Mr Hehir:** I think that is the same \$2.2 million we have talked about previously.

**MR DOSZPOT:** That is what I was trying to get clarified.

**Ms Burch:** It just confused us regarding a new announcement yesterday.

**MR DOSZPOT:** The misunderstanding came about—

**MR SESELJA:** This is 2.5, the number, is it?

**Mr Hehir:** 2.227.

**MR SESELJA:** National Disability Services report it as going from \$13.1 million to \$15.6 million, so we might want to get clarification as to whether they have got that incorrect or—

**Mr Hehir:** That actually may be another level of indexation incorporating that. I would need to check that. So there is base funding and then there was a national agreement for the 15.6 above that. So there are indexation arrangements operating on the base figure as well as on what the forward estimates figure was, if that makes sense.

**MR SESELJA:** Just to round out this area of questioning, the \$15.6 million that is coming from the commonwealth under that, or whatever the actual figure is, when our budget was prepared, did we know that money was coming or were we estimating?

**Mr Hehir:** That is the agreed sum that we have.

**MR SESELJA:** Okay.

**THE CHAIR:** Ms Bresnan?

**MS BRESNAN:** Thank you, chair. The question I wanted to ask is in relation to the number of inquiries we have been having recently about respite care and disability services and some of the anecdotal stories we have been hearing about parents who find themselves in a difficult situation and they are not able to cope any longer and actually leave their children, or the people they care for, in respite care. I know they are anecdotal stories but we do know that it is happening. Do you keep any numbers on how many people are actually each year left in respite care because the parents are unable to cope or because the parents have handed over responsibility to Disability?

**Ms Ford:** From what we know historically, and I think it has probably gone down slightly now, we anticipate, outside all of the support, the additional funding, the different arrangements, the level of input from our team or from the community

providers, that every year—and to some extent we do plan for this—there will be approximately 11 people—not just families but 11 people—where their formal supports or their natural supports will break down for a range of reasons.

Those reasons can be because there is a different stressor with the individual or the family. It can be because their support needs have increased over time. Often there is a level of behavioural issues in there, in that the behaviours have changed or have become less able to be managed in the home. So we do anticipate that. We have had far fewer families walking away.

I make the statement that, for families, the caring role is extremely difficult—for some families, more so. The pressures of caring for a person with a disability take their toll. Families do not willingly walk away from the caring role. It is a very considered decision and often that decision is done in consultation with us. So it is not a decision to say, “We are walking away from this and we don’t want to hear about it.” It is a discussion. Occasionally somebody will say, “We can’t do this anymore, I’m sorry,” and we will step in. But we anticipate that number of about 11 people a year.

**MS BRESNAN:** I think we all recognise what a difficult role caring is, because of the different stresses in people’s lives. Have there been, or are there any every year, any cases where the person that is being cared for is left at respite? Does that ever happen?

**Ms Ford:** Definitely.

**MS BRESNAN:** Is that something that happens yearly?

**Ms Ford:** Usually we are aware that this is a possibility. We will try and work with the family to see what other arrangements we can put in place. Usually the family will signal to us in advance that they are probably going to disengage. Sometimes that disengagement is just for a while and then they will re-engage, and sometimes it is ongoing.

**Mr Hehir:** We have a program which I think is called AFFIRM—

**Ms Ford:** Yes.

**Mr Hehir:** which actually does work with families very early in their life to try and support families in how to work with and manage some of the behavioural issues that some young people with a disability can have. So it starts quite early in the process and works with families in a way that supports them to remain engaged and not get to that crisis point where they do feel so overwhelmed that they feel they have got very little choice but to hand over the day-to-day care. I think we need to be clear about that. It is normally the day-to-day care rather than completely walking away from their child or young person.

**MS BRESNAN:** It is the day-to-day things that cause what happens at the end.

**Mr Hehir:** That is right, yes. We have early intervention; it is called AFFIRM, isn’t it, Lois?

**Ms Ford:** In terms of clarifying early intervention, because there are some misunderstandings about what early intervention actually means within Disability, with AFFIRM, as an example, it is a specialised team that will work with families, particularly where there is a behavioural aspect and the complication of the needs, to put in place additional supports as well as some education for the families on how they might respond differently to the behaviours, or what it is that they may need to be doing into the future, particularly around their planning.

Often we are in discussion with those families about how we might transition, or at what point their son or daughter might transition, into a more supported arrangement. Also, at the moment we are working on some very different models with families that are around shared care. We have trialled a couple of shared care and some foster arrangements for children and young people with a disability. So we are trialling those arrangements as well. So as we move through, and as we become more mature as an organisation and as a service, we are able to start introducing families to some quite different models and ways of managing in a more shared arrangement as opposed to families feeling very strongly that they have to have that quantum of care to themselves.

**MS BRESNAN:** In terms of people with disability whose carer or family member might pass away, are they included in that 11 or is that—

**Ms Ford:** Yes. I can't be quoted on the number but this year I think we have had two people that we have been directly supporting, where one of the parents or one of the carers has died and we have put a significant additional resource into both of those families. There are about three within the community provider with whom I have had a direct interface where the parent has died or the carer has died and those three people have already been in good arrangements. Two of the families just wanted to talk to me about advocacy arrangements. Both were mums and their adult child was going to be on their own, so they wanted to talk about what we could do to make sure that their quality of life did not deteriorate.

**MS BRESNAN:** That anticipated 11 each year takes in people whose family or carer pass away, people who—

**Ms Ford:** Absolutely, or where the carer is no longer able to provide. And sometimes the carer is no longer able to provide, not because they get older but simply because their circumstances change, even through work.

**MS BRESNAN:** Or they are ageing as well.

**Ms Ford:** Or there are other children in the house. There is a whole range of things. I could go on forever. They are different. Everybody's situation is just so unique, so very unique.

**MS BRESNAN:** Thank you.

**THE CHAIR:** Mr Seselja.

**MR SESELJA:** Thank you. I have a couple of questions. Ms Burch, you said that you

took to cabinet a number of things which were knocked back and you did not want to go into detail. That is fair enough. Given the importance of disability, were you disappointed, though, that cabinet had found the money to approve a couple of new statues, for instance, which were announced by the Chief Minister today?

**Ms Burch:** Are you making the distinction or you are merging capital with ongoing?

**MR SESELJA:** There are no capital needs in disability?

**Ms Burch:** Yes, we have got capital. We are looking at respite, looking into scoping, redeveloping respite houses. And once that comes off, I think that will be significant capital investment. It goes to what Ms Bresnan was saying around how we provide respite services, whether it be centre-based respite or flexible and home-based respite. I visited Kese not long ago and the services and staff there do a commendable, wonderful job. I personally believe that. Looking to improve the physical structures so they can be purpose built, to meet all the standards, is something that this government is looking at. And I am pleased with that.

**MR SESELJA:** Sure, but, as disability minister, you are obviously advocating for the disability sector. Were you disappointed that, in the context of what you say is a tight budget, some of your funding proposals were knocked back; yet we have \$200,000 announced today for two new statues, \$26 million for the arboretum, both capital and recurrent? Do you, as minister for disability, find that difficult to stomach?

**Ms Burch:** I am pleased with the result that I have got for the department and in turn the sector. And I think the words around the budget “it is not all things to all people” have been said and I also note that there are many in the community that welcome the investment in the arboretum—the Business Council, the Property Council. Indeed, people are donating to that—

**MR SESELJA:** So you prefer that money there rather than having it spent in the disability sector?

**THE CHAIR:** Could you just wait for the answer, please?

**Ms Burch:**—longer term view of the other end.

**MR SESELJA:** So you are not at all concerned that that money could have been better spent in disability on some of the bids you put up?

**Ms Burch:** As I said, cabinet processes, I am not going to discuss here, but I am—

**MR SESELJA:** I am not asking you to.

**Ms Burch:**—thinking what we have here is a good package for disability services.

**MR SESELJA:** Sure. Looking at the issue around portable long service leave, you have said on a number of occasions that not to—

**Ms Burch:** That it is a very good thing.

**MR SESELJA:** Indeed, you have said it is a very good thing and you have said that you are not too concerned about any cost issues. What is the additional cost burden to the disability sector as a result of portable long service leave and how is that reflected in the budget?

**Ms Burch:** Portable long service leave, or indeed long service leave, is a basic HR entitlement. The actuary report that we have had on portable long service leave across the community sector showed that it is a cost of about 1.6 per cent, which is the same per cent as if an organisation is putting away long service leave entitlement, which I remind everybody is a basic entitlement for all workers.

**MR SESELJA:** Okay. Sorry—

**Ms Burch:** The equality of that, I think, is fairly obvious.

**MR SESELJA:** Okay. There are a couple of things that I want to raise with you.

**MR HARGREAVES:** Excuse me, Mr Seselja, are you still talking about the long service leave one?

**MR SESELJA:** Yes.

**MR HARGREAVES:** Because I have got a supplementary. I did not want to get off the subject.

**MR SESELJA:** Indeed. I think one of these has your name on it, but that is fine. Minister, given you have said there is no cost, I know that on 19 June 2009 there was a submission to DHCS where ACTCOSS, while stating their in-principle support for the scheme, said it was subject to sufficient funding being provided to offset additional cost impacts on participating organisations. And National Disability Services' submission described the majority of its ACT membership as strongly opposed to the scheme and claimed it will cause them financial burdens as well as discourage loyalty to individual organisations. Are ACTCOSS and NDS wrong?

**Ms Burch:** I think what has come out is that a number of organisations have been cash managing or managing their bottom line. I am not going to make comment on organisations' HR practices, other than to say—and I will ask Ms Overton-Clarke to talk more on this—this is a basic entitlement for workers. It seems—and it has come out in this conversation—it has been the habit of a number of organisations to indeed not utilise or not put aside that, indeed to factor in that these staff will leave before they have to bear good that entitlement.

**MR SESELJA:** Just before you do—

**Ms Burch:** And I do not know whether that is necessarily good HR practice but I am not making comment on organisations.

**MR SESELJA:** Okay. Just before you go to Ms Overton-Clarke, Mr Phil Collins from the ACT Long Service Leave Authority appeared before this committee. When

questioned about this, he said that there is no doubt that organisations are generally aware that their costs are going to increase to some extent. You have said that costs will not increase, yet we have got Phil Collins from the Long Service Leave Authority and the organisations within the sector saying that they will.

**Ms Burch:** Ms Overton-Clarke will respond.

**MR SMYTH:** Hang on; they are your statements. Before we go to the public servant, they are your statements. You said it would have no impact.

**Ms Burch:** I have directed Ms Overton-Clarke to reply sum-to-sum to that.

**MR SMYTH:** So you cannot answer the question?

**THE CHAIR:** What is the question?

**MR SMYTH:** Hang on; the question is for you, though. The question is: you have made statements saying there is no impact on organisations.

**Ms Burch:** The statements that I have made are saying the cost for long service leave entitlement is equivalent to 1.6 per cent—

**MR SMYTH:** No, you have said—

**THE CHAIR:** Mr Smyth!

**Ms Burch:**—which organisations should be putting aside. I have also made comment that the actuary report is saying the cost for it is 1.6 per cent, which I have said seems to be a fair balance. To further go to Mr Seselja's—

**MR SMYTH:** You actually said it would have no impact.

**Ms Burch:**—questions, I will ask Ms Overton-Clarke to respond.

**MR SMYTH:** But the question is about your statement about it having no impact on these organisations. Will you now acknowledge that it has an impact on these organisations?

**Ms Burch:** And can I also say that it has come out in the conversation that some organisations have been cash managing, in that they perhaps have used this finding of entitlement and they have put that back into their budget. This is an entitlement for workers. It is not an additional bonus for organisations.

**MR SESELJA:** Only if they stay for 10 years, at the moment.

**MR SMYTH:** Do you stand by your statement?

**Ms Burch:** It is an entitlement for workers. And again, if Mr Seselja wants some more clarification and information, then I will ask Ms Overton-Clarke.

**MR SMYTH:** We would be happy for that. We just want to clarify your statement. You said in the Assembly that it would have no impact on these organisations. Do you stand by that?

**Ms Burch:** I will go to Ms Overton-Clarke.

**MR SMYTH:** Sorry. Do you stand by your statement or not?

**Ms Burch:** I will stand by the statements that I have said that the actuary report is 1.6. The entitlement equivalent is about 1.6. The organisations have at times used the unpaid-out long service leave onto their budget. This is an entitlement for workers and, if that ends up in the workers' benefit, then I—

**MR SMYTH:** That is okay.

**Ms Burch:** I do not think that is a bad thing.

**MR SMYTH:** Do you stand by your statement in the Assembly that it will have no impact on these organisations?

**Ms Burch:** I have supplied the answer that I am prepared to give you. Now, Ms Overton-Clarke.

**MR SMYTH:** So you do not stand by your statement?

**THE CHAIR:** Thank you, minister. If we could move to Ms Overton-Clarke.

**Ms Overton-Clarke:** I was just going to clarify some of the specifics in terms of working closely with organisations over the last few months. As you stated, Phil Collins has been working very closely with the department, particularly with organisations to register around the portable long service leave scheme. There have been a number of sessions with organisations and he is working very closely on the implementation of the scheme, which of course starts on 1 July this year.

The first quarterly payment will be due at the end of September 2010 and he and the department are working closely with organisations. If there is an impact on their bottom line, Phil Collins and the department are working closely with organisations to look at what the arrangements are in terms of lodging their 1.67 per cent with the long service leave board.

So Phil Collins has spoken in great detail to organisations about how those spreadsheets will be done. And I know, as part of the hearings here, he explained to you in some detail about how that could be manually done, how it could be done through basic spreadsheet arrangements, and that he would work very closely with organisations.

**MR SESELJA:** But Ms Burch has been saying that there is not an impact, and you are suggesting now that he is working with them because of the financial impact.

**Ms Overton-Clarke:** The actuarial study was revisited last year, towards the end of

last year, and that found that 1.67 per cent was the right amount for organisations to be able to pay for the scheme. So we will not actually know until the first payment is due, and we have said that we will work closely with organisations over the next few months.

**MR SESELJA:** But Mr Collins believes there is a financial impact, and he goes on to say—

**Ms Overton-Clarke:** I think Mr Collins clarified with you that it was a different sort of arrangement in terms—as I understand it, you asked him the two questions about the cash flow impact and also the impact in terms of the fact that they would have to lodge those moneys with the long service leave board. That is what the minister was talking about—that, instead of being able to have those moneys for cash flow, those moneys now, of course, have to be put to the long service leave board.

**MR SESELJA:** Which has a financial impact. I will go to what Mr Collins said. He said:

It will affect their cash flow in the sense that, instead of putting that money away and making provision for that liability, they will actually be paying the levy on a quarterly basis.

I put to him:

There are two ways it will affect things, I suppose ... there are liabilities that may never have been incurred in the past which will now automatically be incurred, and there is also the cash flow on a quarterly basis.

Mr Collins said:

That is correct.

He is acknowledging the financial burden both in cash flow and in other ways; yet, Ms Burch, you have maintained, and you still seem to be maintaining, that it will not have a financial impact on these organisations.

**Ms Burch:** I think what I have been saying to you, Mr Seselja, is that the workers are entitled to long service leave. The actuary report has equated that to be the same. If organisations have cash managed a worker's entitlement, that is their HR processes. There will be, no doubt, some management—

**MR SESELJA:** So it is their fault that there will be a financial impact.

**Ms Burch:** I have managed organisations and I have certainly never considered workers' entitlement part of my service delivery dollar. It is a separate thing altogether.

**MR SESELJA:** Not all of them accrue.

**Ms Burch:** You still put it aside.

**MR SESELJA:** Sure, and there are cash implications.

**Ms Burch:** You still put it aside, and you do not use it as program delivery. That is workers' entitlement.

**MR SESELJA:** But there is interest on that money.

**Ms Burch:** You always put it aside. Now this system affords workers benefit. This system affords continuity of entitlement across the community sector. If you are sitting there and saying that is a bad thing, that is quite disappointing to the workers, to the most vulnerable in our community.

**THE CHAIR:** Mr Seselja—

**MR SESELJA:** She cannot reframe my question.

**THE CHAIR:** Another question—

**MR SESELJA:** There are two aspects to the question. One is whether or not there will be an impact, and we have heard from everyone other than you saying there will be an impact. Secondly, how is that impact reflected in funding for these organisations? ACTCOSS said, in a submission to Mr Hargreaves, that they would support it in principle provided that the additional funding was provided. So where is the additional funding?

**Ms Burch:** We have always said that there will be transitional dollars because some organisations indeed have cash managed and have not necessarily caught that entitlement—and recognising that this now will apply to all the workforce, whether they are with an organisation for one month, five years or one year. That transitional will be worked, and each organisation will have to provide the evidence around how that can be.

Over the longer term, this system, the entitlement, equates—the cost to organisations remains the same: 1.6 to 1.6. The benefit goes to the workers, the workers that are in a sector that I think most people would say is a hardworking sector that does not have a lot of benefits, does not have the benefits that a number of other organisations and employment arrangements have. And I will stand by the fact that this is a good thing.

**MR SESELJA:** So where is that additional money then? Where is that additional money you refer to?

**Ms Burch:** We have made a commitment to transitional support, I think.

**Mr Hehir:** I think it was in the previous year's budget—there was a sum which was set aside for the implementation, for the long service leave; and, as we have worked through that, there is some funding still available there.

**MR SESELJA:** How much is that?

**Mr Hehir:** Three hundred thousand.

**MR SESELJA:** So 300,000 covers all of these organisations and their extra funding needs?

**Mr Hehir:** As we said, we will look at the evidence. We will check with them, we will work with the long service leave board and we will work with the organisations. We will need to see whether that does cover it or not.

**THE CHAIR:** Mr Hargreaves, a supplementary?

**MR HARGREAVES:** Thanks very much, Madam Chair. With regard to the portable long service leave, am I correct in assuming that hitherto, where a community organisation has taken on an employee and kept them for a certain period of time, they have paid that liability out when people have left?

**Mr Hehir:** Yes.

**MR HARGREAVES:** But when people have come to that organisation for less than the statutory period and have left, they get nothing. But there is a provision within that organisation—

**MR SMYTH:** It is called long service.

**MR HARGREAVES:** for that employee to receive the pay-out which was retained by that organisation. And therefore, am I not also correct in assuming that the employee's right is protected, as are the organisation's rights protected, by having a different authority with whom these funds are placed? So both the organisations benefit from this and the employees benefit from this. Am I right there so far?

**Ms Burch:** So far.

**MR HARGREAVES:** But is there a possibility in fact hitherto that people may not have had their pay-outs—their long service leave—paid out, because the NGOs, through incompetence or just accidentally, have employed those funds to something else and have found themselves without the necessary funds to pay people out? Was that the case hitherto?

**Ms Burch:** I think that is what I was saying before, Mr Hargreaves—with some organisations cash managing an entitlement. When I was managing an NGO, I have always kept that to the side. It is the practice that it should be sitting there. This program now assures security because of the payment into the long service leave board. So it does indeed ensure that organisations are fulfilling their obligations and that the employee gets their due entitlement. I am yet to come across a disability support officer who thinks that this is a bad thing.

**MR HARGREAVES:** When you indicated in response to Mr Seselja's first question that there would be little or no impact, did you then go on, later on, and qualify that by saying that there was in fact a 1.67 per cent increase which would be impacted; however, given that organisations should have been putting this money aside, if they had had correct accounting practices with respect to their employees' rights and

privileges, they should have minimum impact but if they have not been doing that then there likely is to be an impact?

**MR SESELJA:** What a load of rubbish; what a load of absolute rubbish.

**MR HARGREAVES:** I did not ask you for your opinion.

**MR SESELJA:** I have given it because what you are saying is absolute rubbish.

**THE CHAIR:** Let Mr Hargreaves ask his question.

**MR HARGREAVES:** If I had wanted your opinion, I would have read the Melbourne *Truth*.

**MR DOSZPOT:** You have, by the sound of it.

**MR HARGREAVES:** No, I have not, because I got it off your office. Thanks for that. I only borrowed it; you can have it back.

**THE CHAIR:** Mr Hargreaves, your question?

**MR HARGREAVES:** I am getting sick of being badgered. I am sick of being bullied by this man. He is really picking on me, Madam Chair, and I am sick of it.

**THE CHAIR:** Okay, Mr Hargreaves. Did you manage to get an answer to your question?

**MR HARGREAVES:** I would like an answer to my question, yes. You were not listening. Do you want me to say it again?

**THE CHAIR:** I am sorry, but it was a little bit hard to hear.

**Ms Overton-Clarke:** I just wanted to add that the additional advantage of the portable long service leave board, other than the fact that the scheme is a portable scheme, is that workers who are highly mobile but usually stay in this sector will be able to receive portable long service leave wherever they are in this sector. So it really is a portable scheme: once the seven years are up, regardless of which organisation or numbers of organisations they have worked for, if they are still in the sector they will be able to receive portable long service leave. I think that is a really worthwhile point.

**MR HARGREAVES:** There was a high risk before that they might not have had those entitlements paid out, wasn't there?

**Ms Overton-Clarke:** Yes.

**Ms Burch:** And I think this scheme also applies to the casualised workforce.

**Ms Overton-Clarke:** Absolutely.

**Ms Burch:** And given that it is a workforce that we understand to be 80 per cent

women, I think a benefit and due regard and opportunities afforded to casualised women in the workforce in a particularly hard-working environment are indeed a good thing.

**THE CHAIR:** Mr Smyth, a supplementary.

**MR SMYTH:** You raise the point that your business practice was to put it aside in your business. So anybody who left after one, two or three years, or four years, of service with you—you paid them their long service leave component on leaving?

**Ms Burch:** No.

**MR SMYTH:** You did not?

**Ms Burch:** But—

**MR SMYTH:** That is okay. Thanks.

**Ms Burch:** No, but it was put aside—

**MR SMYTH:** But you did not pay them when they left?

**Ms Burch:** And I did not—

**MR SESELJA:** So there is an impact.

**Ms Burch:** Pardon me?

**MR SESELJA:** But you did not pay them when they left your organisation?

**Ms Burch:** Were they entitled to it?

**MR SESELJA:** They were entitlements.

**MR SMYTH:** That is okay. You have made your point.

**Ms Burch:** I will tell you what: if this scheme was there and I had an organisation, a board, that I could put it in, I would not have hesitated—

**MR SMYTH:** So it is good for other businesses, but it is not what you did in your business.

**Ms Burch:** I would have not have hesitated—

**MR SMYTH:** That is okay.

**Ms Burch:** for one minute.

**THE CHAIR:** One at a time.

**MR SESELJA:** But you didn't pay—

**MR SMYTH:** But you didn't pay people when they left?

**THE CHAIR:** Mr Smyth, allow the minister to answer.

**Ms Burch:** Indeed I did. I will tell you what I did do with some workers that came from another organisation. I picked up their long service entitlement and added it into my books, so I did pay respect for that—

**MR SMYTH:** But anybody who left early did not get the payment? You have just said they did not get the payment. I notice in the brief from the department on 19 June 2009 it says, of the submission from the National Disability Service, that it:

... described the majority of its ACT membership are strongly opposed to the Scheme, and claim it will cause them financial burdens, as well as discourage loyalty to individual organisations.

The whole point of the long service leave was long service to an employer, not to an industry. How are you going to lessen the impact of disloyalty to individual organisations and potentially greater turnover of staff in these organisations?

**Ms Overton-Clarke:** The whole point of the scheme is to encourage workers to remain in the sector and not particularly or necessarily for a specific organisation.

**MR SMYTH:** The point of my question was about loyalty to organisations.

**Ms Burch:** That is an organisational culture matter as much as a long service leave matter. Sorry, Ms Overton-Clarke, for stepping in, but an organisation—

**MR SMYTH:** So loyalty to an organisation you don't care about?

**THE CHAIR:** Mr Smyth, can you allow the minister to answer!

**Ms Burch:** An organisation employs its own recruitment and retention strategies and this is just another element, another point, of the suite of retaining and supporting the sector and the workforce in the sector.

**MR SMYTH:** Are you interested in loyalty to individual organisations so that they can deliver their services?

**THE CHAIR:** That will be the final one before we need to move on. Minister, can you answer the question?

**Ms Burch:** I am interested in an organisation that offers good cultural—that offers support, that offers good recruitment, that offers good support to its workers, and so in that case I am interested in organisations that embrace a portable long service leave—

**MR SMYTH:** So how have you addressed the concerns of the National Disability Service that this will discourage loyalty to individual organisations?

**Ms Burch:** NDS have been part of this long-going, ongoing discussion—

**MR SMYTH:** Yes, and they have got concerns.

**Ms Burch:** and they have been part of the work, they have been part of the discussion and the framework and we have responded to comments that have been made in this process, in the development of this. So I think that we have responded to their concerns.

**MR SMYTH:** So could you tell us what you have done to encourage loyalty to individual organisations?

**Ms Burch:** Encouraged the organisations to be best practice.

**MR SESELJA:** It is their fault again—blaming the sector again.

**THE CHAIR:** Okay, thank you. I have a question which is on the future directions, again back to page 3.

**Ms Burch:** So disadvantaging the worker—that is what you are all about, Mr Seselja—damn the worker.

**THE CHAIR:** Minister, I have a question. It is around *Future directions* and it is one of the strategies in the 2009-10 implementation plan. It talks about Disability ACT and TAMS reviewing and enhancing the responsiveness of affordable transport options for people with a disability, and I understand the issue of wheelchair accessible taxis has been incorporated into the taxi review. What different models, what new models, are the government considering, and is there anything dramatically different from the past, because this is an issue that has been going on for many, many years?

**Ms Burch:** Accessible transport indeed and—

**THE CHAIR:** And reliable, timely, responsive?

**Ms Burch:** Mr Whale will talk to some of this and it is something that my disability advisory group is also considering and looking at, bearing in mind that it sits with TAMS; many of these elements sit with TAMS.

**THE CHAIR:** We did have a representative from a community organisation in here last week and the evidence given there was around the fact that the current system did not seem to be able to be fixed. They were putting forward a view that we really should move to a new model with salaried drivers and therefore they can guarantee that access. I am not sure if you have heard about this particular proposal but I would be interested to know what it is that you are putting forward.

**Mr Whale:** As you mentioned, Ms Hunter, it is a matter primarily for Territory and Municipal Services. They are currently undergoing a review of the whole taxi industry, which has received a fair bit of media coverage this morning about the submissions.

That is looking at the wheelchair accessible taxi issue. It is certainly an issue and something we hear very regularly about from people with a disability and consumers of not only taxis but transport in general—about the struggles that they face compared to other commuters. We are working with the review on the proposals. There are a number of issues they are looking at as alternative models around not only wheelchair taxis but the licensing and the managing of taxis in general.

There is also an ongoing group called the accessible transport group, which we try to value add. The Disability Advisory Council that the minister referred to has a seat on that and also the Disability Advisory Council is contributing to the review of the taxi industry. But at this stage we are not in a position to say what decision TAMS would make around models; but we are keen to continue to work with them on behalf of people with a disability and to ensure that people with a disability have a voice in that review, which is primarily coming through people such as the Disability Advisory Council at the moment.

**THE CHAIR:** I pick up on the measures of success in the 2009-14 plan—things like strategic priority 2 and 3, things like “I want to contribute to the community” and “I want to socialise and engage in the community”. For many people, the only way they are going to be able to do that is to have a reliable form of transport. So I am wondering how many complaints you have received or that you know the government has received. Would they be received by Disability ACT or would they be received by TAMS? That might be a question we can put to TAMS. But have you also received complaints through your various mechanisms?

**Ms Burch:** There are some comments that come through to us and we refer them on and respond accordingly.

**THE CHAIR:** And how do you respond?

**Ms Burch:** We respond by making note and just clarifying that it sits with TAMS—working with that complainant but working with TAMS as well.

**Mr Whale:** It is also accessible buses, for example. We get people saying—

**THE CHAIR:** Which I noticed on your plan.

**Mr Whale:** “I may be on a route that does not have an accessible bus.” So there are times when we will talk directly to ACTION buses around that or we will refer the individual to the information service of ACTION buses, to take that matter up with them.

**THE CHAIR:** Because Disability ACT does play a role around, I guess, study, further study or training and work and so forth, how many people do you estimate, or do you know of, that have had to give up a training course or have had to give up work because they have not been able to secure reliable transport?

**Ms Ford:** We have no figures on that and, whilst my involvement is not across the whole of the sector, I know that transport is an issue. But I have not directly been petitioned by anybody who has had to give up work or study purely because of a

transport issue—that I can recall. I say “that I can recall” and I am not sure that we have any figures on that at all.

**THE CHAIR:** Mr Doszpot and then Ms Bresnan with supplementaries.

**MR DOSZPOT:** Thank you. Minister, you mentioned at the outset that you liaise with other agencies that have relevance to disability. With reference to taxis, can you tell us how many wheelchair accessible taxis currently are available for people to use?

**Ms Burch:** Andrew.

**Mr Whale:** Wheelchair accessible taxis are, again, managed by TAMS and the amount that would be on the road at any one time would be a matter for the regulatory authority, TAMS, or the authorities that run the two taxi companies in the ACT—

**MR DOSZPOT:** I am asking whether you are aware of how many taxis are currently in that percentage.

**Ms Burch:** I think it would change from day to day. But, through the review that is going on at the minute, what has come out, from my understanding, is that the percentage of taxis and the work that they do for wheelchair accessible could improve and it is certainly along the lines of what we are making comment on and what we are asking—

**MR DOSZPOT:** So are you pushing for improvement in the number of taxis?

**Ms Burch:** I am pushing, whether it is a quantum, whether it is the number of actual taxis or whether it is the disability accessible work that the taxis are doing—and it could be a mix of both.

**MR SESELJA:** NDS says it is 7.8 per cent of the 344 vehicles. Is that—

**MR DOSZPOT:** Which is the lowest of any state or jurisdiction.

**MR SESELJA:** Is that right?

**Mr Hehir:** I am sure we have got the figures back in the office. I do not know off the top of my head what they are. I am happy to go back and check and see what we have got on our files in terms of the figures. The issue—

**THE CHAIR:** I will just note that that has been taken on notice.

**Mr Hehir:** Yes.

**MR DOSZPOT:** I have not finished—

**THE CHAIR:** I do understand, Steve, but I have to keep a record that something has been taken on notice. Mr Hehir, you were finishing your answer.

**Mr Hehir:** We are well aware that there are members of the disability community

who feel that the wheelchair accessible taxis do not meet their needs. With respect to the reasons for that, they provide information to us anecdotally as to why they believe that is so, and that is why they have come up with some suggestions that need to be explored. Their view is that, if the wheelchair accessible taxis actually took people within wheelchairs as their clientele, they may well be better serviced. But they are concerned that often wheelchair accessible taxis are off picking up non-wheelchair clients. There is an issue around peak and whether there are sufficient people at peak. There are a number of issues that are in place.

We would certainly advocate through our participation in various groups that a service needs to be provided that is equivalent to the service that anybody else in the community would get. That is what we believe is appropriate. I think we need to explore the mechanisms for how they deliver that.

I understand some people are advocating the Tasmanian model. Other people are looking for it to be more directed around “you will only take” and “your taxi will be available at all times for this service”. So there are different models being advocated. I do think we need to look at the options and work with them. That is primarily the responsibility of TAMS. We are not completely silent on that. Andrew is a regular participant in discussions with TAMS around the impact that this has on the lives of people with disability, as we understand it. It should be noted that some of the individuals involved in this are very effective advocates for people with a disability, particularly the wheelchair disability clients, and they are very keen and engaged on this subject matter with TAMS as well.

It is a complex issue, from my understanding. We are very supportive of the right outcome, which is that people with disability have the same ability to get to and fro and participate in the community as the rest of us. We look forward to seeing how we work with TAMS to achieve that.

**MR DOSZPOT:** Mr Hehir, you mentioned that people with disability should have the same rights to taxis as other people. There are 344 taxis in total in Canberra and 7.8 per cent of those are wheelchair accessible taxis. So we are talking about roughly 14 per cent of people in the ACT with disability and only half of them—so we have got a 50 per cent shortage of taxis, in broad terms.

**Mr Hehir:** I think there is a—

**MR DOSZPOT:** This is not a sudden problem. This is something that disability groups have been advocating and pushing for. And you are right: they are quite aggressive in trying to get some attention. I was asking the minister: if you are negotiating with other agencies, why don't you negotiate for a better deal for taxis for people with disability and make it a priority?

**Ms Burch:** I think we have collectively been saying that that is what we are doing. I think your sums are a little bit simplistic. Not every person with a disability requires wheelchair—

**MR DOSZPOT:** It is a statistic, sure.

**Ms Burch:** accessible taxis.

**Mr Hehir:** That is right. Fifteen per cent is actually quite a broad definition of disability. I am not sure whether we have a figure for the percentage of our population with a disability with a wheelchair.

**Ms Ford:** We do have percentage of physical disability but not wheelchair. I would have to go back to—

**Mr Hehir:** I do not think it is actually as high as seven per cent.

**MR DOSZPOT:** There are 26—

**THE CHAIR:** Can we let Mr Hehir finish the answer before you move on to another one. I know Ms Bresnan is waiting too.

**Mr Hehir:** I did not actually say that they needed access to the same level of taxis as the rest of the community because there would be a whole group of people who would not think that is adequate either. But the issue is that they have the ability to get around. I am not worried about the form of that. I am more worried about them having the ability to have an affordable transport system, the same as the rest of us have. People should have different choices within that system and, hopefully, people with a disability have different choices as well.

**Ms Burch:** One of the ways we have done that is to increase and simplify the taxi voucher system as well.

**THE CHAIR:** Ms Bresnan.

**MS BRESNAN:** I have a quick follow-up. Dr Watchirs, the human rights commissioner, mentioned yesterday that one of the largest number of complaints they receive is about wheelchair accessible taxis. I am sure that is not news to you. I know you said that, in terms of the model, it is not the main concern, but I think Ms Hunter mentioned that one of the things that have been put forward is whether or not it should be a community organisation or whether it should be salaried drivers, so that they have an actual interest in it. As we know, we have the problem where it is a community service but it is being run on a for-profit basis. Have you had any input to that review and the inquiry about what sort of model would be suitable so that that may be one of the considerations that comes out in the review?

**Mr Whale:** To sum it up, I think there is a universal thought that access for people that require a wheelchair accessible taxi in the ACT needs to improve. I think that is an admission from all areas of government and the community. The challenge is: what is the model? There are a number of things that we have tried in the past, over the last decade, and they have not quite worked to the satisfaction of all of the parties; be it the driver, be it the operator, be it the consumers.

I think it is a bit pre-emptive. There is a taxi review being undertaken by TAMS which we are contributing to. We are talking to TAMS about the models. We are providing input. That review will hopefully determine either a model or a range of

models to try and address this issue. It is a bit pre-emptive to suggest what that would be until they finalise their—

**MS BRESNAN:** It is an overall taxi review; we know there have been a lot of opinions put forward about whether there should be more licences. But specifically around the WATs, I think it is a slightly different situation because essentially it is a community service but it is being run on a for-profit basis and there is not that certainty that they will actually pick up people with disability. There have been all sorts of incentives put in place but they really have not worked. There have been a lot of incentives but that core issue has still not been addressed in that it is a community service. I know it is a TAMS issue but it is a disability—

**Mr Whale:** It certainly is.

**MS BRESNAN:** We are talking about a specific group of the population that are being impacted.

**Mr Whale:** It certainly is, and the review has a number of chapters specifically focusing on the issue. It is looking at that range of things. It is not just about access, it is about safety. It is about ensuring that the regulations for the taxis are up to scratch so that they are able to transfer wheelchairs in and out and maintain them in the vehicle at the appropriate level. So there is a range of issues that TAMS is looking at in addition to the model. But we are quite confident that the focus that the review has on wheelchair accessible taxis is appropriate. They are taking it very seriously, and we will continue to work with them to try and come up with a model out of that review.

**THE CHAIR:** Thank you. Mr Smyth has some new questions. I do want members to take note of the time. We are here until 12.30 and we do need to get on to 1.2, therapeutic services. Mr Smyth.

**MR SMYTH:** Minister, on page 167 of budget paper 3, there is the initiative for the replacement of the centre-based respite houses. It mentions that the objective is to replace four. Just for the record, what is a centre-based respite house and which are the four that you are intending to replace?

**Ms Burch:** Centre based is where people go and stay overnight, as opposed to going to a day program or having respite in their own home. There is a teen house, there is a house for children and two adult houses in that. So we will be looking at those four.

**Mr Hehir:** Just to add to the answer, those respite facilities are adapted houses. They were not specifically designed for people with a disability. Given the age of them—they are, from memory, from the 60s and 70s design phase—there are some accessibility issues to them and we do not feel that they are appropriate into the long term for this.

We did say “overnight”. It is actually quite a flexible arrangement. So if someone wants to be there for the day, that can be done. If the family would like that person to stay with them at night, we can work with that arrangement. If people want a longer period, a week or two, that is done as well. So a range of models are actually delivered through the centre. What it generally refers to, if it is one of our respite

homes, then that is where we operate it.

**MR SMYTH:** What is the location of the four of them?

**Mr Hehir:** We tend to do quite broad ones in terms of the locations. There is one in Kaleen, Hughes—

**MR HARGREAVES:** There was one in Downer one year at one time. Has that closed?

**THE CHAIR:** Narrabundah?

**Mr Whale:** We can get that. I am sorry, we have 60 houses and it is a bit confusing.

**MR SMYTH:** If we can have that, that is fine.

**Ms Ford:** I am sorry, it is just that last one that I was thinking of—

**MR SMYTH:** Is it the intention to demolish and rebuild on the existing site? Have we done an assessment of where the need is and will we be moving the location to meet the need as it emerges and changes?

**Mr Hehir:** This is a feasibility study, so we are going back to the basic question. We have not predetermined whether it is on that site or a different site. We have not decided whether it is a refurbishment or a new build. I might ask Mr Collett to come to the table. He can probably talk about it in detail. I think that it is unlikely—

**MR SMYTH:** That is all right. If you provide the location, that is fine. It is a feasibility study.

**Mr Hehir:** It is unlikely to be a refurb. It is more likely to be a purpose-build. Based on our recent experience, some of the engineering of houses in particular requires substantial rework. It is probably easier, in terms of access and other factors, particularly with the range of people we are providing services to, to do a new build.

**MR HARGREAVES:** Do you have to be cognisant of the actual structure itself—the supports and mechanics that go into those things?

**Mr Hehir:** Yes, and the blocks. It is also about thinking about the new technology that might support different arrangements and the layout of the block, in a sense.

**MR SMYTH:** On page 386, I notice that in the operating statement the amount for other expenses jumps from \$72,000 to \$962,000 and in the coming year goes back to \$74,000. The notes say it is the bringing onto the books of a school in Kambah. Why is that treated as “other expense”?

**Mr Hehir:** This is in the operating statement on 386?

**MR SMYTH:** Yes.

**Mr Hehir:** I think that is the estimated outcome. That might be demolition costs. There is nothing under the other areas where it would fit, which is why we treat it as “other”, I think. Let me check.

**Mr Hubbard:** I think that is what it is—the demo on one of the—

**MR SMYTH:** So it is the actual demolition cost?

**Mr Hubbard:** Yes, one of the original—

**MR SMYTH:** Okay. Over on page 387, your intangibles go up 148 per cent. They go from \$47,000 in the budget to \$202,000 as the outcome, then to \$500,000 as the outcome for next year. What is included in that? There does not seem to be a note talking about the intangibles.

**Mr Hehir:** You are talking about the intangibles going from \$47,000 to \$202,000 to \$500,000.

**Mr Hubbard:** That is typically IT. Again, I will have to find out what that level is.

**THE CHAIR:** I will just note that has been taken on notice. Ms Bresnan.

**MS BRESNAN:** Thank you, chair. I refer to the budget paper and also, again, to the *Future directions* implementation plan. Actions 34 and 35 talk about Disability ACT developing a common personal information collection tool. I am just wondering whether that is, in fact, related. In budget paper 3 at page 168 there is reference to the client information management system. I am just wondering whether they are two separate things. Perhaps you can give us an update on the information collection tool, how that is going, and also a bit of background to the client information management system?

**Mr Hehir:** I might give you the background to the client information tool. One of the issues that we have identified in talking with the community is their level of frustration about having to tell their story time and time again. Every time they go to a service, or even sometimes when they go back to a service, they are asked to provide their information. That is a very wearying process. The community has said, “If we could just tell our story once, that would be what we want to do.”

When we looked at options for this—Ms Ford or Ms Powell will probably give the detail of that—one of the ideas that we put to various groups was to say, “Would an information tool—whether it is web-based, a thumb drive or whatever—be useful for you? You could provide that to the service and give them access to different levels of information.” Not all services need the same level of information or the same level of detail. Within that you would say, “You’ve got authority to access level 2. You can download the information from that.” Therefore, they do not have to fill out yet another 20-page form—or whatever the forms are. That is something that the sector responded very well to. The forms are not simple. I have seen some of the examples and they do literally go for 16 or 17 pages. So that is the principle for that one. If there is more detail—

**Ms Ford:** This goes to Ms Hunter's question about outcomes. There are two answers to your question here. One is about the client information system, which is in relation to our respite review and the way that we collect information and keep our records. We are moving from a manual-based system to an electronic-based system. That is directly related to our services. The other one is the one that Mr Hehir spoke about, which is, through our *Future directions*, looking at the way people get information in the right place at the right time.

The "no wrong doors" concept is a concept that is being trialled. I think Western Australia or Victoria—I cannot quite remember—is trialling a process about just that, having a single piece of information that is in the control of the person, their own information, owning it and being able to provide it. We have been looking at a range of things. We want to start with an outcome and get agencies to sign up to being a "no wrong door" agency—meaning that if you are a "no wrong door" agency, whoever approaches your agency with any information you will be in a position to give very full information about all disability.

**THE CHAIR:** So this is just picking up on the concept that has been rolled out through the homelessness sector over some time?

**Ms Ford:** Some of that, but also adding to it. You will be able to give your information and that information will be able to be transferred. An example would be if you give your information to get a taxi subsidy. That information can be signed over and transferred to the companion card and vice versa. What we are looking at within that system is saying, "What are the ways and the areas where people give personal information about themselves and their circumstances? If they have already filled out a form in this area, they have signed for that information to be transferred to any other area that they might be giving information on." So there are some processes within processes in that.

**THE CHAIR:** I have one final question, and I know Mr Seselja does as well, around this area, before we move on to 1.2.

**Ms Burch:** We actually have an answer to a previous question for you. We have an answer to that earlier question.

**THE CHAIR:** Thank you. We will throw that in first then. It was Mr Smyth's—

**Mr Hubbard:** Just on a couple of your number ones, Mr Smyth. The first one was the other expenses going from 72 to 962K. That was a site where we did some demolition. That is the value of the land once the demolition has been done. We are transferring that to Housing ACT. It goes out of our books as an expense.

**MR SMYTH:** So which school site is that?

**Mr Hubbard:** That is Village Creek.

**MR SMYTH:** Village Creek. And that has now gone to Housing?

**Mr Hubbard:** On the intangibles question, which was moving from 47K to 202K, as

thought, there is some new software that we have bought. It is about 150K worth of additional software, which is a document management system internally, and also a reporting tool that goes over the top of our accounting system to provide reporting. So it is TRIM and TM1.

**MR SMYTH:** So you have purchased TRIM?

**Mr Hubbard:** Yes. It is an advanced version.

**MR SMYTH:** It is an upgrade?

**Mr Hubbard:** Yes, a new version of TRIM.

**THE CHAIR:** I have a final question on this output class. I understand that there is a lot of work that goes into planning with students with disability who are going to be transitioning out and finding further options for them. How successful are these plans? We get very different feedback from parents out in the community that the plans are not followed through, the options are not there and that is why many of them over the years have pushed for having their children stay, say, at Black Mountain for a couple of extra years. How successful are we being in this area and what more do we need to do?

**Ms Burch:** I will let Lois Ford talk to that, but we are aware that the change of school leaving age at Black Mountain is work that we need to do over this year as well, so there is the work to respond to your answer—but also understanding that there will be additional young folk transitioning out of Black Mountain school from next year.

**Ms Ford:** Success is pretty much individually defined; I need to just start from that basis. What we might call successful, because we work with a person to put in place arrangements that they have identified that they need—from the person's point of view, those arrangements may fall short of their expectations or fall short of the expectations that they have for the young person. More generally, I need to talk about the change that we have implemented throughout the transition program over the last five to six years. I will not labour that, because we have discussed this before. Please feel free to ask for more detail if I do not give you enough.

Previously what we did have was a three-year, non-recurrent, up to \$20,000 a year grant for young people transitioning from school into adult life. That was called the post-school option program. It was non-recurrent, and there was no surety at the end of the three years that you would continue to get funding irrespective of your level of need. The other part of that system that did not work was that, irrespective of what your level of need or level of support was, that was what you got: you did not get considered for further funding because you were already designated post-school option.

We have shifted that around to bring in two parts to the transition program. One part is where a young person indeed does need only a small amount of support over a defined period of time to assist them to move into other vocational training, supported employment or full-time employment options. That is called the transitional program. That is delivered through the organisation House With No Steps; it was previously

delivered through the organisation Community Connections. They have a significant level of success in engaging young people in supported employment and employment opportunities. And just within that, we are also working, for example, with a private employment agency, which is placing young people through mainstream employment into work experience and then on to supported or more permanent employment. That is outside the commonwealth responsibility around supported and permanent employment support. So that is one area.

The other area is the recognition that for some young people they will not move into supported or indeed full-time employment through the traditional avenues and that they will have ongoing and sustained needs for the rest of their life—that they will be engaged, to some extent, with Disability ACT or a disability provider for their life.

What we have done is that we guarantee, as a starting point for all families, a minimum of 12 hours or two days a week out-of-home support in any environment that they choose and then add other supports around that, like life skills support, additional coordination and support and some additional respite, as well as linking into some of the base-funded opportunities. What it does end up with for most families, on average—some more, some a little less, based on their need—is approximately three days a week of out-of-home support.

What we heard and responded to over the years is that the limited opportunities for young people when they were transitioning out of school meant that they chose more traditional and historical services that were out there, like centre-based respite, for their social and recreational needs. What families were wanting was more opportunity to look at different ways in which their young person, their son or daughter, could have a fuller life. So we introduced a range of planning, the futures planning tools. We have done that bearing in mind that different families are ready to engage at different levels.

We have PATH, which is a planning tool that helps people to visualise their future five years out. We have “Family leadership and you”, which is a service which works beside families to help them plan, build their natural supports around them and also start looking at some more creative ways in which they might want to work forward into the future. We also have local area coordination, which is working with families to help them engage in the generic supports that are available in the community. Then there is a range of funded support services like LEAD and Sharing Places, which provide social, recreational, vocational and work experience. Some of those organisations get their funding from commonwealth home and community care and also Disability ACT. Those are the ones that people would traditionally choose to have if they wanted a block funding arrangement.

Alongside that, we have significantly changed the funding models. I talked about that earlier on—about direct grants, about small individual support packages and also about working with the agencies to get them to start delivering services differently and more flexibly.

We also work closely with business, the arts and sports to broaden out those opportunities. Previously the focus was very much on employment. We know that, for young people transitioning through school, they need to be able to engage with the

arts and in sports as well as through business opportunities. There is a range of ways.

So when we talk about success, as I say, success is a very, very personal thing for families and for individuals. In terms of putting in place quite sustainable arrangements, we know that we work very differently with families now from how we used to previously.

**THE CHAIR:** Thank you. We will now move on to—

**MR SESELJA:** I was going to ask something.

**THE CHAIR:** Sorry, Mr Seselja.

**MR SESELJA:** Ms Burch, I wrote to you before the budget on behalf of Focus ACT, for whom I am an ambassador, advocating for more funding. I understand that Focus ACT did receive some additional funding in this budget. Are you able to talk us through that?

**Ms Burch:** Focus? I would ask Ms Power to speak on that.

**Ms Ford:** She has been working closely with them. I am aware. I was at the board meeting on Thursday night, when we finalised the arrangements. They are very happy with those arrangements. I can say that, to some extent, our close working relationship with them has assisted them to have a much better and more comprehensive view of the budget and their needs into the future. Is that sufficient or do you want some more detail?

**MR SESELJA:** Just some details on some of that additional funding would be great.

**Ms Power:** Yes. As Ms Ford outlined, we talked to the board last week and put a proposal to them, which they have positively received, in terms of giving them some additional base funding as well as working further with them on a couple of specific issues around some particular high-needs clients. But it is a recognition of some of those pressures that they have been talking to us about over a little bit of time now with the clarity that Ms Ford talked about. We have put a substantial amount into their base.

**MR SESELJA:** What is the money for that? How much into the base and how much are we dealing with the high needs?

**Ms Power:** We have offered \$125,000 per year into their base. They have gone back through and said that that was the amount that they were looking for in their budget. In terms of a couple of high-needs clients, they have identified some pressures around services that they may well be able to deliver in the future or may not be able to deliver in the future, depending upon the needs of those individual clients. We are going to work with them over the next year or so to look at the potential transition of clients if that is what has been identified.

**MR SESELJA:** I have a really quick question, and it is not just on Focus. You obviously fund a lot of organisations in Disability. They provide services. How do

you benchmark the appropriate cost of delivering those services as opposed to something that is delivered directly by government?

**Ms Ford:** For most of the agencies, we have moved much more over the years to individuals themselves choosing which agency they would prefer to get their services from and through a needs-based assessment. So we do not benchmark as such with agencies and say this is the flat level or this is what we pay for somebody who has this level of need.

What we do is negotiate with agencies for individual placements. Those individual placements may well be, for example, three people coming together. And probably over the last four or five years, it has more traditionally been around groups of families coming together, creating their own arrangements. We work with them to determine what those support costs will be, what other things probably need to be in the mix to assist with that, bearing in mind that disability funding is often not just the only funding they are having access to, and then negotiate with the organisation. Or alternatively, we will go out for a tender, a public tender, and let them know the profile and the support teams of the people that are involved in that tender. And the agency will then put forward their pricing. So we tend to work on that basis far more now than on a base costing for services.

In the example of Focus, we have actually put a worker in there to work one day a week with Focus to do assessments of all of their clients over a period of time to then be able to engage in a discussion of what those support needs are. Often for organisations, they are not thinking really creatively about what technology could go into the home, what other things are available, what other supports could perhaps go in there. So we work closely with the agencies in doing that as well.

**THE CHAIR:** We will move on to output class 1.2, therapy services. Mr Doszpot.

**MR DOSZPOT:** Thank you, Madam Chair. Under output 1.2, therapy services, budget book 4, page 376—and, minister, I direct this question to you—does the Department of Disability, Housing and Community Services have any employees who are a board certified behaviour analyst, BCBA, or a board certified associate behaviour analyst, BCABA? And if so, how many and in what roles?

**Ms Burch:** Thank you, Mr Doszpot, for that technical question. I might ask Ros Hayes if she can answer that or we might have to take that on notice. I am not quite sure. It was quite a technical descriptor of staff.

**Ms Hayes:** We do not actually use the ABA intervention method and therefore I do not keep a record of staff who are qualified in that area. But I am aware that one of the psychologists who work in our autism team does have those qualifications. But I am not sure at what level.

**MR DOSZPOT:** Are you aware how much it would cost to employ such a certified behaviour analyst?

**Ms Hayes:** As I say, we employ clinical psychologists and not people who are qualified in that because it is not an intervention technique that we use.

**MR DOSZPOT:** For each year of the last decade—and I know you probably cannot give me this answer instantly, but if you could give us a response I would appreciate it—how many children with autism accessed the services of, if not BCBA or BCABA therapists, other therapists employed by the ACT government?

**Ms Burch:** Did we not just say we do not use that?

**MR DOSZPOT:** That is why I said any other form of therapy.

**Ms Hayes:** Any other therapy? So the number of children with autism diagnosis who have accessed therapy services over the last 10 years, is that it?

**MR DOSZPOT:** By year for the last 10 years, yes. And I do not expect to have that answer now.

**Ms Hayes:** No. I can give you this year but I cannot give you the last nine years.

**MR DOSZPOT:** Sure.

**THE CHAIR:** So what is the answer for this year?

**Ms Hayes:** This year, there are 377 children with a diagnosis of autism who are accessing therapy services. And I would add to that that we collect that information by primary diagnosis. So for some people, the primary diagnosis may actually be an intellectual disability diagnosis rather than an autism diagnosis. And for some younger children, they may not yet have a formal diagnosis. They may still be in a group of children that we consider to be developmentally delayed, who do not yet have the diagnosis.

So the number is 377 plus some who would be—because you are probably aware, intellectual disability and autism are often co-morbid conditions—in another group in there. And for the little ones, a number of little ones will go on to get a diagnosis of autism.

**MR DOSZPOT:** And would you have an idea of how that compared to last year's figures?

**Ms Hayes:** It is a slight increase over last year's figures.

**MR DOSZPOT:** And does the department provide 1,000 hours per year of intensive autism-specific clinical intervention, which is apparently best practice according to the commonwealth health department for children with autism in the ACT?

**Ms Hayes:** No.

**MR DOSZPOT:** Okay.

**THE CHAIR:** What is the number of hours that each child would receive in clinical services?

**Ms Hayes:** We do not have a single program for individual children. So the amount of hours of therapy that they receive is very much dependent on individual needs and on the family situation and on what the family's current issues might be. We will be working with the family intensely for a period of time, particularly around the time of diagnosis and immediately after that, particularly the first 12 months after diagnosis. Thereafter the number of hours of service will be variable, depending on what is happening for that child in that family, where they are with their schooling, where they are with particular family issues. Ours is not a prescribed program of intervention.

**Mr Hehir:** I think it is also worth clarifying that the 1,000 hours, which translates roughly from 20 hours per week—and I recall the previous answer—are actually not exclusively required to be with a therapist. It is actually intended to reflect work in the home that the family can do, work at school that the teacher can do, work in a variety of settings. It is important to make sure that people understand what are the appropriate responses. And I think we did actually clarify that with the authors of the report. The intent is that it does not actually have to be with a therapist. It is that a broad therapeutic approach is applied.

**Ms Hayes:** That is correct. So the report that said that 20 hours of intervention per week is ideal for young children with an autism diagnosis does not say that that has to be one-on-one therapy time. And in fact, there is quite a deal of research now that the most effective intervention is done by families and is done in circumstances where the child is naturally, rather than in a fairly artificial therapy environment, because one of the hallmarks of autism is an inability to generalise.

People with autism are very concrete so that “this is what I do in this situation” does not necessarily translate to “I do that in another situation”. So it is, in fact, much better for the therapeutic strategies to be implemented where a child is. And that is, in the ordinary circumstances—at home, at bath time, at mealtime, driving in the car, going to school, in all of those circumstances—parents are being consistent, utilising the right kinds of responses, being aware of how they will best help their child develop and deal with their disability.

**MR DOSZPOT:** So you are saying that clinical intervention broadly can encompass parental intervention as well?

**Ms Hayes:** Yes, because there is nothing particularly magic about what a therapist does. It is something that other people can learn to do as well. And effective intervention can certainly be done by families, and most is.

**THE CHAIR:** Ms Bresnan.

**MS BRESNAN:** My first question is in relation to waiting lists. Budget paper 4 on page 376 refers to new referrals actioned in five working days and it has got 95 per cent. But specifically I was interested in the waiting list for support for children with difficult behaviours to see therapists, and that includes if they are referred by a psychologist.

**Ms Hayes:** Sorry, what about them?

**MS BRESNAN:** The waiting lists for support for children with difficult behaviours to see therapists, and that is if they are referred from a psychologist.

**Ms Hayes:** From a psychologist?

**MS BRESNAN:** Yes.

**Ms Hayes:** Or to a psychologist?

**THE CHAIR:** Is it from anywhere?

**MS BRESNAN:** From a psychologist or from anywhere. I just use from a psychologist as an example, but if they are referred from anywhere.

**Ms Burch:** So some general comment about our waiting list and how it is—

**Mr Hehir:** About behaviours

**MS BRESNAN:** Yes, for children with difficult behaviours to see therapists.

**Ms Hayes:** Okay. Children with difficult behaviours may be seen by a psychologist or they may be seen by a combination of different therapists, depending on what the cause and trigger of their difficult behaviour is. The current waiting list to see a psychologist is around four months, I think. We have been currently taking quite a number of people off that waiting list. We did have difficulty recruiting psychologists for a large part of last year. We have lately brought on an additional two psychologists and we have had another two return from maternity leave, so we have been able to start to deal with some of the backlog a little.

But not all behaviour issues are best dealt with by a psychologist. Quite often we would also engage the occupational therapists in behaviour issues and sometimes the speech pathologist if the behaviour issue is because of a communication problem—and, sometimes, of course, all three of those.

**MS BRESNAN:** So what were the waiting times to see the therapists?

**Ms Hayes:** It depends on which of the disciplines it is and it also then depends on the priority of need, because we do not take people in a strict first on, first off sort of basis. We do an assessment through our intake service of what is the priority of that particular person's situation. So it depends on the priority. We can see some people extremely quickly if it is an urgent situation; other people, where it is a lower priority issue, will wait longer.

**THE CHAIR:** Aside from the triage approach, are there certain therapies that have got longer waiting lists because there is higher demand or because we do not have the full complement of positions filled? And what are they?

**Ms Hayes:** Sorry, which are the—

**THE CHAIR:** Are there certain therapists—for instance, speech pathologists, and you mentioned OTs, and so forth—that take longer to get in to—

**Ms Hayes:** Than others.

**THE CHAIR:** than others, because of demand being higher than what you can supply or because we have had positions empty and it has been hard to recruit?

**Ms Hayes:** Traditionally, speech pathology has been the highest demand area, and in terms of the number of referrals for service it still is. We get somewhere between 70 and 80 referrals a month for speech pathology services. We have been able to substantially reduce the waiting list and the waiting time for speech pathology over the last 12 months with the addition of several new speech pathology positions which have come on, ramping up across the year. So the waiting time for speech pathology has effectively halved over the last 12 months. That is always for those with the highest needs, which are usually children with feeding problems.

**THE CHAIR:** And when you say halved, Ms Hayes, what has it gone down to?

**Ms Hayes:** That is what I was just about to say. It depends on the priority. The priority 1s are always seen within two days, so that is not an issue. The priority 2 was where we most wanted to target a reduction in the waiting period, and in fact that is what the emphasis of last year's budget initiative was. For that, the waiting list has gone from approximately 44 weeks to approximately 20 weeks for children in that category.

**THE CHAIR:** Can you just describe children in that category, because 22 weeks or 20 weeks or whatever still seems an enormously long amount of time to wait for your child to get some therapy. Can we have a descriptor?

**Ms Hayes:** Sure. Certainly, we would prefer to have lower periods of time and we steadily work towards that. But I think we have achieved a significant decrease in the last 12 months.

Children in that category are those where intervention is necessary to enable them to acquire language or to acquire communication if it is not going to be a verbal sort of language. The reason that they are in that higher priority group is that there is a sort of window of opportunity around when is the most effective time for the therapy to occur, when a child is in their preschool years, and so that is generally that group. They are either delayed in their acquisition of language and with therapy will catch up quicker or they are going to have an ongoing deficit in their language and communication because of a disability, even if that may not be diagnosed as yet. But effective strategies are best introduced as early as possible.

**THE CHAIR:** When you talk about a window of opportunity, what is that window of opportunity? What times? You were talking about the preschool years but I am just trying to link that to waiting for 20 weeks to get in to have an assessment to then maybe wait another so many weeks to start therapy and so forth. How does that window of opportunity connect with the waiting time?

**Ms Hayes:** It is different for each child, but we are basically talking about the development of neural pathways, so it is a sort of plasticity of the brain approach. Essentially, you are talking about between the years of two and four, within that, and of course we all develop at different rates. But those years are the times when language acquisition kind of goes from being plastic to hardwired, as it were.

**Ms Overton-Clarke:** Ros can expand, but there are a number of group activities where early interventions can also be helpful. So while someone can be on the waiting list they can be accessing a broader range of group activities. Do you want to just add a couple of those?

**Ms Hayes:** If I can. Can I just add a little bit to that? Most people who are coming to us for speech pathology services start initially through a drop-in clinic. So they come and see a speech pathologist, which they can do. We run about four clinics a month across Canberra and people can come in and see a speech pathologist for about 20 minutes consultation, or up to 40 minutes if we need it. In that period of time, the speech pathologist can do a quick assessment of where they are up to and can give some home programs and some written material to families about things that they might be able to do at home.

We refer families into one of our family information sessions where they can learn some of the strategies that the therapist will be using and they can start those at home. We find then that those children who have been through that process come to us a step ahead; they already have made some real gains because of those programs. So it is not as though they are doing nothing while they are waiting that time.

**THE CHAIR:** Mr Seselja.

**MR SESELJA:** Thank you, chair. You talked about categories 1 and 2. How many categories are there for—

**Ms Hayes:** Four.

**MR SESELJA:** So how do 3 and 4 fare in terms of waiting times?

**Ms Hayes:** It can be up to 40, 44 weeks at the moment for—

**MR SESELJA:** Is it the average for category 3?

**Ms Hayes:** For category 3 it is around that, yes.

**MR SESELJA:** Okay, and where is that trending?

**Ms Hayes:** They are all trending down, but they are certainly still higher than we would like.

**MR SESELJA:** Yes, and category 4?

**Ms Hayes:** It can be up to a year for category 4.

**MR SESELJA:** On average?

**Ms Hayes:** Yes. But very often those are things like articulation problems. If a child is having difficulty with the letter “p” or “w”, they are likely to develop out of those at some stage. Therapy will certainly help them to do that and we do that through clinic-based work. Those are issues where therapy can be of assistance but it is not really an essential “has to be done now” thing.

**MR SMYTH:** Just on speech linked with hearing, the Shepherd Centre and funding for the Shepherd Centre: minister, I notice there has been a front-page article about concerns that the parents have. Has the government guaranteed funding for the Shepherd Centre in an ongoing way in this budget?

**Ms Burch:** I know the Shepherd Centre have made contact with me and I have also been speaking with the minister for education on this. It is an education-based program. So we are working with the department of education to see where we go with that. The Shepherd Centre provides services to preschool-age children, as you are aware. There is a centre here serving both ACT and some regional New South Wales clients who come in to that as well.

The program’s approach is based on teaching hearing-impaired children speech as opposed to sign language, which is another way and is the preferred option for some families. We have provided additional funding for a speech pathologist. Therapy ACT would no doubt pick up some of these children, but certainly the discussion is live between me and the Department of Education and Training, given that it is an educational program.

**MR SMYTH:** How much does Disability provide?

**Mr Hehir:** It is not a service that we fund and have funded.

**MR SMYTH:** You do not fund it at all?

**Mr Hehir:** No.

**MR SMYTH:** So it is strictly in early learning and education. What do you provide to the Shepherd Centre?

**Mr Hehir:** My understanding is that we work with common clients, through Therapy ACT. I am not sure if we do outreach to Shepherd Centre, but it is more of a common client basis. Quite a number of the young children there also see a speech pathologist through Therapy ACT.

**THE CHAIR:** Ms Bresnan?

**MS BRESNAN:** Thank you. My question is in relation to the therapists. One of the recommendations from the Shaddock review was about placing therapists in schools. I believe that the government is considering doing this, or is moving towards doing this. When is this likely to happen and how will the project work?

**Ms Burch:** Having therapists in schools?

**MS BRESNAN:** Yes. It has been mentioned that you are working on an MOU—

**Mr Hehir:** Therapists or therapist assistants?

**MS BRESNAN:** The recommendation from Shaddock was probably for therapists.

**Ms Burch:** Ros will give the detail on that, but with Therapy ACT there were 24,000-odd hours provided to school-age children; 1,500 were provided in the school setting. It is not just a matter of the therapy professionals going into schools; it is the support they give to teachers and to train teachers around their activities as well. Also, on therapy assistants, we are piloting therapy assistants at one of our special schools, and that is with a view to having a therapy assistant for more hours on site to provide that.

**MS BRESNAN:** In terms of the Shaddock review recommendation about having therapists in schools, is that something you are considering doing?

**Ms Hayes:** The recommendation of that review was that the department of education and Therapy ACT have what he termed a contract specifying clearly what therapy services would be available, in what quantum and so on. Because it is not normal for two government agencies to contract between each other, we are working with the department of education on a service partnership agreement which will clarify how we will work together and what programs will be directly supported by therapists in schools and which ones will be supported more through a consultancy model.

I will talk a little about some of the context around that. We work with children with developmental delays and people with developmental disabilities. So up to about the age of eight, we are really working with children and their families around helping the child to develop to their maximum potential. But after around the age of eight, if they have not reached normal milestones then you are talking about a disability—a permanent condition where further therapy is not actually going to improve the functioning of the child.

What is required when you have a disability is that your environment where you interact is more amenable to your disability and that you have strategies to deal with the disability. In that sense, therapy shifts from being based around improving a person's functioning to, now that we have a disability, adapting to that disability and adapting the environment to the disability.

When you talk about therapy in schools, most of it is targeted at helping teachers to adapt their curriculum to meet the child's disability. It means that teachers need to understand more around disability and they need to know more strategies about how you work with a child with a disability and how you teach in that situation.

Our focus is really around that. It is around how we adapt curriculum, how we assist teachers with additional strategies, how we provide support to teachers to implement those strategies in classrooms, rather than therapists going into schools and actually doing therapy, because, by then, we are not talking about making much change in the

child.

I know that families and teachers would like to think that you can just get a therapist in and, somehow or other, if they spend enough hours there, there would be a cure and the child would be different. That is not really going to happen with a disability, because disability is permanent.

Our focus with school-age children is to help them adapt to their disability across all parts of their life. And school is an important part of their life but it is not the only part of their life. There are always issues at home, in the family, in the community, in travelling, socially and so on. So we are working with the whole of the child, not just with the school-based part. We are working in that model that says we really need everybody to have the same strategies and be able to respond appropriately to this particular child's disability.

**THE CHAIR:** Ms Hayes, could I ask a supplementary. Understanding what you have said, could you let us know what therapy arrangements are in place at Cranleigh school?

**Ms Hayes:** Yes. I can tell you that we have a school-age therapy team that is based in our Belconnen office. As part of the area that they service, they service Cranleigh. That team has speech pathologists, physios, social workers, psychologists and occupational therapists. They meet every term with the principal and deputy principal of Cranleigh to plan the programs that they will be involved in over that term, including any in-service training that the teachers might be looking for or any new school-based programs that they might be wanting to implement. We work with them to develop and implement that plan.

**THE CHAIR:** Thank you. Mr Doszpot?

**MR DOSZPOT:** Thank you, Madam Chair. Minister, turning to budget paper 3, page 93, the community-based autism family support and coordination service, can you confirm that this is, in essence, a salary to employ a coordinator?

**Ms Burch:** I think the funding has been provided for a worker and for the cost of that worker. It has come in response to the needs we have heard about. There are a lot of services out there to support families with a child with autism. This work is really to coordinate and navigate through those different service systems. Mr Hehir?

**Mr Hehir:** I think Ms Hayes has more detail than me. This is both complementary and additional to the Australian government funded services. There is actually quite a degree of difficulty. We anticipate that with this funding we will spend a lot of time around the support side of it. The commonwealth funding is around the navigation; that is my recollection. Ros is smiling, so hopefully I have not gone too far wrong.

What we do know is that, particularly in the early period of diagnosis, families feel lost and really require a lot of additional support. This is certainly one of the key roles that we see this part playing. It really is about supporting the carers as they come to terms with it and adapt and then start the navigation process. I will ask Ms Hayes to give a bit more detail.

**MR DOSZPOT:** Are you aware that organisations like Autism Asperger already have the capabilities and expertise to run such a service?

**Ms Burch:** Yes.

**MR DOSZPOT:** Were they consulted in the development of this initiative?

**Mr Hehir:** I think Autism Asperger put forward a submission for the budget. It was a significant sum, from memory. I cannot remember the detail of it but I think this was part of the actual resource they were seeking. I do not have the detail in front of me. Ms Hayes will probably be able to answer that.

**MR DOSZPOT:** It was about \$2.16 million for services that they were asking for.

**Mr Hehir:** Yes.

**MR DOSZPOT:** Will any of those elements be considered?

**Mr Hehir:** I do not know whether I can answer for the future, but it is what is in the budget.

**MR DOSZPOT:** So they are not considered in the current budget?

**Mr Hehir:** Apart from the service described.

**Ms Hayes:** I will go back to the start. The main purpose of that funding is to fund a coordinator position, the ancillary costs associated with that and necessary infrastructure, including the lease of a vehicle so that the worker can visit families at home and so on. So that is what the funding is for.

In terms of the consultation, we talk often with families, of course, because they are our client group as well, and with organisations about what is required. One of the issues that have been raised frequently with us, including by Autism Asperger Inc, is the increasing confusion for families around service delivery, now that the commonwealth, through both the DEEWR program and the FaHCSIA program, are funding private providers in addition to the services that are provided through the ACT government. The service system is now considerably more complicated than it was, and therefore there is more necessity to help families to navigate that system. That is certainly an issue that has been raised frequently with us by Autism, and part of the budget submission that they put forward was around family support.

**MR DOSZPOT:** My final question on this, Madam Chair, is: will Autism Asperger ACT be provided with a chance to bid for the opportunity to manage this program or is this seen as an internal staffing addition that you are making?

**Ms Burch:** No, it will go to a community-based organisation.

**MR DOSZPOT:** So Autism Asperger is a community-based—

**THE CHAIR:** Through a tender process?

**Mr Hehir:** This will be done through a procurement process. We are looking at the various options under that process now, and the full range of procurement options—open tender, select tender or single select.

**MR DOSZPOT:** My question is: will Autism Asperger be considered as part of that bid process?

**Mr Hehir:** Yes.

**THE CHAIR:** I am sure if they put in a bid for it. Minister, could I take up five more minutes of your time?

**Ms Burch:** Given that I am in a generous mood, yes, Ms Hunter.

**THE CHAIR:** Thank you, minister. There seems to be a growing body of evidence around children who are actually traumatised and experiencing trauma. Shaddock raised this issue as well, that a number of them are being labelled as having a disability in order to access disability and therapy services. There is a bit of desperation going on. I am wondering if you are aware of this issue. It has certainly been raised with me by Dr Sue Packer as well that there are children in the system who have been labelled with ADHD or with being on the autism spectrum who are actually traumatised children. I wonder if you are aware of what work might be being done at the moment.

**Ms Burch:** I think I will defer to Ms Hayes.

**Ms Hayes:** Yes, that is the case. They are relatively small numbers but of course they are very significant, in that they are children who do need support. Our role is with children with developmental delays and disabilities, so they are not our core target group. But we do work with our colleagues in the Office for Children, Youth and Family Support, who often are the first contact for those families and children. Where we can provide assistance, we do. If there is some family intervention program or some therapy program that we can assist with, we are able to do that. They are not very large numbers. There is a case-by-case negotiation about what is the best service model and whether we have the right skills and expertise for that particular child and family.

**THE CHAIR:** Thanks, Ms Hayes. I am sure we will take it up under care and protection as well.

As mentioned at the commencement of the hearing today, there is a time frame of five working days for the return of answers to questions taken on notice at this hearing. In relation to questions given on notice, the committee has agreed that written questions on notice will only be accepted for three working days following this public hearing for the Department of Disability, Housing and Community Services output class 1, disability and therapy services. Members, please provide any questions on notice to the secretariat by close of business, Friday, 29 May 2010. Questions on notice pertaining to these agencies will not be accepted after that time.

On behalf of the committee, I would like to thank the Minister for Disability, Housing and Community Services and DHCS officials for attending today, and in advance for responding promptly to questions taken on notice and given on notice.

**Ms Burch:** Could I thank my officials for their support here today.

**Meeting adjourned from 12.38 to 2 pm.**

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

Leigh, Ms Kathy, Chief Executive

Goggs, Mr Stephen, Deputy Chief Executive, Statutory Support

Carter, Mr Robert, Deputy Chief Executive, Operations

Crowhurst, Ms Moira, Chief Finance Officer, Strategic Finance

Crowweller, Mr Mark, Commissioner, ACT Emergency Services Agency

Foot, Mr David, Chief Officer, ACT Ambulance Service

Ryan, Mr James, Executive Director, ACT Corrective Services

Purvis, Ms Alison, Acting Courts Administrator, ACT Law Courts and Tribunals Administration

Independent Competition and Regulatory Commission

Baxter, Mr Paul, Senior Commissioner

Schreiner, Ms Shelley, Chief Executive Officer

ACT Policing

Quaedvlieg, Assistant Commissioner Roman, Chief Police Officer

Kendrick, Ms Judith, Director Corporate Services

**THE CHAIR:** Welcome to this public hearing of the Select Committee on Estimates. The Legislative Assembly has referred to the committee for examination the expenditure proposals in the 2010-11 appropriation bill and the revenue estimates in the 2010-11 budget. The committee is due to report to the Assembly on 22 June 2010 and has fixed a time frame of five working days for the return of answers to questions taken on notice. The proceedings will commence this afternoon with an examination of the Department of Justice and Community Safety, followed by the ICRC, Emergency Services, ACT Policing, Corrective Services and courts and tribunals.

Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the yellow-coloured privilege statement before you on the table. Could you confirm for the record that you understand the privilege information in the statement?

**Mr Corbell:** Yes, thank you, Madam Chair.

**THE CHAIR:** Could I also remind witnesses to keep their responses to questions concise and directly relevant to the subject matter of the question. We have a great deal of ground to cover during the hearing and I would like to maximise the opportunity for members in attendance to put their questions directly today rather than on notice.

Before we proceed with questions, minister, would you like to make a short opening statement of no longer than five minutes?

**Mr Corbell:** No, thank you, Madam Chair. I am happy to try to answer your

questions.

**THE CHAIR:** Thank you. I want to go to budget paper 4, page 496, and this is around staffing and resources. Mr Baxter, I know from experience that your office is a very productive one and you have had some significant demands this year, with only five staff. How have you managed to get through the workload and the obligations of the office?

**Mr Baxter:** Thank you for that question. The commission is a very productive organisation. We do have the advantage that we are able to draw upon outside expertise in the form of specialist consultants from time to time, and that greatly assists in the tasks that we have set for us and that allows us to get through the work that we have on our agenda.

**THE CHAIR:** I note the commission spends around \$600,000 on employee expenses and \$1.2 million on supplies and services. That \$1.2 million includes those specialist consultants that you were referring to?

**Mr Baxter:** That is correct.

**THE CHAIR:** And how much of that?

**Mr Baxter:** I will get Ms Schreiner to maybe pick up that point about the consultants' costs.

**Ms Schreiner:** The cost will vary depending on the inquiry that comes to us or in the form of the agreement that we may enter into for a cost recovery. Where an inquiry is referred to us under the ICRC Act, we sometimes recover costs through the act—that is, in the case, for instance, of the Cotter Dam inquiry we would recover the cost of that through Actew.

It is never really quite possible for us to know at the beginning of the year what, in fact, we are going to be required to expend. We cannot fully anticipate the calls upon us. These are only estimates of what we might be required to expend and hence recover through one of the mechanisms available to us.

**THE CHAIR:** Each year, because you can only estimate, do you use a similar estimate in your budget to have that money for specialist consultants?

**Ms Schreiner:** Over time we have accumulated cash reserve and we often drop on our cash reserve in advance of recovery. In fact, we often have to. So we expend first and then we recover the funds.

**THE CHAIR:** Thank you. Mr Seselja.

**MR SESELJA:** Thank you, Madam Chair. Mr Baxter, in the notes, dot point 4 on page 496 of budget paper 4 talks about a review of the competition in the ACT's electricity retail market in cooperation with the Australian Energy Market Commission. What is the status of that review? Where is that up to?

**Mr Baxter:** The status of that review is that the AEMC has sought submissions in response to an issues paper that they have released. They are currently preparing some draft material. We have been in discussions with them from time to time, and they are anticipating meeting their deadline for a draft report shortly and then a final report a little later in the year. But a draft report, I believe, is due in June, in actual fact.

**MR SESELJA:** Does the ICRC have any views at this stage on how the marketing in the ACT is going and of ways forward for maximising competition?

**Mr Baxter:** In our draft report on the transitional franchise tariff, which was released about a month ago, we discussed in some detail just where competition was up to in the ACT for electricity. We noted at that time that there has been a drop-off in the involvement by licensed retailers in the ACT in terms of the number of customers they have had. There has been movement out of the ACT by some and a slowing down of their marketing activity.

There are still a fair number of people who are actually on contestable or contracted prices for electricity. These people may move into a contractual arrangement with ActewAGL or one of the other retailers. But we expressed some concerns at the fact that there has been a drop-off in that level of competition, notwithstanding those companies are still licensed and we still have two or three additional ActewAGL operators in the ACT.

**MR SESELJA:** Is this review the one that is done by the Energy Market Commission regularly or is this a one-off?

**Mr Baxter:** No. This is the one that has been foreshadowed now for some time from the ministerial committee on energy and has been on the agenda for the AEMC for some years, in the sense that they first undertook one for Victoria, then South Australia; now they are doing the ACT, and New South Wales will follow on from there.

**THE CHAIR:** Mr Smyth.

**MR SMYTH:** Thank you. The feed-in tariff has taken up some of your time recently and I am sure that you are aware of the *National capital to solar capital* document. In relation to consideration of the feed-in tariff for large generators of more than 30 kilowatts, are there any concerns that the ICRC has raised or are there any concerns that the ICRC has about the proposal?

**Mr Baxter:** In terms of the recent report that we did, which was to provide advice to the minister regarding the rate to apply going forward into the next financial year, the focus was primarily upon less than 30, because that was the terms of reference. As part of that inquiry, we gave a good deal of consideration to the issue of getting the best efficiency out of the program and, indeed, recommended to the minister—and the minister took this recommendation up—to extend the payment arrangement such that people up to 30-kilowatt power capacity could benefit from the full value of the TFT payment rather than 80 per cent of it, as previously existed. The intention was—and the view of the commission was—that that represented a more efficient approach to addressing the issue of emission reductions and having a more efficient form of

alternative energy generation.

The wider issue of something above 30 is not something that we have directly been engaged in, nor have we made any public comments upon that matter. Clearly, that is a matter that the government is considering and I would leave it to the minister to talk about that.

**MR SMYTH:** Minister, will the issue of the higher volumes above 30 kilowatts be referred to the ICRC?

**Mr Corbell:** To clarify, I am responsible for it, not as the Attorney-General but as the Minister for the Environment, Climate Change and Water, but given that I am here—

**MR SMYTH:** As long as you do not talk to yourself.

**Mr Corbell:** I will do my best.

**MR HARGREAVES:** I am happy for that to happen. I want to see it.

**Mr Corbell:** It has been known on occasion. The matter is essentially a policy question for the government. The expansion of eligibility for the feed-in tariff to larger scale generation is a policy question and it is a question for the Assembly to determine through legislation. So that is the way we are pursuing it. My department will seek technical advice from the regulator in relation to a range of matters and certainly, should we proceed with larger scale generation, it will be a role for the ICRC as part of an expanded scheme.

**MR SMYTH:** Will you seek comment from the ICRC?

**Mr Corbell:** The ICRC is welcome to make comment through the public consultation processes we have already put in place for options on expansion of the FIT.

**MR SMYTH:** Mr Baxter, are you considering making comment?

**Mr Baxter:** At this stage we have not considered the matter at all.

**MR SMYTH:** Thank you.

**THE CHAIR:** Ms Bresnan.

**MS BRESNAN:** Thank you, chair. My question is in relation to budget paper 4, page 500. There is an item there, user charges. I am wondering whether you can provide some further detail on the user charges and perhaps a breakdown of what they incorporate.

**Mr Baxter:** I shall hand over to Ms Schreiner for that one.

**Ms Schreiner:** The user charge in this case is made up of purchase agreement funding that we received through Treasury and a small amount at the moment from DECCEW for the administration of the greenhouse gas scheme. In addition, into that bucket is

where we put our estimated revenue that would come through the recovery of costs for inquiries.

So basically we have to estimate in advance. We are never quite able to. It is not an appropriation-type arrangement; so we are not really certain at the beginning of a year what that is going to be. But those are the kinds of classes of funding that would be in that.

**MS BRESNAN:** What makes up the bulk of that user charge? Is it the purchase agreement?

**Ms Schreiner:** Pardon me?

**MS BRESNAN:** What makes up the bulk of the user charge that—

**Ms Schreiner:** About half of it would be in purchase agreements and about half of it would be an estimate for conducting inquiries.

**MS BRESNAN:** So it is about equal distribution between the two?

**Ms Schreiner:** Yes.

**MS BRESNAN:** Thank you.

**THE CHAIR:** Mr Hargreaves.

**MR HARGREAVES:** Thanks very much, Madam Chair. I have a very quick question, probably to Ms Schreiner. It is in budget paper 4, page 500, and it is the item “payments related to supply of services”. You talk about the estimated outcome 2009-10 at \$1,285,000. You are going to drop \$40,000 in your 2010-11 year; then you are going back up by 50 grand in the 2011-12 year. There is a dip here. Whilst it is only \$50,000, it has excited my curiosity. Perhaps you can allay that curiosity.

**Ms Schreiner:** In this case, because we often are working with unknown revenue and expenditure, perhaps the drop will have to be realised in the sense it is an estimated figure for us. Given the unusual nature of the ICRC’s funding arrangements generally, that would have been a decision of Treasury in working through our figures. We are trying to estimate our costs.

**MR HARGREAVES:** The thing is: why did you not say that you were not quite sure what the \$50,000 drop was about but Treasury has told you what the \$50,000 drop was about? I probably misunderstood what you were saying.

**Ms Schreiner:** As I said, again in regard to the figures, similar to revenue, we are working on estimates at the beginning of the year that are based on historical experience. We will not actually know what our revenue and expenditure are until the year begins to proceed. And that has something to do with the nature of our activities.

**MR HARGREAVES:** All right. This is talking about the cash flow, Ms Schreiner.

**Ms Schreiner:** The cash flow. I cannot give you a specific answer. I can take that on notice.

**MR HARGREAVES:** Would you mind doing that, please? What I am seeing over the outyears is a gradual increase, which I would have expected to have seen. I wouldn't give Treasury 50 grand back. Sod them!

**THE CHAIR:** I note that that question has been taken on notice. Mr Rattenbury.

**MR RATTENBURY:** If I might assist Mr Hargreaves: I note on page 496 there is an observation that the agency is increasing its FTEs by one. The note indicates that comes from the revenue internal cost reallocation. Mr Hargreaves, in that table the staff employee expenses go up around \$60,000 as well. So I think there is a bit going on in terms of internal reorganising.

**MR HARGREAVES:** Not quite. If you have a look at the cash flow statement, it does not work.

**THE CHAIR:** Anyway, that question has been taken on notice. Mr Rattenbury, a question?

**MR RATTENBURY:** Sure. In your statement of intent there is a reference to working on competition policy. Have you been involved in giving any advice to the ACT government during the development of their supermarket policy? It makes some reference here to that. Can you just elaborate on what is involved?

**Mr Baxter:** The commission is a member—or I, as the senior commissioner, am a member—of the government's supermarket competition advisory body. Certainly, we were able to make some contribution to discussions on that leading up to the government making certain decisions. The involvement, from the commission's point of view, was very much with a view, first of all, to reviewing aspects of the Martin committee, providing advice up to that point upon which the government then made decisions, and now subsequently providing advice to government on the implementation of the competition issues that the government has endorsed as part of that policy. I sit on a committee on that matter. We review against those criteria and provide advice to government who then make decisions on matters relating to supermarkets.

**MR RATTENBURY:** I know many of your advices are publicly available. Is the supermarket competition advice available?

**Mr Baxter:** No, it is not, because, while I am wearing the hat as a commissioner from the ICRC, it really is not an ICRC inquiry as such. That is advice that is given to the minister.

**MR RATTENBURY:** Thank you.

**MR SESELJA:** Is the government's approach to the supermarket policy consistent with competition principles?

**Mr Baxter:** The issue was raised and covered by the Martin committee review and the government considered it in that context. If you go back and look at the Martin review and the discussion on that, you will see that John Martin did examine quite carefully the issue of competition and the implications of the government having some involvement in that market and came to certain views. The recommendations were then carried forward to government.

I see my role very much as one of ensuring that, as we apply the principles now that have been agreed by government, we stick within the boundaries that the government has decided upon and do not allow ourselves to wander off into other areas which maybe have competition implications that perhaps were not intended by the government's decision.

**THE CHAIR:** Mrs Dunne.

**MRS DUNNE:** Thank you, Madam Chair. Mr Baxter, I would like to move on to the draft report on the review of the projected costs of the enlarged Cotter Dam. Can you elaborate for the committee the views of the ICRC on the prudence and efficiency of the projected costs of the ECD in terms of meeting the water security standards required of Actew?

**Mr Baxter:** As the committee will recognise, the commission is yet to complete that inquiry. We have released a draft report which is available for one and all, and we are happy to provide further copies if necessary. We had some public hearings on that yesterday. Submissions are invited and are due to be received from all parties by the end of this week.

In looking at this particular matter as presented in our draft report, the commission has had to give a good deal of consideration to the terms of reference around the issue of prudence and efficiency. We have made some comments in relation to issues to do with costs, the alliance arrangements that led to the contracts et cetera, and they are reasonably clear in terms of what we have said in the draft report, subject now to any review we make prior to the final one. The issue of prudence and efficiency was one which, while we discussed it in great detail and went into a good deal of detail relating to certain ways in which that matter was addressed by Actew, we have deliberately not come to a conclusion on in the draft report because we wanted to at least raise a number of matters publicly, which we have done, and allow time for people to respond to that, which is of course what is happening at the moment.

The commission is considering this matter very carefully. While the terms of reference require us to look at the matter, normally what would happen would be that the commission, at the time it set the next price determination in a couple of years time, which would be a five-year price path, would make a decision as to whether or not the costs were efficient and the matter was prudent at that time. Bear in mind that the commission signed off on this particular project a couple of years ago, in 2008, on the basis of the previous estimate of \$145 million with a 30 per cent contingency factor. Since then a lot of things have changed, not least of which has been the projected cost. I have to think very carefully about what I say in this final report. I have to respond to the terms of reference but I also have to bear in mind that I will be binding the future commission in terms of the decision it takes.

That is why I have been just a little coy, if I might say, in terms of how I have presented it in the draft report. I really have left it open so that we can receive, as we have been, comment publicly and allow people to see that comment on the matters that we have raised before reaching a final decision, which we will have in our report which is due out at the end of June.

**MRS DUNNE:** Can I pursue that a bit? In putting together your draft report, you commissioned a net economic benefit analysis that was undertaken by Halcrow. How does the review undertaken by Halcrow compare with the reviews of net economic benefit that were undertaken by Actew?

**Mr Baxter:** In fact, Halcrow was not asked to undertake a net economic benefit. What it was asked to do was to undertake a review of the various matters to do with the determination by Actew of whether or not the project should go ahead. That then took us to the issue of the net economic benefit and other work that Actew had done itself and had done for it by other agencies and entities.

Halcrow went through that process in some detail. The commission and its own staff and other advisers that we had appointed to assist us have also gone through that in a great deal of detail. In our draft report we have outlined at some length some concerns we have had with the way in which the net economic benefit analysis undertaken by Actew was undertaken, some of the numbers that were used there and the various choices that were made along the way concerning the way in which that was undertaken. Our concern, I think, has been quite clearly stated in regard to that matter. We are, as I say, waiting now to see the final input from various parties as to what decision we will finally make.

**MRS DUNNE:** There was some currency given to the CIE's economic benefit with the new water supply options prepared for Actew. Did you consider the paper in your review?

**Mr Baxter:** Just to make it quite clear, CIE undertook several—when I say “several”, there were three or more—papers for Actew. If I can guess, I think the one you are referring to is the 2009 one.

**MRS DUNNE:** This one here.

**Mr Baxter:** Yes, the most recent one—2009.

**MRS DUNNE:** The most recent one, yes.

**Mr Baxter:** Certainly, we did see that, along with the earlier ones. It was very much the case, in looking at that and the earlier reports that CIE had prepared, that when we analysed those and went into them in some detail we expressed concern about some of the ways in which the methodology had been applied and the numbers that had been used in the work undertaken by CIE for Actew had been put together. Those matters are the matters that are before everyone now.

We have certainly seen all of those reports. Let me say here again—I have said it

elsewhere—that Actew has been very forthcoming in terms of providing us with access to the information. Again, I have said publicly that Actew agreed, as we proceeded with this process, to allow us to release all the information. That was, I think, one of the benefits from the process that was put in place by the Assembly. But the question of prudence and efficiency still represents a tricky issue for me to have to come to a conclusion on.

**MRS DUNNE:** Mr Baxter, what are you looking for that you do not already have that will help you come to a conclusion about prudence?

**Mr Baxter:** The issues to do with prudence were outlined in the report itself. I refer members, if they have not had the chance to look at this, to chapter 4 of the report. In chapter 4 of the report we set out the issue to do with what we look for in terms of prudence. That took us to the issue of considering a whole range of issues to do with demand, asset renewal, replacement issues, productivity issues, addressing what were the standards that were required, reliability and so forth—of the various options that were placed before Actew.

These are the issues that we had to go through and work on. In the report, we have made the point that Actew placed great reliance particularly on the work that was undertaken from 2006-07 onwards upon a net economic benefit approach. They had placed great reliance upon this particular approach, and of course that was a matter we had given a good deal of attention to.

The question remained always: what was the final basis upon which they made the decision, just what did they include in that analysis and did they actually factor into that all the issues of risk and exposure et cetera that one would expect to see with the use of that sort of methodology? That is the matter that we are going to.

To the extent that that has not all been addressed, that raises questions about the outcome. To the extent that it has all been addressed, the issue as to the different ratings that are given to the various options that were before Actew which we talked about in the report becomes an issue as to what would be the better option to take at any one particular time or whether the options met all the objectives or could stand alone to meet all of the objectives. So there are a number of issues here.

At this stage, we are still unpacking that information. Yesterday's public hearings further added to that particular matter. I am anticipating a further submission from Actew—their public submission—later this week which I suspect will unpack that a bit further. That will go to the issue as to ultimately what was the basis upon which Actew made its decision.

**MRS DUNNE:** Thank you.

**THE CHAIR:** Thank you. We now need to move on. The committee has a lot to get through this afternoon. Thank you very much, Mr Baxter and Ms Schreiner, for coming in to the estimates hearing.

We will now move to output class 4.1, emergency services. Could I just confirm for the record that you all understand the privilege implications of the privilege statement.

The card should be on the table in front of you.

**Mr Corbell:** Yes, thank you, Madam Chair.

**THE CHAIR:** I would like to start with a question on page 268 of budget paper No 4. It is about the Emergency Services Agency sheds at Jerrabomberra and Rivers. In last year's budget, 2.27 million was allocated to refurbish the ESA sheds at Jerrabomberra and Rivers. By our calculations, 360,000 of that has been spent in the last three months or so. That would indicate that some substantial progress has been made. I want to have an understanding of what progress has been made with the refurbishment of those sheds and where the project is up to.

**Mr Corbell:** The advice I have as at 24 February—Procurement Solutions have advised that the funding to date that has been expended is \$123,566. I will try and give you a figure that reflects progress since 24 February in relation to expenditure. ESA expect that the projects will be completed by the revised completion date of 1 October this year. The RFS and SES brigades at both of those locations can continue to operate from those locations in the interim.

In relation to the Rivers project, I understand that work has started on site in relation to the Rivers project. In relation to the Jerrabomberra project, additional work is occurring in relation to finalising the scope of works; that is being done in consultation with the volunteer brigade executive at that location.

**THE CHAIR:** In broad terms, what are we getting for each shed? What sorts of improvements are being made?

**Mr Corbell:** The Jerrabomberra upgrade will provide additional vehicle bays, disabled access, disabled ablutions facilities, new ablution facilities for volunteers and associated locker rooms. The Rivers upgrade will provide new ablutions and locker rooms, a kitchen, a training shed, a training area, improved car parking facilities and a vehicle storage area. Work at Rivers commenced on 13 May; work at Jerrabomberra is due to commence in June this year.

**THE CHAIR:** Are you happy that we are going to get good value for the work that is being done on those sheds?

**Mr Corbell:** Yes, I am.

**THE CHAIR:** I think you said that you were expecting Jerrabomberra to be completed by October. Was that expected to be completed by October?

**Mr Corbell:** Both projects we expect to be completed by October.

**THE CHAIR:** And you are quite confident that that work is progressing and is on schedule?

**Mr Corbell:** That is the advice I have from ESA.

**THE CHAIR:** Thank you.

**MR SMYTH:** Just to follow up on that, some of the volunteers of both of those brigades have raised with me concerns about the cost. They are happy about the upgrades, but one of the volunteers said that it is like the Building the Education Revolution for emergency services. These are basically tin sheds with facilities inside for the volunteers. Why are they so expensive?

**Mr Corbell:** They are more than just tin sheds. They do involve changes to utilities at the sites, particularly at the Jerrabomberra site. They involve extensive changes in relation to the utilities—water, sewer and other infrastructure—at the site. The projects have been put out through the normal tender process, so the government has sought to get value for money through a competitive tender process.

**MR SMYTH:** Could you provide for the committee a breakdown of the costs of each of the components of the refurbishments, please?

**Mr Corbell:** Yes; I can take that on notice for you.

**THE CHAIR:** I just note that that has been taken on notice. Mr Seselja.

**MR SMYTH:** Just further to sheds, if I may, during the inquiry into the Auditor-General's report on the Ambulance Service, the ambulance officers that appeared identified that there had been a report done on the relocation of—initially we thought it was just ambulance stations, but apparently it is all emergency services facilities. What is the status of that report, minister?

**Mr Corbell:** That report is subject to cabinet consideration.

**MR SMYTH:** When did you receive that report?

**Mr Corbell:** I have not yet received the final copy of that report.

**MR SMYTH:** You have not received a final copy of the report?

**Mr Corbell:** No.

**MR SMYTH:** When was the report instigated?

**Mr Corbell:** The report was prepared, if I recall correctly—work commenced on the station relocation proposal approximately two years ago, I think, in the 2007-08 financial year. It involved detailed consultation with stakeholders. Following the completion of that document, further concerns were raised by stakeholders in relation to some of the methodology that had been applied in making conclusions and recommendations about potential station relocation. As a result of that, the new commissioner, Mr Crosweller, asked for further work to be done in relation to that methodology, in consultation with stakeholders. I understand from Mr Crosweller that that revision and further work is now complete, and the report will be presented to cabinet, along with recommendations to cabinet on the next steps.

**MR SMYTH:** When is that likely to occur?

**Mr Corbell:** Later this year.

**MR SMYTH:** Why has it taken two years?

**Mr Corbell:** This is a complex process and it involves detailed discussion with stakeholders. Obviously the unions, in particular, that represent personnel in the Fire Brigade and ambulance have a strong stake and legitimate interest in where stations are located. It also requires detailed discussion within the Emergency Services Agency. And there is a limited amount of expertise available world wide on the methodologies that are used to determine the most appropriate—there is limited expertise in applying the methodologies to determine the optimum location of emergency service facilities. Mr Croweller has engaged an international firm to assist in our revision of those methodologies, to make sure that we do have a best-practice approach. All those things have contributed to the time period.

**MR SMYTH:** So the methodologies used—

**THE CHAIR:** One more, Mr Smyth, then we will move on.

**MR SMYTH:** Would they be the same methodologies that the Auditor-General used to determine service levels by suburbs?

**Mr Corbell:** I do not believe so, no.

**MR SMYTH:** The auditor said yesterday that the data that she had been given was data prepared by the Ambulance Service that detailed the service delivered to each suburb in a suburb-by-suburb breakdown and she then interpreted that data.

**Mr Corbell:** Right.

**MR SMYTH:** So is that data that exists inside the Ambulance Service?

**Mr Corbell:** I did not hear the Auditor-General's comments yesterday; I could not comment on those.

**MR SMYTH:** Will you take that on notice?

**Mr Corbell:** I am happy to review what she said.

**MR SMYTH:** Will you take the question on notice—

**Mr Corbell:** Yes, I have just done that.

**MR SMYTH:** and see whether the Ambulance Service has that data?

**Mr Corbell:** Will I take what on notice?

**MR SMYTH:** Whether or not the Ambulance Service has that data?

**Mr Corbell:** What data?

**MR SMYTH:** The data that the Auditor-General used—that she told the committee yesterday was provided by the Ambulance Service: the breakdown by suburbs.

**Mr Corbell:** I think it is a matter of record that the Ambulance Service provided data to the Auditor-General; I do not think I need to take that on notice. The Ambulance Service did provide that to the Auditor-General.

**MR SMYTH:** How was what she did incorrect if she just used the data that was provided by the Ambulance Service?

**Mr Corbell:** That is not what you originally asked me, Mr Smyth.

**MR SMYTH:** No; it is a new question, minister.

**THE CHAIR:** Mr Smyth, can we go to Mr Seselja for a new question—or are you happy to switch?

**MR SMYTH:** It is an important issue. It is not a switch; it is in the same vein.

**MR SESELJA:** I do not need to switch; it is on the same line.

**Mr Corbell:** You have just changed the subject matter of the questioning.

**THE CHAIR:** We have gone from the relocation of the ambulance stations to this one.

**Mr Corbell:** I thought we were talking about the station relocation.

**THE CHAIR:** You can keep going, Mr Smyth.

**MR SESELJA:** You have just been asked. What is the problem, minister?

**Mr Corbell:** I am trying to understand whether we are changing the subject or whether we are continuing with that line of questioning. If we are changing the subject, my views in relation to the Auditor-General's report are already a matter of public record.

**MR SMYTH:** The auditor said that the needs in certain suburbs and the criteria were not being met. The link with the station relocation is whether the stations are in the wrong place. Having delayed the report by two years, have you put the people of the ACT at risk?

**Mr Corbell:** Absolutely not.

**MR SMYTH:** So the service that is provided from the current stations is the best service that we can deliver?

**Mr Corbell:** There is always room for improvement in any area of government

service delivery, Mr Smyth.

**MR SMYTH:** All right. Reverse that out. Would moving the stations—can the committee have a copy of the station relocation report, the original report?

**Mr Corbell:** I am afraid not. It is cabinet in confidence.

**MR SMYTH:** You said you had not received it. How is it cabinet in confidence?

**Mr Corbell:** Documents that are prepared for consideration of cabinet, even the prospective consideration of cabinet, are cabinet in confidence.

**MR SMYTH:** Did cabinet direct that it be prepared or did the ESA do it off its own bat?

**Mr Corbell:** Cabinet provided funding for this project to be undertaken with a specific request at the time that that proposal was agreed that the report be provided to cabinet for its consideration. So, yes, it is entirely a matter for cabinet.

**THE CHAIR:** Mr Seselja.

**MR SESELJA:** Thank you. I had some questions around ambulance response times. Can we start with the criticism that you have made of the Auditor-General? We did have the Auditor-General in yesterday. You have said that the Auditor-General effectively invented a methodology. The Auditor-General stands by that methodology and has tabled detailed information about why that methodology was used, and I believe that it was endorsed when the Auditor-General was reviewed. What part of the methodology used by the Auditor-General was wrong, was simplistic—or the other words that you used to attack it?

**Mr Corbell:** The methodology that the Auditor-General used is not a methodology that the Ambulance Service reports against. It is not a methodology against which any ambulance service in the country reports against, as far as I am aware. It was in that context that I made those comments.

**MR SESELJA:** What about Victoria? I understand that Ms Pham has responded to some of what you said to the public accounts committee. She said that the comments you made were misleading and she was concerned that the criticism could undermine the credibility of the report by misinterpreting a sound and valid analysis. What part of the analysis that the Auditor-General gave was wrong?

**Mr Corbell:** The Victorian ambulance service does not report against—it does not report its performance in the way that the Auditor-General suggests. So her suggestion that the Victorian—the implication that she copied a similar approach adopted by the Victorian ambulance service fails to recognise that the Victorian ambulance service does not report its performance in the way that Ms Pham suggests.

**MR SESELJA:** Let us go to the response times. We see right across the board some very slow response times. We could pick out any number of suburbs: Chisholm, 33 per cent; Calwell, 42 per cent; Evatt, 21 per cent; Duffy, 10 per cent; Macarthur,

zero per cent; Fadden, 20 per cent; Gowrie, 21 per cent. Obviously, the response times are slow across the board except for a small number of suburbs. Why is it that we are seeing such very, very low response times in some suburbs and particularly in some parts of the community, some parts of Tuggeranong in particular?

**Mr Corbell:** The issue that members need to take account of—we have gone through this in extensive detail in the public accounts committee already; so I will not try to go chapter and verse around that, except to say that use of those figures in that manner can be misleading. It can be misleading because it fails to take account of the way the Ambulance Service has to operate.

The Ambulance Service does not operate from a static location, unlike the fire brigade, which is more likely than not—not always, but more likely than not—to respond from a station. The Ambulance Service frequently does not respond from a station. The Ambulance Service responds from any other number of locations across the city, where they are returning from another job or are redirected from one job to another, depending on priority.

**MR SESELJA:** But it is a statistical analysis that shows that these suburbs—

**THE CHAIR:** Could you please let the minister finish first and then we can ask another question.

**Mr Corbell:** I am just trying to answer your question, Mr Seselja. For that reason it can be misleading. The only nationally consistent way that we report—the measures the government has adopted in relation to reporting are consistent with the reporting methodology, the discipline that is applied to every other ambulance service in the country. Those criteria are about the response times at the 50th and 90th percentiles as an average of all response times across the territory, not for each individual response to a single incident. So we can have this argument suburb by suburb—eight per cent, 12 per cent—however you want to characterise it. But that is not the way any ambulance service in the country is measured.

In terms of its performance, it is not the way the report on government services is produced by the Productivity Commission to measure performance. We measure performance against the 50th and 90th percentiles. It is in response to the challenges we are facing in relation to the 50th and 90th percentiles that the government is providing more resources for our Ambulance Service.

This budget puts more money into the Ambulance Service and it does so through a measure, in the first instance, to provide better call-taking capacity and better triage of calls when they are received in the comcen. The government also has in place a long-term approach to look at further strategies to manage demand. The detailed Lennox review has outlined those and the government is working with all stakeholders to prepare a longer-term strategy to focus on managing demand for ambulance services.

**MR SESELJA:** But in none of your answers have you been able to say that when you take these numbers—some of these numbers are quite significant. If you look at Gordon, there is 157; so it is not a tiny number. Yet it is only 12 per cent in eight

minutes; at the 50 percentile, 11 minutes; and at the 90 percentile, 19 minutes. Right across the board we are seeing poor outcomes for some of these suburbs. Nothing in any of your answers to date has said why it is not reasonable to look at this analysis, why this statistical analysis does not add up and why these suburbs are well served by the Ambulance Service that you oversee.

**Mr Corbell:** You have just ignored my answer to the previous question. There is a nationally endorsed performance framework which our Ambulance Service measures its performance against. It is impractical and inconsistent with that nationally endorsed performance framework to measure performance in the way that you suggest.

**MR SESELJA:** Why?

**MR HARGREAVES:** Can we move on now?

**MR SESELJA:** I have one more before we move on.

**THE CHAIR:** I will allow Mr Seselja one more and then we will move on from this topic to a new question from Ms Bresnan.

**MR SESELJA:** The first part and main part of your rationale there in your answer was that because they are not static and they are not coming from one particular location, that is why these are not relevant. But what we are seeing in some of these suburbs is that regardless of where they are coming from it would seem they are not getting the ambulance to them within eight minutes. Why is that? If the problem is that ambulances are not static and they are all over the place, you would think that some of these suburbs some of the time would be able to get an ambulance within eight minutes—

**MR HARGREAVES:** It worked for me.

**Mr Corbell:** They do.

**MR SESELJA:** yet for a number of them they cannot.

**MR HARGREAVES:** I got it in time.

**Mr Corbell:** They do because if you—

**MR SESELJA:** Some of them get it none of the time—

**MR HARGREAVES:** That is great. That is you.

**MR SESELJA:** some of them get it around 10 per cent of the time.

**MR HARGREAVES:** No wonder they do not turn up to you.

**Mr Corbell:** And they do, because if you look at—

**MR HARGREAVES:** They turned up for me.

**Mr Corbell:** that suburb-by-suburb analysis you will see incidents where the ambulance—I mean, the converse is true, Mr Seselja. On occasions ambulances will take longer than the average response time. But equally, sometimes ambulances will take a lot less. Sometimes an ambulance will be there within one to two minutes of the call being made.

There are instances of that throughout that data. But it highlights the problem with adopting the approach you adopt and which, with all due respect, the Auditor-General adopted. It highlights why the government measures the performance of its Ambulance Service, or the community's Ambulance Service, in the same way that every other government around Australia measures the performance of its ambulance service. That is through a nationally endorsed framework that looks at the average response time across the metropolitan area and across the state-wide area. That is the way the Productivity Commission measures performance. I am yet to hear how, from those who are critical of the government's position on this, the Productivity Commission's framework is deficient.

**MR SESELJA:** The percentages do not lie, do they? No matter how you spin it —

**THE CHAIR:** Mr Seselja.

**MR SESELJA:** The percentages do not lie.

**Mr Corbell:** Well, there are lies—

**MR SESELJA:** You can point to a couple of times where they cannot—

**THE CHAIR:** Mr Seselja!

**MR SESELJA:** but most of the time they are not coming, are they?

**THE CHAIR:** Order!

**MR HARGREAVES:** Madam Chair, it is getting a bit disruptive here.

**THE CHAIR:** Order! We are moving—

**MR SMYTH:** Just one on—

**THE CHAIR:** No, we are moving to Ms Bresnan.

**MR SESELJA:** Yet you have not been able to run the percentages at all.

**THE CHAIR:** We just spent 15 minutes on this—

**Mr Corbell:** Mr Seselja, in your case—

**MR SESELJA:** Not even gone close.

**MR HARGREAVES:** Toss him out, Madam Chair. Toss him out.

**THE CHAIR:** and we need to move to a new question. Ms Bresnan.

**Mr Corbell:** Mr Seselja, in your case there are lies, standbys and statistics.

**MR HARGREAVES:** Two, four, six—toss him out.

**THE CHAIR:** Minister, we are moving to a new question. Ms Bresnan.

**MS BRESNAN:** Thank you, chair—

**MR SMYTH:** That might apply both ways, minister.

**MR SESELJA:** The Auditor-General thinks you misled, Simon.

**MR HARGREAVES:** Yes, but you did.

**MR SESELJA:** She thinks you did.

**THE CHAIR:** Order! Ms Bresnan.

**MS BRESNAN:** Thank you, chair. My questions are in relation to budget paper 4, page 264 and the national emergency warning system. There is funding of \$150,000 over the next four years for the new warning system. I want to check on something. We had a trial of the technology in the lead-up to the 2009-10 bushfire season; is that right?

**Mr Corbell:** At the beginning of that season, yes, that is correct.

**MS BRESNAN:** Yes. I am just wondering whether we can get an idea of how the trial went. Were any lessons learnt from that trial and how did it progress?

**Mr Corbell:** Thank you, Ms Bresnan. We have undertaken two trials. One was in December 2009 and one was in January this year. This included a test call to over 16,000 telephones in the north-east Tuggeranong area, which is one of the largest trials conducted in Australia at that time. All tests were completed successfully and the public information campaign was run in advance of and during those trials. The penetration rate of the tests showed that about 50 per cent of telephone owners received the message either on their landline or on their mobile telephone. Even though some of these would have been to unattended voicemail or text messages, it is still considered a high level of penetration.

We are now in stage 2 of the development of the system, which will allow warnings to be sent to all mobile telephones in a defined geographic location as well as those landline and mobile telephones that have their billing address in the area targeted.

**MS BRESNAN:** Did you say 50 per cent with the Tuggeranong trial received the messages? How was it determined that 50 per cent received it?

**Mr Corbell:** That is where people acknowledged the calls.

**Mr Crossweller:** That is my understanding. They are the statistical reports that were given back to us by Telstra, advising us of the successful receipt of the message broadcast over the network.

**MS BRESNAN:** Okay. So when we are actually setting up the system on a more permanent basis, did anything come out of those trials that you would progress on a permanent basis?

**Mr Corbell:** My understanding from my recollection of the feedback I received from the ESA at the time was that a number of issues were identified about how the users—that is, those initiating the message—interacted with the system. In particular, some of the recognition of certain geographic names and so on needed to be ironed out in the test and those were things that were identified as part of the test.

**MS BRESNAN:** Okay. This may be a silly question, but do people have to actually respond to the message to indicate they have received it?

**Mr Corbell:** No, it does not require a response.

**MS BRESNAN:** So that was just in the trial?

**Mr Corbell:** It works in one of two ways. It sends a text message to mobile phones and it sends a computer-generated voice message to landlines. It will redial phone numbers which do not answer on the first sending of the message. Obviously, that is not the case for text messaging but it is the case for voice messages.

**THE CHAIR:** Could I go on from there to clarify something. You said that the next stage would be looking at people in the area. So what you are saying is that the trial focused on those people whose billing addresses were within the trial area.

**Mr Corbell:** That is correct.

**THE CHAIR:** I received a text message. Thank you; it came through. And so your next step is for people who may be physically in a zone that is considered to be dangerous, although their billing address is not there and they do not live there? Is that what you are referring to?

**Mr Corbell:** That is right. One of the limitations with the system at the moment is that it can only identify the numbers to ring from the billing address. Obviously, though, many people might have their billing address at home but may be many other places other than at home at the time that the message is received on their mobile phone. That was something that was communicated to people as part of the information campaign in the lead-up to the trials. But it would be desirable to identify all mobile phone numbers that are present—that is, the phone is physically present—in a location, regardless of their billing address. That is something that Telstra, as the contracted service provider, has committed to address as part of its stage 2 of the rollout of the system.

**THE CHAIR:** Ms Bresnan.

**MS BRESNAN:** I guess it is difficult to say, but in a situation where someone might be away from their home but their home might be threatened from fire, will the technology allow for them to be notified?

**Mr Corbell:** Insofar as the system continues to contact all billing addresses in the location under threat, yes, as long as that billing address is in the location of concern.

**MS BRESNAN:** Yes, then they would be notified. I am just trying to get a sense of what we get for the 150,000. Is it for the implementation? Is that total of 150,000 for the implementation of the system?

**Mr Corbell:** It is a range of things: the ACT's contribution under the national agreement; facility charges and contract management fees; an amount for an annual incident charge—so basically we pay in advance for what is effectively one major incident; we pay in advance, as I understand it, to contact each and every telephone in the ACT, so we are basically paying for one major incident a year—annual testing and exercises; ongoing training; media awareness; and the maintenance of the relevant information communication technology.

**MS BRESNAN:** Thank you.

**THE CHAIR:** Mr Hargreaves.

**MR HARGREAVES:** Thanks very much. I want to tackle two very brief subjects. One was the contract with the medical services, Snowy Hydro. For example, are we at the conclusion or the beginning of the contract? Do we still have the 90:10 split in the contract? And the last question around that bit is: could we get some sort of an idea of the crew training emergency services provide to the ambos that crew the helicopter?

**Mr Corbell:** Thank you, Mr Hargreaves. Yes, it is a 90:10 operational cost split between New South Wales and the ACT, with the bulk of that operational cost contributed by the New South Wales government, reflecting the fact that it is a regional aeromedical retrieval service. In 2009-10, the ACT government contributed \$444,000; New South Wales contributed \$4 million. The proposed operating budget minus revenue for 2010-11 is \$4½ million, and that is currently being negotiated with the New South Wales ambulance service, the ESA and the operating company, Snowy Hydro.

What was your other question; I beg your pardon?

**MR HARGREAVES:** I was interested to know whether or not we were at the beginning or the end of that contract negotiation. I think you have answered that part. I do not know whether you can answer this, minister, or whether you need the officers' advice, but what specialised training did the crew have? We were told that ACT Health have put dedicated people out there, but I understand also that Snowy Hydro has particularly trained officers on that helicopter, and I was interested to know what sort of initial training they received over and above their paramedic training.

**Mr Corbell:** We have recently expanded the skill set of medical personnel on the Snowy Hydro service. Each helicopter is crewed, obviously, by the flight crew and paramedics, but also by a doctor from the Canberra Hospital emergency department. Until recently, only the paramedics were trained in full retrieval operations, winching and so on, for a range of circumstances and scenarios. We have recently expanded that training to include the medical personnel from the hospital, and this will greatly enhance the capability of this service because it will mean that doctors themselves will be able to winch to remote or difficult-to-access locations, rather than relying on paramedics to do the initial winching and retrieval. So it is going to significantly enhance our capability and it is very high quality in terms of the professionalism and the skills of the personnel as a result of that.

**MR HARGREAVES:** Thanks, minister. Are all intensive care paramedics trained in aeromedical retrieval?

**Mr Corbell:** Yes.

**MR HARGREAVES:** On another small, brief question, there was nothing actually in numbers in the budget, because I guess it is in the base, but in budget paper No 4 on page 247, in the 2010-11 priorities, you talk about “providing new emergency services sheds at Rivers, Jerrabomberra and Tidbinbilla”. You may belong to the Rivers one but we will not go there, because we have already had grumblings that Guises Creek has missed out. But you get that.

**MR SMYTH:** No, sorry, who’s grumbling?

**MR HARGREAVES:** I was grumbling that Guises Creek had missed out. I was looking after a constituent.

**THE CHAIR:** Your question, Mr Hargreaves?

**MR HARGREAVES:** Madam Chair, such impatience! The question is that on that page and in that sentence it talks about continuing to expand the community fire units network. The minister would be aware of my continuing interest in the community fire units and perhaps he could tell me how we are expanding it. I know there was an end target, but we are getting inexorably closer to the end of that target, and I would like some sort of a view on it.

**Mr Corbell:** Yes. Thanks, Mr Hargreaves. The government made an election commitment to increase the number of community fire units to 50. When we made that commitment, the number of community fire units was 38, and we made the commitment to increase it to 50, an additional 12 units, and that was the number identified by the ACT Fire Brigade as necessary to provide coverage to the most vulnerable areas around the urban interface. Six of those units were funded in last year’s budget. A further six are funded in this year’s budget and they are anticipated to be operational in early 2011.

At the moment, we have over 808 Canberrans signed up as CFU members, and, obviously, by the time we have rolled out the program it will be close to 1,000 volunteers. The six new community fire units that have been identified for this

coming financial year are in Gordon, Bonython, Kambah, Deakin, Chifley and Fadden.

**MR HARGREAVES:** Five out of six for Brindabella—how good is that! Thank you very much, minister. You didn't know that was coming, did you, Mr Smyth?

**MR SMYTH:** Yes, I had actually read it.

**THE CHAIR:** I can see you are very pleased about that, Mr Hargreaves.

**MR HARGREAVES:** How good is that?

**THE CHAIR:** Mr Rattenbury.

**MR RATTENBURY:** Thank you. Minister, Mr Hargreaves has just reminded me, coming back to the sheds, that I note from the 2009-10 budget that the estimated completion date for those sheds was June 2010. You have indicated that there is now a revised completion date of October. Can you indicate why that slippage has taken place?

**Mr Corbell:** Yes, I can. There are a couple of factors. One has been that the architect originally engaged to do the design work unfortunately had to cease his involvement with the project, for personal reasons. Illness in his family led to him having to withdraw from the project. This meant that there was a delay in identifying a new architect to take over the project, and then the subsequent discussions between that architect and the volunteer units to identify the scope of work that needed to be done through that project.

**MR RATTENBURY:** Thank you. While on bushfire, I would like to ask about bushfire mitigation programs. On page 264 of budget paper 4 there appear to be dedicated funds to implement bushfire mitigation strategies as part of the strategic bushfire management plan. The plan has a detailed list of strategies and each is given a priority. Most of them seem to be high priority. Can you just tell us about how the funds will be directed towards those strategies—I guess how they will be allocated in terms of the priorities of those various strategies?

**Mr Corbell:** Yes. Most of the responsibility for actions under the strategic bushfire management plan rests with landowners and managers. So you will note in the budget that there is a significant appropriation for the Department of Territory and Municipal Services, as the key government land manager, to undertake its works required under the SBMP. But there are some obligations and activities that the ESA itself has to undertake. These include additional support for community education and awareness, assessment of the effectiveness of community information and advice for bushfire preparedness, enhancing our ability to assess the spread and impact of fires when they occur, so some greater capacity in terms of planning, and also funding for the ACT Bushfire Council to report annually on our performance against the plan.

As you would be aware, the Assembly has established new powers for the Bushfire Council to report to me formally in relation to our preparedness against the actions in the SBMP, and funding has been provided for that purpose.

**MR RATTENBURY:** I have just one more question on this. Strategy No 16 in the plan deals with the prosecution of people suspected of arson. If I can take a step back, I would be interested to explore whether any funds have been put towards arson prevention research and strategies, as opposed to, I guess, prosecution after the event.

**Mr Crossweller:** We might take that question on notice. It is my understanding that research into arson investigation is conducted nationally through the Australasian Fire and Emergency Service Authorities Council, and the Australian Attorney-General's Department is also investing heavily in that area. One of our officers, Mr Richard Woods from the ACT Rural Fire Service, is an active participant in those programs and is regarded as one of the country's leading experts in arson and wildfire investigation. But in terms of specific funds from our budget into that area, I will take that question on notice and come back to you on it.

**THE CHAIR:** I note that that question has been taken on notice.

I want to go to page 266 of budget paper 4. There are significant funds here set aside for the mobile data solutions project. There is \$2.567 million. I would like some further detail, as we only have a line here in the budget. It simply talks about rolling out dispatch and response technology. Can we have more detail around what that money is being spent on?

**Mr Corbell:** Yes. This project is the replacement of, if you like, the computer-aided dispatch infrastructure that sits in the vehicles of the ACT Fire Brigade and the ACT Ambulance Service, and how that information is communicated from the comcen, the call-taking centre, to those vehicles to dispatch vehicles to incidents. The rollout also includes funding to expand that same technology to the ACT Rural Fire Service and the ACT State Emergency Service so that all of the vehicles will be fitted with technology that allows for them to all operate off the same computer-aided dispatch framework, and also provide automatic vehicle location to the comcen so that the comcen is able to identify where all vehicles are at all times, and obviously dispatch the most appropriate vehicle, the most appropriate resource, to the incident.

**THE CHAIR:** What stage are you up to in rolling this out? Has the best technology been identified and have all of those processes been gone through? I just know that, in an emergency situation, particularly fire, obviously communication is so vital. I understand there were communication issues in the past. What has been done to ensure that this is the best technology that we can have?

**Mr Crossweller:** There has been extensive consultation with the services. My understanding—and I might refer to my chief officer colleagues for further information—is that the ACT Fire Brigade and the Ambulance Service have moved a long way down that path. My understanding from this project is that we will complete the rollout of those terminals in those services. The next priorities are the ACT SES, who are ready to go with their MDT technology, and the ACT Chief Officer, Rural Fire Service, is currently completing consultation with the rural fire brigades about implementation into their service.

So it will enhance the current capability of communications, but the communications are seamless through the trunked radio network and existing communications that are

in place. This will assist with, as the minister highlighted, data transfer and more specific vehicle locationing, which will assist the comcen in a more accurate dispatch of resource.

**Mr Corbell:** It is not voice technology. Voice technology is done through the trunked radio network, the digital radio network we have funded and put in place. This is data transfer between the vehicle and the communication centre around automatic vehicle location—where the vehicle is, so a GPS-type system, if you want to characterise it that way, and the ability to send messages from the comcen to the vehicle with information about incident type, location, priority and so on.

**THE CHAIR:** So it would be like a text message type of system?

**Mr Corbell:** It is basically a little screen in the vehicle that sends information from the comcen operator to the vehicle.

**MR SMYTH:** I have a supplementary on that. So this is the rollout of the existing technology in the Fire Brigade trucks?

**Mr Corbell:** It is an upgrade of the existing technology and installation of that upgrade also into SES and RFS.

**MR SMYTH:** Was a report done with conclusions that said to go this way or was it just assumed that, as we had it, this was the best approach?

**Mr Crossweller:** My understanding is that there was an extensive analysis done by the services and a tender was let through the normal procurement processes for the technology. I am not fully across the detail, Mr Smyth. I am happy to take that on notice if required.

**MR SMYTH:** Is it possible to have a copy of that analysis?

**Mr Crossweller:** If it exists. I am not fully conversant with the background of the MDT, bringing it into the service. I am aware that—

**MR SMYTH:** Yes, I appreciate that it preceded your arrival.

**THE CHAIR:** I will just note that that has been taken on notice.

**Mr Corbell:** We will take that on notice for you.

**MR SMYTH:** Thank you. Minister, what lessons were learnt from the FireLink fiasco that makes you confident that this is the appropriate answer?

**Mr Corbell:** I think Mr Crossweller has just answered that. The mistake that the former authority made with FireLink was that it chose the technology before specifying what it needed the technology for, whereas what has occurred here is that the ESA has properly scoped what it wants to achieve, what it needs to be able to do in terms of communications, data transfer between the comcen and vehicles. It has scoped that and then it has tendered for that, saying, “This is what we want,” and

asked whoever delivers the technology in that area to tender for the most appropriate technology to deliver it.

**MR SMYTH:** Can we have those criteria as well, please?

**Mr Corbell:** Certainly, in terms of the tender documentation, we can provide that. They would have been on the public record in any event. We can provide those.

**THE CHAIR:** I will note that that is taken on notice. Did you have a new question, Mr Smyth?

**MR SMYTH:** Just on the same area. Some individuals have said to me that this seems a very expensive solution and there are cheaper solutions that are just as effective and more robust in the field. How confident are you, minister, that the analysis that is being done will deliver us the best system for our professional and volunteer emergency service personnel?

**Mr Corbell:** I am confident that the processes the ESA have adopted have got things in the right order in that they have scoped what is required before looking for the technology, and that is the way it should be done. I have seen nothing come before me to suggest that there are any problems in that regard. I just make the observation, Mr Smyth, that someone will always tell you that something could be done better and cheaper. They are usually the same person who is suggesting they have got a technology that can do just that. That is why we have—

**MR SMYTH:** No, actually, these were independent folks who do not have a product.

**Mr Corbell:** But often it is. It usually is, and that is why we have a tender process.

**MR SMYTH:** A different question?

**THE CHAIR:** Yes, a new question?

**MR SMYTH:** Just on the same page, minister, there are a number of rollovers. If we start at the top, the ones applicable to ESA, under section 16B of the FMA, the Emergency Services Agency stations relocation design, that \$1 million will be expended in this year?

**Mr Corbell:** Sorry, which page are you on, Mr Smyth?

**MR SMYTH:** Page 266, budget paper 4, second item in the first block section titled “FMA Section 16B Rollovers”. If you have not got the report for—

**Mr Corbell:** No, I can answer that. You will note, Mr Smyth, that is not in the budget for 2010-11.

**MR SMYTH:** No, I am asking for in the 2009-10 budget. I asked: will it be expended by the end of this financial year?

**MR CORBELL:** I might need to take that on notice, Mr Smyth, unless someone can

answer that now. Ms Crowhurst might be able to assist.

**MR SMYTH:** Perhaps the officer can join us. There are a number of questions on rollovers.

**THE CHAIR:** Mr Smyth, your question was about rollovers?

**MR SMYTH:** Will the \$1 million under section 16B be spent in this financial year?

**Mr Corbell:** I will ask Ms Crowhurst to answer that question.

**Ms Crowhurst:** The total approved budget for that project for the station relocation was \$2.184 million. Of that, \$1.655 million has been returned to government. So it was estimated that approximately 529 would be spent this financial year.

**MR SMYTH:** What was the reason for returning it to government, minister?

**Mr Corbell:** The funding was originally provided, Mr Smyth, in anticipation of our earlier resolution of the station relocation study and government making decisions about station relocation and providing funding for design. Given the issues I have already outlined in relation to station relocation, it was clear to me that the government was not going to expend that money in the coming financial year, so I requested that it be returned to budget.

**MR SMYTH:** What happened in the gap between the report being written in or about August 2008 and the coming on deck of the commissioner? Why was nothing done between August 2008 and December 2009? And why did it take a new commissioner to actually instigate additional work to look at the station relocation program?

**Mr Corbell:** There were ongoing discussions between the ESA and relevant stakeholders throughout that period.

**MR SMYTH:** For a year and a half?

**Mr Corbell:** Yes.

**MR SMYTH:** For a year and a half?

**Mr Corbell:** That is correct.

**MR SMYTH:** Why is it, minister, that you cannot as minister deliver any project in ESA?

**Mr Corbell:** Well, I reject that.

**MR SMYTH:** FireLink, the station relocation, the Ambulance Service relocations, the headquarters.

**THE CHAIR:** Have you got a question, Mr Smyth?

**MR SMYTH:** Well, it is a question. Why can't we deliver anything on time and on budget with this minister as the emergency services minister?

**Mr Corbell:** I reject your assertion and I do not think it is productive to have—

**MR SMYTH:** What have you delivered on time?

**Mr Corbell:** a political slanging match about it. If you want to do that, we can do that in the Assembly.

**MR SMYTH:** Perhaps you will take it on notice. What have you delivered on time and on budget in emergency services since you became the minister?

**Mr Corbell:** Plenty of projects, Mr Smyth—

**MR SMYTH:** Plenty?

**Mr Corbell:** including numerous upgrades to emergency services stations, for a start.

**MR SMYTH:** So you will take that on notice and detail these “plenty of projects”?

**Mr Corbell:** I am happy to.

**MR SMYTH:** I am sure you are.

**THE CHAIR:** Can we note that that has been taken on notice.

**MR SMYTH:** Just rolling down them, in the technical adjustments in the 2010-11 budget, the Emergency Services Agency's new headquarters, where is that project at and why is this money being rolled over?

**Mr Corbell:** The money is being rolled over because the project will be physically complete later this year.

**MR SMYTH:** What date?

**Mr Corbell:** I beg your pardon?

**MR SMYTH:** What is the due date?

**Mr Corbell:** If you will give me a moment, I will find that for you. There are a number of elements to the ESA headquarters project. The refurbished resource and logistics centre at 17 Amberley Avenue is complete. All work sections have already relocated to that building, and that includes the stores facility which has relocated to that building.

The new workshop at 13 Amberley Avenue is on budget. It is due to receive practical completion by 30 June. The building is largely complete already and occupation and operation of that workshop will be after the installation of the vertical carousel, which is a device that holds spare parts. Therefore occupation and operation of the workshop

will be in early August this year.

Construction and integrated fit-out of the new headquarters building itself at 9 Amberley Avenue is progressing according to schedule and budget. It is due for completion by 30 August this year, with migration of the comcen and headquarters functions by October this year.

**MR SMYTH:** And the training facility at Hume?

**Mr Corbell:** Site establishment for the construction of the training centre and the helicopter base has been combined and is completed. The development application for the Hume helicopter base is going through the appropriate planning processes in terms of preparation for lodgement with ACTPLA and assessment by ACTPLA. In relation to the training centre itself, that building is scheduled for completion in October this year, and the training centre props is scheduled for completion in December this year.

**MR SMYTH:** The Auditor-General in her report on government office accommodation, on page 93, paragraph 5.48, said:

This increased Fairbairn commitment is accompanied by a smaller ESA HQ presence at that site, as several functions are to be located at either Fyshwick or Hume.

The upgrades at Fyshwick or the relocation to Fyshwick, has that occurred?

**Mr Corbell:** I beg your pardon? Relocation of ?

**MR SMYTH:** Part of the HQ was being moved to either Fyshwick or Hume. Did any go to Fyshwick?

**Mr Corbell:** No, there are no headquarters functions going to Fyshwick.

**MR SMYTH:** That is okay. In the same paragraph, the Auditor-General says:

In total, the commitment is \$75.3 million from the date the lease for the new HQ building commences, plus the base rent spread over the subsequent 15 years.

Comparing apples with apples, what is the upgraded total cost of this project now?

**Mr Corbell:** A combined total of all of the activities?

**MR SMYTH:** Yes.

**Mr Corbell:** I do not have one in front of me but I will take that on notice so that we can provide that to you later in this hearing. It should not be too hard to get.

**THE CHAIR:** I note that that has been taken on notice.

**MR SMYTH:** With specific reference to comparing apples with apples. You took this

on notice earlier.

**Mr Corbell:** Sorry, what are you asking me to compare?

**MR SMYTH:** The Auditor-General says that, with the relocations, the construction and the rent, it is \$75.3 million. She finishes by saying:

Audit expects the final costs of this project will be much higher, when including the costs of transferring some HQ functions to other sites in Hume and Fyshwick.

**Mr Corbell:** So what are you asking me to compare, with what?

**MR SMYTH:** I want the comparison to marry up to what the Auditor-General has concern about

**Mr Corbell:** Sorry, could you state explicitly what comparison it is you want?

**MR SMYTH:** I am sure you understand what I am saying. If you refer to paragraph—

**Mr Corbell:** No, I do not. That is why I am asking you.

**MR SMYTH:** I am saying that, if you go to paragraph 5.48, the Auditor-General details how she comes to \$75.3 million.

**Mr Corbell:** I will have to take that on notice. I cannot answer that.

**MR SMYTH:** If you go to 5.49, it says it will be much higher.

**Mr Corbell:** All right.

**MR SMYTH:** And you weaselled out of it last time so—

**THE CHAIR:** If it is quite technical it might even be worth putting it on notice, Mr Smyth, if there is a level of detail that might be misunderstood.

**MR SMYTH:** The minister has taken it on notice.

**Mr Corbell:** I will take the question on notice.

**MR SMYTH:** He knows exactly what is being required here.

**THE CHAIR:** I am providing advice. You can take it or leave it.

**Mr Corbell:** I will take the question on notice.

**MR SMYTH:** Further down, in regard to the Emergency Services Agency increased fire vehicle replacement program, why has \$2 million been rolled over into the following year? And in the following one, Emergency Services Agency vehicle

replacement program, \$1.3 million has been rolled over. So \$3.5 million has been rolled over out of 2009-10 into 2010-11.

**THE CHAIR:** I am aware of the time and I know that there are some members of the committee who would like to get to a few more questions before we move to police services. If there are a number of rollovers, are we able to get a detailed rundown of where these projects are up to and the status of that and could we have that taken on notice?

**Mr Corbell:** I can provide that information for you now, if that is acceptable?

**MR SMYTH:** I will have the vehicles now and put the rest on notice, if that is okay?

**Mr Corbell:** In relation to the Fire Brigade, there have been delays in relation to the replacement pumpers for the Fire Brigade. Five pumpers are due for replacement over a period of time. Unfortunately, an incorrect order made by the pump supplier has required those pumps to be returned to the United States for re-engineering. The supplier identified the wrong pump. They come from overseas and have had to be returned overseas. So that has led to some delays in relation to the Fire Brigade pumpers.

**MR SMYTH:** So when will that be completed?

**Mr Corbell:** What is the time line on them?

**Mr Crossweller:** The first pumper is due for operational activation, if you like, in July and there will be one pumper per month from then. So we are finalising testing on the first pumper, which will be completed in June, and then a progressive rollout of one per month from July until the five pumpers are delivered.

**Mr Corbell:** In relation to the ACT Rural Fire Service fleet, the ACT Rural Fire Service will have 15 new appliances delivered this financial year. That includes seven heavy tankers and eight medium tankers. An additional heavy tanker is currently under construction, due to be delivered before the end of the 2009-10 financial year, and an additional ultra-large tanker, bulk water carrier, is under construction and is due to be delivered and operational prior to the commencement of the 2010 bushfire season.

**THE CHAIR:** Mr Seselja, then Ms Bresnan.

**MR SESELJA:** Thank you. Going back to ambulances, minister, in relation to response times, are any of the response times due to ambulance stations being closed for a period? If so, how often were the various stations around Canberra closed in the last financial year?

**Mr Corbell:** I think I have provided closure details already to the public accounts committee inquiry. I might ask Mr Foot whether he can answer that question for you.

**Mr Foot:** Sorry, would you be able to repeat your question?

**MR SESELJA:** Yes, absolutely. The question was around whether or not closures in ambulance stations had contributed to delays in response times. If so, could we have some detail about how often stations were closed in the last financial year around Canberra?

**Mr Foot:** We will provide that information again. We have provided that previously.

**THE CHAIR:** So could I just clarify that? The information was provided to the public accounts committee?

**Mr Foot:** I believe that we have provided it to the PAC but I also believe that we have provided it as a previous question on notice as well.

**THE CHAIR:** Okay.

**Mr Foot:** But I will check that and take it on notice.

**THE CHAIR:** Thank you.

**MR SESELJA:** If we could get that updated, that would be good.

**Mr Foot:** Sure.

**THE CHAIR:** I note that Mr Foot has taken that question on notice.

**MR SESELJA:** Sorry, were you going to add something there, Mr Foot? I am not sure if you were.

**Mr Foot:** No, that was it.

**MR SESELJA:** We have also heard some talk that sometimes delays in response times may be caused by errors at the communications centre, either giving the wrong directions or details. Do we have any evidence that this is the case? If so, how many times have crews been given the wrong details by the communications centre?

**Mr Foot:** Look, I am not personally aware of any particular case where the wrong directions have been given to a crew. We discussed earlier on the mobile data terminals—the way the CAD system—the computer-aided dispatch system—works. The address details are gleaned from the caller to 000. Those details are then entered into the computer-aided dispatch. They are then downloaded to the mobile data terminal in the vehicle itself. But as I said, I am not personally aware of a delayed response because we have got the address physically wrong.

**MR SESELJA:** You say that you are not aware of cases where the details or the directions have been wrong.

**Mr Foot:** I have certainly not had a case recently raised to my office where we have had a delayed response to a 000 job because the actual address has been wrong in the system.

**MR SMYTH:** Given that you are not aware, could you take it on notice and check whether wrong addresses or wrong details have been supplied?

**Mr Foot:** Certainly.

**MR SMYTH:** Thank you.

**THE CHAIR:** Just a note that that has been taken on notice.

**MR RATTENBURY:** While we are on ambulances—

**THE CHAIR:** A supplementary?

**MR RATTENBURY:** It is on ambulances.

**THE CHAIR:** Ms Bresnan was next.

**MS BRESNAN:** No, I am happy for Mr Rattenbury to ask his question.

**MR RATTENBURY:** Minister, the budget provides funding for 11 new ambulance staff associated with the communications centre. Your media was quite clear on that. This follows on from the recommendations of the Lennox review, which you released on budget day. The review also highlighted the need to increase the number of front-line ambulance staff. Can you give us some indication of whether the government has allowed itself room to act on the other recommendations, particularly in relation to front-line staff that arose from the Lennox review?

**Mr Corbell:** The government has not made provision in this budget for additional personnel in that area. The reason for that is that the Lennox review requires us to look at a range of other factors when we consider providing additional funding for front-line ambulance staff. The issues that we need to consider include another of the Lennox review's recommendations, which is the provision of ambulance personnel at less than intensive care paramedic level—that is, at a level of significant training but not at the intensive care paramedic level.

The ACT Ambulance Service is the only ambulance service in the country where all of its ambulance officers are trained to ICP level. Lennox has identified that it would make sense for the government to consider providing ambulance services where not every ambulance is staffed to ICP level. That is a matter which is currently under consideration by the government. The government will speak further with the union representing ambulance officers before taking a decision in relation to that matter.

There are a range of structural changes to the staffing profile of the Ambulance Service that will need to be considered at the same time that the government considers issues about further provision of ambulance services. In terms of what the government has already done, we have provided \$19.5 million for the Ambulance Service since 2007 until this year's budget. An amount of \$19.5 million in extra dollars has been provided. That included two additional intensive care paramedic ambulance crews to provide additional services during peak demand, with permission for four additional vehicles, including two intensive care ambulances, a specialist bariatric ambulance

and a patient transport vehicle. We have put in place electronic patient care records and improved pharmaceutical storage cabinets to assist the Ambulance Service with work.

So we have already provided additional capacity. The capacity in this year's budget is focused on triaging and managing demand. One of the key issues that Lennox recognises is that it is not just about putting more ambulances on the front line, as important as that is. It is also about managing the demand and making sure that ambulances are only being sent to incidents that they need to be sent to.

One of the weaknesses in our system has been that we have not always been able to accurately triage as we would like to when the phone calls come in to the comcen. We have always erred on the side of caution. If there is any doubt, we send an ambulance. But the capacity that we put in place in the comcen now—the funding that has been provided in this year's budget—will mean that our comcen operators will get additional call-taking capacity and, importantly, additional clinical assessment capacity so that a more accurate clinical assessment can occur in the comcen. Then that request for an ambulance can be triaged appropriately.

It may be the case that we will see an increase in the number of matters that are referred to other healthcare providers—community health centres, GPs, walk-in clinics, whatever it might be—because it clearly is not a matter that requires ambulance attendance. That helps us manage demand and makes sure ambulances are sent to where they are most needed.

That is our first step that the government will work on over the next 12 months in looking at all the recommendations of Lennox with the union, with ambulance personnel, with the ESA as a whole, to determine the most appropriate way forward on all of those other issues in Lennox.

**MR RATTENBURY:** So the time line in that decision-making process is 12 months?

**Mr Corbell:** Yes, because it has significant funding implications. We have to do a lot of work to prepare ourselves for the detailed business case and so on before the next budget.

**MR SMYTH:** Was there a reason the report was dropped on budget day?

**Mr Corbell:** It was used by the government in the process of budget cabinet. Obviously, once that was completed, I saw no reason to hold on to the report any longer; so it was released when the budget was released.

**THE CHAIR:** Thank you. We will now move on to the next output class.

**MR SMYTH:** Before we do, can I just ask about recruitment of firefighters, please? There is a whole lot in it. We have condensed an awfully large area into a very tight time frame. Is there any trouble with recruiting firefighters and has there been any delay in running courses for firefighters recently?

**Mr Corbell:** I might get you to answer that question, Mr Crosweller.

**Mr Crossweller:** Thank you, minister. In broad terms the challenge often with running recruit colleges for the ACT Fire Brigade is waiting for sufficient numbers of recruits to come through to get value for money for running the course. The ACT Fire Brigade, under the new chief officer, and the former chief officer previous to Paul, is currently working on the next recruit college.

There are always challenges. The attrition rate can be quite slow. My understanding is that the attrition rate in the Fire Brigade is less than three per cent which, generally speaking, on an annual basis, does not generate enough numbers per se to run a training college. So the numbers do vary a little but the front-end service delivery is never compromised because there is sufficient operational staff to cover those deficiencies.

**MR SMYTH:** Is there a problem in the number of recruits or is the problem that there is not enough space for the new recruits to go into the FTE?

**Mr Crossweller:** It is normally the number of recruits. The Fire Brigade has a very low attrition rate; so it is more about waiting for sufficient numbers to come forward in order to make it worth while to run a recruit college. It is not so much that we cannot keep up with demand. The number of firefighters coming through is, generally speaking, quite low.

**MR SMYTH:** When was the last recruit college?

**Mr Crossweller:** I might refer that to my chief officer colleague.

**THE CHAIR:** Could we take that on notice because I do need to move to a supplementary—

**MR SMYTH:** Let him break his duck and appear. Let the new commissioner break his duck and appear at estimates.

**Mr Corbell:** 2008.

**MR SMYTH:** What month in 2008? I am just trying to work out how long?

**MR RATTENBURY:** While the commissioner is coming forward—

**THE CHAIR:** While that is happening, can we go to a final supplementary and then we will be moving on to police.

**MR RATTENBURY:** With regard to the ESA headquarters at Fairbairn, the airport has talked about building a new northern road to access the Fairbairn area. Has ESA or the ACT government made any requests to the airport to build that road?

**Mr Corbell:** The ACT government has indicated, and ESA has indicated, that it would be desirable to have a second access point from the ESA headquarters in the event of an emergency and the need to have alternative access from the established road—

**MR RATTENBURY:** And how does that—

**Mr Corbell:** but we have not requested that the road be in any particular location in terms of any particular alignment because there are issues with endangered grasslands in that area. We have not insisted on any particular alignment and we have also indicated to the airport that it only needs to be an emergency access. It does not even need to be a regular day-to-day road that is open all the time. So our requirement is for a second access point in an emergency. But we have not specified the alignment nor have we said it that needs to be even a sealed road that is open to everyday traffic.

**THE CHAIR:** Have we got the answer to that previous question?

**Mr Corbell:** The last recruit college, Mr Smyth, for the Fire Brigade graduated in November 2008.

**MR SMYTH:** And the next college will be when, commissioner?

**Mr Crossweller:** In the next financial year, Mr Smyth. The exact month I am not sure.

**THE CHAIR:** We will now move on to ACT Policing. Could you confirm for the record that you understand the privilege implications of the statement? There is a yellow card with the privileges statement. Could I just get people indicating that they understand the implications of that statement?

**Assistant Commissioner Quaedvlieg:** Yes, thank you.

**THE CHAIR:** I want to start with a question around the 10 new late night police that will go into operation. I am first of all wondering if this is a team that will be dedicated to the Civic beat or whatever around pubs and clubs and so forth, or is it being seen as an additional number of police and then operational decisions will be made on any night as to how they will be deployed?

**Assistant Commissioner Quaedvlieg:** Yes, it will be a dedicated team. No, it will not be exclusively focusing on Civic precinct; there are other licensed establishment areas that we would like to look at as well.

**THE CHAIR:** But it will be dedicated to licensed establishments?

**Assistant Commissioner Quaedvlieg:** Correct.

**THE CHAIR:** Will these officers have specialised training for these jobs—an idea of what is responsible service of alcohol, how to be able to deal with people who are intoxicated, how to de-escalate situations and so forth?

**Assistant Commissioner Quaedvlieg:** Sure. Maybe I can give you a broad outline of what I propose the design of a team might look like—that might give you some idea—before I answer that question specifically?

**THE CHAIR:** Sure.

**Assistant Commissioner Quaedvlieg:** I think it is very important to make sure that what we are not doing is just throwing additional beat police at the problem, because all you will do is then increase the number of arrests and the subsequent backlog in the courts. What we need to do is get to the underlying causal factors. To do that properly, my intent is to run this in two phases.

The initial make-up of the team will involve a degree of intelligence collection and analysis. It will involve liaison with the business premises and the licensees. What we are trying to do by doing that is to build up a picture of what the problem is and what we need to actually attack. In that initial phase, there will be a component of operational staff. As we build that intelligence profile and picture up, increasingly that dedicated team will become more operationalised.

**THE CHAIR:** So, as you said, it will be looking at gathering that intelligence and then working out how to address issues that might be uncovered or discovered. Someone has described it to me as kerb-side policing—someone in the gutter at 2 o'clock in the morning—as opposed to bar-side policing, which is getting in earlier and working before the issue starts.

**Assistant Commissioner Quaedvlieg:** There will be an element of kerb-side policing, as you have described it, but the main thrust of this is to get into the bars, talk to the licensees and the employees of the licensed premises to make sure that they understand the issues of responsible service of alcohol—to work through the consequences of things like promotions that they may put on that might not be entirely within the construct of a responsible service of alcohol policy. It is those types of things that we are going to attack. They are the causal factors that lead to the kerb-side problems. We cannot ignore the kerb-side problems altogether, but I would contend that we are actually dealing with kerb-side problems now.

**THE CHAIR:** Have you put in any thought around how to model this so that you can engage that type of audience, which is obviously a lot of young people who are out at night, and also bar staff?

**Assistant Commissioner Quaedvlieg:** Yes. The core or nucleus of this team will sit in our crime prevention portfolio, and the crime prevention portfolio is very much about proactive engagement—not just with the licensees but with advocacy groups and youth groups. We will be running education and awareness campaigns as well.

**THE CHAIR:** Thank you. Mr Seselja.

**MR SESELJA:** BP 3, at pages 85 and 86, outlines six additional police officers to work in an automated number plate recognition team. Could you describe in a little more detail what exactly these six additional officers will be doing while on patrol?

**Assistant Commissioner Quaedvlieg:** Sure. They are a dedicated, full-time team. They will be operating vehicles which are equipped with the RAPID technology. The RAPID technology is an electronic detection system. It works on digital video. It scans the number plates of vehicles as they drive past the point of the vehicle. It will notify to the police officers at that site whether that vehicle is unregistered, whether it

is uninsured, whether the person driving is an unlicensed driver, and whether the person driving is a person who is of interest or is wanted on a warrant—and that person and that vehicle will then be intercepted.

**MR SESELJA:** It refers to a revenue line associated with this. How has that been calculated? That will be \$1.85 million in 2010-11 and then a little bit less in the outyears. What extra revenue are we expecting as a result of having this technology deployed?

**Assistant Commissioner Quaedvlieg:** The revenue forecast was an extrapolation of a trial we ran with this technology over five months of the last calendar year. That gives us a basic model of revenue of around \$2,000 per hour over a seven-hour day over 240 days per year—so about 65 per cent capacity operational, allowing for a back-end administration. It is an extrapolation of the revenue that was gained from that five-month trial.

**MR SESELJA:** What kind of extra revenue are we gaining from this trial? Obviously, if you are getting unlicensed drivers or unregistered cars, there will be some revenue there. Is that the main type of revenue we are talking about?

**Assistant Commissioner Quaedvlieg:** That is right—traffic infringement notices that are issued as a result of driving unregistered vehicles. It is the recouping of registration costs in retrospect and in prospect, payment of outstanding warrants and fines and general traffic tickets that are issued for defective vehicles and that type of thing.

**MR SESELJA:** Given that there has got to be a tipping point with something like this in terms of how many vehicles there are that are unregistered and how many unlicensed drivers there are, how widespread do we see the issue being? Are we likely to see that, if we were to devote 12, we would see even more revenue coming in, or is this about the extent, in your estimation?

**Assistant Commissioner Quaedvlieg:** It is a very good question, and one which I have wrestled with myself. I think ultimately what you will see occurring is driver behaviour modification. Once these RAPID units are rolled out and have been in operation for some time, there is going to be less inclination for people to drive vehicles that are unregistered or for those people who are unlicensed to drive unlicensed. I think there is an expiry date to the extent of the revenue, but that is speculative at this stage.

**Mr Corbell:** The government has taken account of that in the requests from ACT Policing for resources in this area. We did specifically revise down our revenue estimates as a result, because we wanted to be conservative about our revenue expectations and there is a point at which the number of people you detect starts to decline.

**MR SESELJA:** Because only so many people are driving unlicensed cars.

**Mr Corbell:** Indeed—

**MR SESELJA:** We hope.

**Mr Corbell:** That is right—unlicensed, unregistered or whatever else it may be. However, we are well within that tolerance in terms of our revenue expectations at this time.

**MR SESELJA:** Are the expenses that are listed just for the technology and for the six additional police?

**Mr Corbell:** That is right.

**MR SESELJA:** Are there any other expenditure implications of essentially bringing more people in and the associated resources that might go with that—with detecting more crime?

**Assistant Commissioner Quaadvlieg:** No, none.

**MR SESELJA:** Okay.

**THE CHAIR:** I have a supplementary on that. In her budget speech, the Treasurer said that 40 per cent of fatal road crashes in the ACT involved either an unregistered car or an unlicensed driver and that this is part of the reason for introducing the system. I have two further questions around that data. Firstly, do you have a breakdown of the 40 per cent between uninsured and licensed drivers? Secondly, has there been further analysis of the data to see what is the main cause of the accident—that is, it is not just because they are unlicensed or unregistered, but what were the factors?

**Mr Corbell:** The fact that they are unlicensed or unregistered is not the cause of an accident, but—

**THE CHAIR:** No, but can you also break down that data to give us some idea of that 40 per cent—what were the causes?

**Assistant Commissioner Quaadvlieg:** All right. I do not have that data available, so I will take that on notice. In relation to your second question, what we are saying is that the unregistered and unlicensed are indicator offences: they are symptoms that occur regularly in the course of fatal and injury accidents. We believe that by targeting those there will be a consequential impact upon the road toll.

**THE CHAIR:** I will note that is taken on notice. Mr Smyth.

**MR SMYTH:** I will defer to Mr Hanson.

**THE CHAIR:** I will go to Ms Bresnan then, because we are doing the committee first.

**MS BRESNAN:** Thank you. The ACT Indigenous Elected Body put out their report, and one of the things they called for was more data to be collected on Aboriginal and Torres Strait Islander people in terms of various areas where they are impacted. With regard to this recommendation, is ACT Policing collecting more data on the ATSI

population in the ACT? One of the things which have been noticed is that, because of the small population of ATSI people in the ACT, this does impact data collection. Nonetheless, they are often over-represented in particular areas, including where policing would be implied. Have you looked at collecting further data to assist with the situation?

**Assistant Commissioner Quaedvlieg:** Yes and no. In terms of the pure statistical data in terms of arrests and charges, that remains as we have always done it. They are stats that we collect as a matter of course. But in our crime prevention area, we have now got an Indigenous community liaison team, and what we are doing with that team is engaging with the Indigenous community to gather data in relation to why some of these crimes have been committed by an over-representation of the Indigenous community.

**MS BRESNAN:** Is that sort of data going to be reported or is that liaison person going to work with organisations like the elected body and other organisations here in the ACT in terms of looking at some of those issues?

**Assistant Commissioner Quaedvlieg:** In fact, we are doing that as we speak. We are part of a multi-agency task force which is a subgroup of the Chief Minister's task force on Indigenous issues. We are sharing that data freely with those agencies to come up with a whole-of-government or whole-of-bureaucracy effort against those sorts of problems.

**MS BRESNAN:** When I asked them this question, Chief Minister's noted that they are working on a project that will look at collecting better data on the Aboriginal and Torres Strait Islander people in the ACT. Will you be working with that project as well?

**Assistant Commissioner Quaedvlieg:** Yes, we are. I have some hard statistics which I am a bit reluctant to give here right now, because they are still a bit raw.

**MS BRESNAN:** That is fine.

**Assistant Commissioner Quaedvlieg:** But we are actually collecting data in relation to offending by those in the Aboriginal and Torres Strait Islander community. That will give us some targeting in terms of where we can direct our resources and efforts.

**MS BRESNAN:** Thank you.

**THE CHAIR:** Could I just follow up on that? What sort of cultural awareness training do police officers receive?

**Assistant Commissioner Quaedvlieg:** In the base recruit course with the Australian Federal Police there is a cultural awareness module. That is not specific to Aboriginal and Torres Strait Islanders, although it does focus on that particular marginal group. Then more specifically within the ACT we introduce modules on ATSI training within our training days for constables.

**THE CHAIR:** And you feel that that is sufficient?

**Assistant Commissioner Quaedvlieg:** Probably more can be done, but I should add that in our Indigenous liaison team there is a significant period of training and exposure to ATSI issues.

**THE CHAIR:** Thank you. Ms Porter?

**MS PORTER:** I did have a question, but it was not around this. It was about the volunteers and screening. May I ask that question?

**THE CHAIR:** Yes, certainly.

**MS PORTER:** I note that on page 85 of budget paper 3, minister, it says that screening for people working with vulnerable people will be reduced to three years. Previously it was every five years. Applicants will be subject to an application fee, but volunteers will be excluded from that. Do volunteers need to apply individually for that screening in order to qualify for the exclusion from the fee? How does it work?

**Mr Corbell:** Ms Porter, thank you for the question. I cannot provide you with that answer today. I would need to check that with ORS in terms of the procedures they are going to put in place, but I will take it on notice.

**MS PORTER:** Thank you very much.

**THE CHAIR:** Mr Rattenbury.

**MR RATTENBURY:** Can I briefly ask about the implications of the coming visit by the President of the United States? In the Senate estimates last night ASIO officials confirmed their involvement in the President's visit to Canberra, and they have a role in threat assessments. However, they stress that they are part of a joint effort with other police agencies and other jurisdictions. Can you outline what role ACT Policing will have when the President comes to Canberra and the resource implications of that?

**Assistant Commissioner Quaedvlieg:** I can. The ACT police will take primacy in the coordination and provision of policing services around the visit of the President. We are working very closely with AFP National, not just in terms of additional resources but additional capabilities in their protection portfolio.

**MR RATTENBURY:** Do you have an indication at this stage of what level of shutdown the city is going to be subjected to?

**Assistant Commissioner Quaedvlieg:** I do not have the detail, but it will be a rolling shutdown for cavalcades, the motorcades only. There will not be a general shutdown, other than particular areas where the President may be accommodated or be visiting for that date.

**THE CHAIR:** Could I just go back to the resource implications? We had the torch relay where the ACT was supposed to be reimbursed and the feds reneged on that deal. Minister, how certain are we that the ACT is going to be covered?

**Assistant Commissioner Quaedvlieg:** Perhaps I can take that question?

**THE CHAIR:** Thank you.

**Assistant Commissioner Quaedvlieg:** The responsibility for protection around visiting dignitaries lies within the state jurisdiction, so that responsibility is ours. Where we are being supplemented by AFP national resources, those resources will be fully funded by AFP National as part of their protection duties and obligations.

**THE CHAIR:** So it is a solid agreement, is it?

**Assistant Commissioner Quaedvlieg:** Yes.

**MR SMYTH:** Is there a budget for the whole of the presidential visit?

**Assistant Commissioner Quaedvlieg:** Do you mean an additional budget or a forecast expenditure?

**MR SMYTH:** What is the estimated cost to ACT Policing of the presidential visit?

**Assistant Commissioner Quaedvlieg:** I cannot give you that right now. I will have a detailed briefing—I think it is on Monday or Tuesday next week—in relation to that, so I just do not have that information to hand.

**MR SESELJA:** Minister, you are confident that the ACT will not be out of pocket at all as a result of the visit?

**Mr Corbell:** As the CPO has advised, any additional resources from AFP National will be paid for by AFP National and the commonwealth.

**MR SMYTH:** You said you had a detailed briefing coming up. You might take this on notice. We may well, minister, end up out of pocket in terms of overtime resources. They may well be used up and that adds to the bill in terms of what we would normally be spending in a given period of time.

**Mr Corbell:** Can I just clarify, there is no additional funding being provided by the ACT taxpayer.

**MR SMYTH:** No, that is what I am saying, but it may use up resources that may have been useful at the other end of the year.

**Mr Corbell:** That is no different, though, from any other incident or event that ACT Policing have to deal with.

**MR SMYTH:** That is true.

**Mr Corbell:** If there is an incident at Summernats, if there is an incident at the Royal Canberra Show, if there is an incident at Skyfire, it requires additional police. It is the duty of the police to provide the resources that they can to that.

**MR SMYTH:** That is true.

**Mr Corbell:** And it is no different in relation to the visit of the President.

**MR SMYTH:** That is okay. But we are still asking what the cost to the community will be.

**Mr Corbell:** As Assistant Commissioner Quaedvlieg just said, that is a matter that is yet to be finalised.

**THE CHAIR:** Thank you. Mr Hanson.

**MR SMYTH:** Sorry, was it taken on notice that you will provide—

**Mr Corbell:** I am sorry, what was the question, exactly?

**MR SMYTH:** What will the cost of the visit be to the people of the ACT?

**Mr Corbell:** We are happy to take that on notice. I do not think we will be able to give you an answer before the estimates committee completes its hearings, but I am sure there will be other opportunities to pursue that.

**THE CHAIR:** I just note that has been taken on notice. Mr Hanson.

**MR HANSON:** Thanks. The staffing profile of ACT Policing—it is difficult, sometimes, to get across the numbers. They seem to fluctuate a little bit because of the purchase agreement. One thing that seems to come up is the rank and age profile and also the experience profile. Have you had a chance to look at it? It appears that when you compare ACT Policing with Victoria or New South Wales, there is relative inexperience rank for rank when you compare equivalents. Have you noticed that trend? Have you got any views on that? Is it a problem? Is it something that you have got a view to rectifying, or are you comfortable with the way it is?

**Assistant Commissioner Quaedvlieg:** Yes, I have had a very close look at it. Before I enter into a discussion about specifics, can I just mention a couple of caveats? You can cut the cake any way here in terms of the particular band or level within our rank structure, or you can cut it in terms of length of service. They are not necessarily correlated, although there is some correlation between the two. Nor are those two specifically and directly related to level of experience. You can have someone who is a fairly high level senior constable who has been in a particular role for 10 years. He is not a rounded constable, so to speak. I think there is a little bit of subjectivity around the interpretation of what experience actually means.

Getting to the specifics of your question, this is a situation that is developing nationally in terms of lowering levels of experience and length of service. There is aggressive recruiting by many jurisdictions, and that obviously dilutes the experience base. When the ACT has new influxes of staff, the effect is more profound because we are a small demographic with a much smaller population.

Generally speaking, in the last decade or so we have had an experience level of

around what we call band 4.2. That equates to about six years experience in the main. I am generalising here, because it is a very complex formula. Over the last few years, that has dropped slightly to what we call a band 3.4, which equates to about five years experience. I am talking about the critical mass, which would be our constables, who make up about 75 to 80 per cent of our workforce. I think 3.4 is marginally below where we want to be. We do not want to be back at the 4.2 level. I think that is too high in terms of experience. We will edge it up over the next 12 to 18 months to a level where we are going to be reasonably comfortable. But we are not far off where we want to be.

**MR HANSON:** Do you have the levers to control that?

**Assistant Commissioner Quaedvlieg:** We certainly do. We have a very sophisticated workforce model that we use to assess and monitor this. Some of it relates to the turnover of staff back to AFP National, so we monitor that gateway very, very tightly. We have an influx of staff coming in over the next month. We will have two new squads coming through, which will be about 50-odd people, and we have got three more squads coming in late this calendar year, early next calendar year. That will obviously have a dilution effect. Overall, we have a workforce plan that will get us to the level where we want to be in about 18 months.

**MR HANSON:** In specific areas, are you comfortable that you have got the staff that you need for the various areas? Are there any areas that are looking a bit shaky because you have lost staff or you are having trouble recruiting?

**Assistant Commissioner Quaedvlieg:** That is something that we monitor as well. We have a workforce movement committee to make sure that we have the right level of experience and the right fit in the right areas of the ACT. That is something that we use in conjunction with the workforce planning model that we have.

**THE CHAIR:** Mrs Dunne.

**MRS DUNNE:** Thank you. Commissioner, I was wondering if you could give the committee some information on the role that ACT Policing has in relation to the inspection or visiting of brothels in the ACT. How often are brothels inspected or visited by ACT Policing? What interaction is there between ACT Policing, ACT regulatory services and the department of immigration in relation to oversight of perhaps illegal immigrants or people who may be trafficked into brothels in the ACT?

**Assistant Commissioner Quaedvlieg:** The answer to your first question is that the police do not have a legislative or regulatory role in brothels. The answer to your second question is that I do not have the exact figures of how many visits the ACT police have had on brothels, but I can tell you, because I asked this very question myself when I first came to the role about eight or nine weeks ago, that it has not been for some time. The answer to your third question is that it ought to happen.

My very strong view is that, whilst a prostitution industry can be regulated, it still attracts the kind of people around which crime fringes occur. Therefore, it has an interest for me. I fully intend—in fact, I have commissioned this work through one of my commanders—to put together an interoperability plan with DIAC and ORS to

look more closely at the prostitution industry in the ACT.

**MRS DUNNE:** Excellent. Thank you for that. I would like an update at some stage.

**Assistant Commissioner Quaedvlieg:** Sure.

**MRS DUNNE:** Thank you.

**THE CHAIR:** Thank you. Mr Seselja.

**MR SESELJA:** The suburban policing consultative committees—I understand this was an election commitment, minister. I do not think there is any reference in the budget papers to it. Where is that up to?

**Mr Corbell:** That is being funded internally within ACT Policing through the crime prevention budget. We are trialling those in a number of locations at the moment. I expect to receive further advice from ACT Policing in due course about whether or not that is a model that can be rolled out across the city.

**MR SESELJA:** Okay. So what are those locations?

**Mr Corbell:** I understand there is one in Narrabundah.

**Assistant Commissioner Quaedvlieg:** Mr Seselja, I can tell you that we have had three of those committee meetings since the trial commenced. Two of those have been in the Narrabundah area and one has been in the Charnwood and Flynn area. It is still very much in trial mode. I have to say that the initial assessment, whilst we are still in trial mode, is that I do not think it is working as optimally as it could be, and that is largely due to the less than enthusiastic approach of the community.

I was talking to my staff in relation to how we can improve this process slightly in this trial, and we are hoping to bring a virtual element to the committee consultations. But, in short, there have been three physical meetings. They have traversed a range of community policing issues, but I think the take-up from the community could be better, and we need to try and rejuvenate that.

**MR SESELJA:** I am not that familiar with the detail of the program. I know some of it has been published, but is it similar to a Neighbourhood Watch type approach, or is it very different from that?

**Assistant Commissioner Quaedvlieg:** There is an alignment because many of the community members that volunteer and come to these committees are also members of Neighbourhood Watch. So I think there is a bit of ambiguity in their minds in terms of how the two constructs actually should or could work together. But essentially it is a meeting of the community and the police to have a discussion about what are perceived as problems and how they can be dealt with, which is not really in the Neighbourhood Watch style. The Neighbourhood Watch style is more about the community alert and reporting suspicious behaviour, whereas the community consultative committee is more about: “We have a problem with graffiti” or “We have a problem with cars doing burn-outs at night. How can we actually work with you, the

police, to eradicate or mitigate that problem?”

**MR SESELJA:** How many meetings have taken place for each of those committees?

**Assistant Commissioner Quaedvlieg:** We have had three in total.

**MR SESELJA:** So three meetings for each, one for each of those areas.

**Assistant Commissioner Quaedvlieg:** In totality, for both committees; that is right.

**MR SESELJA:** Okay. And would it be envisaged, if it were to go ahead, that they would be on a monthly basis? Is that roughly the time frame we are talking about?

**Assistant Commissioner Quaedvlieg:** I actually think that is ambitious. Looking at the take-up from the community perspective so far, I would be surprised if a periodical meeting every month would actually make it a better construct. I think we need to have a look at the way we do it before we talk about frequency.

**Mr Corbell:** I would expect to discuss the issue further with the CPO and get ACT Policing’s advice on the best approach and to take some decisions in conjunction with the CPO following that point.

**THE CHAIR:** Mr Smyth.

**MR SMYTH:** Just following on with that, in your experience around the country is Neighbourhood Watch an effective tool in assisting the police to perform their functions?

**Assistant Commissioner Quaedvlieg:** It is, in complement to a range of other activities, yes.

**MR SMYTH:** So if there is a sort of ambivalence or ambiguity about SPCC coming from the community, is it because there is a sense that Neighbourhood Watch fills that role of where the community can assist the police and that that is the best vehicle for the community to do their work?

**Assistant Commissioner Quaedvlieg:** I have not looked at it in depth. I suspect that is the case, and I would like to take that on advice. As I say, it is still in trial mode and we need to experiment with the way we do these things. I think I am a way off providing some constructive advice on how best to do these things yet.

**MR SMYTH:** All right. Thanks for that. As a new question, if that is what I was offered—

**THE CHAIR:** Yes, Mr Smyth.

**MR SMYTH:** What is new in the new ACT Policing purchase agreement between AFP and the ACT government?

**Assistant Commissioner Quaedvlieg:** That is still under negotiation.

**MR SMYTH:** And when is that due for completion?

**Assistant Commissioner Quaedvlieg:** End of June.

**MR SMYTH:** And when you say it is still under negotiation, is it proceeding amicably?

**Assistant Commissioner Quaedvlieg:** Very.

**MR SMYTH:** Are there sticking points there? Are there issues to be resolved?

**Assistant Commissioner Quaedvlieg:** No. We are having some discussions in relation to some of the KPIs. We have got 34 KPIs in the existing one. We are having some discussions in relation to how we may incorporate some KPIs around management of victims, but it is proceeding very well and very amicably.

**THE CHAIR:** So does that mean you would increase the number of KPIs, or are you looking at streamlining some of them?

**Assistant Commissioner Quaedvlieg:** They have stayed roughly the same. I do not have an exact number, but I do not think you will see a fundamental change in the number.

**MR HANSON:** Can I just ask a follow-up on that. With the KPIs and accountability indicators, my understanding is that we are going to reduce some of those accountability indicators. I have not got them in front of me, but—

**Mr Corbell:** Reduce them? What do you mean?

**MR HANSON:** As in, if we are saying that we are trying to achieve a target of 80 per cent clear-up rates within the courts or something like that, some of those accountability indicators are going to be adjusted down. Are you aware of that—

**Mr Corbell:** The government has not made any statements in relation to what it expects in terms of the new purchase agreement, and the government as a general rule will not be lessening its expectations in relation to police performance.

**THE CHAIR:** I think we are back with Mr Smyth.

**MR SMYTH:** If we are talking about KPIs, how effective, in your opinion, is the KPI about drink driving?

**Assistant Commissioner Quaedvlieg:** I might have to take that on notice. I will just check the KPI figure. Just bear with me. Can I say, though, while I am looking for that, that the issue of drink-driving is, as it was for the previous CPO, a matter of concern for me. We are still getting a strike rate of, I think, one in 70 breath tests on the side of the road being positive. That is obviously far too high, and alcohol is still a contributing factor in a lot of fatal, injury and non-injury accidents in the ACT. So it is something that is very much part of a five-prong road safety strategy I have in mind

for the next 12 months.

**MR SESELJA:** Is a name and shame approach something that you would favour in relation to drink-driving?

**Assistant Commissioner Quaedvlieg:** No, it is not.

**MR SMYTH:** And the reason for that?

**Assistant Commissioner Quaedvlieg:** Firstly, I do not think there is any empirical evidence that suggests that a name and shame campaign actually works in any jurisdiction; in fact, I do not think it has been trialled to that extent. Whilst that will be perhaps an individual deterrent, I actually do not think—and this is just an intuition on my part—that it has a flow-on effect as a deterrent in a generic sense.

**MR SMYTH:** Okay. In regard to DUI, what is the number of random breath testings that were done or will be done in this financial year? What is your target for next year?

**Assistant Commissioner Quaedvlieg:** I do not have those figures to hand.

**Mr Corbell:** On the figures I have, Mr Smyth, there have been 78,087 screening tests conducted as of 30 April this year; that is for the current financial year, 1,109 drink-drivers detected, and, as the Chief Police Officer indicates, one in 70 positive, and, as of 11 May 2010, since May last year, 1,443 people apprehended for drink-driving offences, 26 per cent of whom had previous drink-driving convictions over the past three years.

**THE CHAIR:** Supplementary, Mr Rattenbury?

**MR SMYTH:** Sorry, and the target this year, minister, for—

**Assistant Commissioner Quaedvlieg:** The target is always roughly to do about 100,000 per annum.

**MR SMYTH:** Will we achieve that? In two months you have to now do 22,000.

**Assistant Commissioner Quaedvlieg:** I think those figures are actually—

**Mr Corbell:** That is at 30 April.

**Assistant Commissioner Quaedvlieg:** valid to 30 April, so I think we are significantly advanced. I am not sure how close we are at the moment.

**MR SMYTH:** Yes, 30 April; that means you have got two months to do 22,000. Is that likely to be achieved?

**Assistant Commissioner Quaedvlieg:** I cannot answer that. I do not have that data.

**MR SMYTH:** All right. Are there adequate resources for you to meet that target in

your budget?

**Assistant Commissioner Quaedvlieg:** Yes, there are.

**MR RATTENBURY:** Drink-driving seems to be a significant issue now in the ACT. Do you have any sense of why so many people are taking the risk?

**Assistant Commissioner Quaedvlieg:** No, but it is not exclusive to the ACT. I was talking to the commissioners of other jurisdictions more recently in the margins of an alcohol and drug strategy conference in Melbourne and it is on the rise in other jurisdictions as well. The reason why? I do not know why.

**MR RATTENBURY:** Do you believe an enhanced night-time public transport system would reduce drink-driving rates?

**Assistant Commissioner Quaedvlieg:** That is not something I can answer. I really would not have the data or be informed on that.

**MR SMYTH:** Finally, minister, given that the CPO has expressed some doubts about the naming and shaming policy, what is the government's position on naming and shaming of drink-driving offenders?

**Mr Corbell:** That is a matter you will need to refer to the transport minister. He is responsible for the relevant legislation.

**THE CHAIR:** Mr Hanson, one more question and then we are going to the afternoon tea break.

**MR HANSON:** The issue of roadside random drug testing: it appears that it now has unanimous support within the Assembly, although we are waiting to see what exact form the legislation takes. Have you done any preparation work in anticipation of the legislation being passed within the Assembly? Have you looked into the issues to start preparing for the advent of that within the ACT?

**Assistant Commissioner Quaedvlieg:** Yes, we have.

**MR HANSON:** And can you sort of extrapolate on that in terms of what the implications may be from a resource point of view or what that preparation has been?

**Assistant Commissioner Quaedvlieg:** I think the first answer I will give you is that we are looking at how we would practically conduct these tests. We believe that the best option is an oral saliva swab. We think that is the most effective in terms of a potential reading or screening on roadside and is also the best option in terms of the time it may take for a test to come back and the amount of time we are going to restrict a motorist on the side of the road to conduct or complete the screening test.

In terms of resourcing, that is a question that is a little bit like how long is a piece of string; it depends on how much you want to roll this sort of thing out. We believe it is an effective tool in terms of road safety management. We certainly intend to apply this capability, but we would have to do it within existing resources.

**MR HANSON:** Okay. And have you looked at other jurisdictions? You come from Queensland, I believe.

**Assistant Commissioner Quaedvlieg:** Queensland, yes. We looked more closely at Victoria. We think that is a model that is probably a little bit closer to what we would like to undertake in the ACT. They have their roadside screening test down to about five or six minutes. That is a rehearsed capability now and it is done relatively cheaply with relatively little restriction on motorists, so we think that model is something we would like to design ours on.

**MR HANSON:** Okay.

**MR SESELJA:** When you say “relatively cheaply”, do we have a rough cost for the drug test?

**Assistant Commissioner Quaedvlieg:** I do not know.

**MR HANSON:** They have a pro forma, I think, on the website now—

**THE CHAIR:** Thank you. I would like to thank the minister, the Chief Police Officer and officials for appearing before the estimates committee this afternoon. We will now break for afternoon tea and we will recommence at 4.30.

**Mr Corbell:** Sorry, Madam Chair, can I just clarify: are you proposing to continue with ACT Policing or are you moving on to other areas?

**THE CHAIR:** No, we will not be continuing with ACT Policing, so could you just take on board that questions taken on notice will need to be answered within five working days. Thank you.

**Meeting adjourned from 4.17 to 4.32 pm.**

**THE CHAIR:** We will recommence the public hearing of the Select Committee on Estimates. Could I get you to confirm for the record that you understand the privilege implications of the yellow-coloured statement that is on the table?

**Mr Ryan:** Yes.

**THE CHAIR:** Thank you. I would like to start with page 247 of budget paper 4, and I want to talk about through-care and after-care. Minister, on page 247, under the departmental authorities, there does not seem to be any mention of advancing the issues of through-care and after-care. However, I understand the department has been working with CMD for about a year now to develop a proposal in relation to this matter. Could you advise the committee where that proposal is up to and why we did not see anything in the budget around this issue?

**Mr Corbell:** Just give me a moment, Madam Chair. I will ask Mr Ryan in a moment to give you some more detail in relation to that but, just in general terms, the AMC is now offering a broad range of programs, both therapeutic and rehabilitative, that are

targeting offending or criminogenic risks. We have a large number of prisoners engaged in programs. In total, in terms of training, vocational and education courses, we have 429 participants enrolled. Obviously, that is larger than the total population of the prison but that includes the fact that prisoners are often enrolled in multiple programs, courses or training. And that includes prisoners enrolled in a range of things such as information technology, asset management, business, general construction, hairdressing, horticulture, hospitality training and assessment, as well as a large number of prisoners engaged in year 10 equivalent training, basic language, literacy and numeracy education.

We also have a range of rehabilitative programs, including prisoners engaged in adult sex offender programs, cognitive self-change programs, the Solaris Therapeutic Community, which is a drug rehabilitation program, first steps relapse prevention program, violent offenders, health and wellbeing, the alcohol and other drug backup control program, personal effectiveness and family violence, cognitive self-change programs. So we have a comprehensive range of programs and training courses now being deployed across the prison. In terms of the through-care activities, I will ask Mr Ryan whether he can provide you with some more information on that.

**THE CHAIR:** And, Mr Ryan, I understand meetings are held every six to eight weeks with the community sector with regard to the through-care and after-care issues. Two of these occurred last year. I also want to know how many meetings have been held this year.

**Mr Ryan:** Thank you. To answer the last bit first, I cannot give you the number of meetings that have been held this year with that group. As far as—

**THE CHAIR:** Are you able to take that on notice?

**Mr Ryan:** Yes, of course.

**THE CHAIR:** I note that that is taken on notice. Thank you.

**Mr Ryan:** It would be useful first of all if I explain what we mean by after-care, because there is some confusion amongst the stakeholders, not just in this jurisdiction but across the country, as to what is meant by it. We regard through-care as that effort that is applied to the rehabilitation of prisoners, both when they are in custody and after they have been released from custody on bail. We also see that as our prime responsibility, because that is when we either have them in custody and have control over what happens to them or thereafter, when they are on parole, when we have them under our supervision.

After-care, we see as that part of the care that is necessary for someone who has been an offender and may well be on a returning cycle to come back to us again. We see that we have a great interest in that and, to the extent possible, we liaise with those who are in the community and vitally concerned with that on a day-to-day basis. But I think that is probably the area of the two that, from where we sit, is the weakest and perhaps could require more attention.

There has been some discussion about how best to deal with after-care and how it

should be coordinated, in particular discussions with the likes of ADFACT. And there is one particular person in ADFACT that I know has a deep interest and is a prime mover in trying to get some better coordination in that regard.

We engage in a number of community organisations, some 20-odd, that come into the AMC. And those groups are the same groups that we deal with when we are looking after our through-care responsibilities. They are also groups that assume larger responsibilities in the after-care bit.

The sorts of courses that we run, or programs that we run, to prepare people for release are also aimed at having some effect on how well they proceed through the through-care part of the continuum. Indeed, one of the advantages we have in the ACT is that, in community corrections, we have the same officers dealing with people in the prison who then deal with the same group when they are our responsibility in the through-care part of the continuum.

I could answer any other questions you like about the sorts of programs that we are doing and how that does prepare them for what they face when they are released.

**THE CHAIR:** What I am very interested in is around that connection with those community organisations, as you say. Hopefully, there is some connection with the programs that a prisoner has been undertaking while in the AMC and then some connection to ensure that they continue, say, a drug or alcohol rehabilitation program or are integrated into some sort of vocational education training; so that connection.

**Mr Corbell:** One thing we are doing is through the NEO program, the new employment opportunities program, which is designed to assist people who are released from AMC to gain meaningful employment and meaningful work experience. I was pleased to launch that program at the Assembly about a month or so ago.

We have identified a range of businesses, in both the public and private sectors, and also peak organisations in the public and private sectors who will act as champions to promote the NEO program, to promote that new employment opportunities program as a meaningful thing for employers to consider in terms of providing employment opportunities for people who are released from prison. In effect, it is a crime prevention program that would be in place. If you get people into employment, you get them obviously out of the cycle potentially of recidivist behaviour and re-entry into the criminal justice system.

The Master Builders Association, Master Traders and St Vincent de Paul are among those groups that have indicated they will act as champions for the NEO program. In the public sector, Territory and Municipal Services, particularly through the Yarralumla nursery, and PCL have agreed to also act as champions and to explore opportunities in the public sector. So it is all about providing opportunities for prisoners on release from the jail.

**THE CHAIR:** Thank you. I think there is a supplementary from Ms Bresnan and then from Mr Hargreaves.

**MS BRESNAN:** Just on the through-care and after-care, one thing which has been

discussed for quite some time, even before the AMC opened, was actually having a through-care and after-care strategy in place, which we have not seen as yet. And while we have all those groups going in and providing services, one of the concerns which have been raised with us is that there is not that coordination and not everybody is aware of what services are being provided. And even though the ACT is a small jurisdiction, that coordination is not there. So I am wondering why we have not seen that strategy yet, and whether we are going to see it happen.

**Mr Corbell:** I make the general observation that this is an ongoing process as we continue to develop and enhance and implement the range of programs and activities that are available both inside the prison and outside the prison for prisoners once they leave the facility. So it is an ongoing process and it is something the government and Corrective Services are committed to.

But it should always be viewed as an ongoing process that is going to be realised in the short to medium term and, in some respects, even in the longer term, because it is a complex range of programs and activities that have to be put together. And we are basically starting from scratch. But I will ask Mr Ryan whether he can provide some more detail for you.

**MS BRESNAN:** Just on that point, I do understand, but this strategy was something that was mentioned and that a lot of groups said we need. While I recognise it is an ongoing process and it is a new thing for the ACT, having that strategy was seen as being quite important or very important by many groups so that there was some sort of established process in place.

**Mr Corbell:** Yes, and there are lots of things that fall into that category, and we are working steadily through all those.

**MS BRESNAN:** It is a pretty important part of it.

**Mr Corbell:** As are a lot of other things.

**Mr Ryan:** I think we have made considerable progress in what I define as our through-care bit, although we are still not happy with it, particularly with the preparations for release part of it, which is something we have been focusing on particularly since the end of last year. And we still have a way to go. It is the after-care bit, that is, after we are no longer responsible for them by way of an authority to supervise, where I think we could, together with the stakeholders in the community, do a lot better. And that certainly is something we need to address in the future.

But along the way, we have engaged a lot of organisations. I am just looking at the ones here that visit the women's community, for example, Inanna, WIREDD, women in prison, ACTCOSS, AA, DIRECTIONS ACT and so on—DIRECTIONS come in to give individual counselling—Toora and others, Legal Aid, Centrelink and chaplains. We are getting better at coordinating that through-care bit but we need to engage them, somehow grab hold of it or find out exactly how it should be acceptably led from a community point of view, noting that we do not have the authority to order anything once their parole is over or once their court order has finished. It does not

mean that we do not accept that we have a deep interest in it.

**MS BRESNAN:** There is that community sector group. Plus, there is a crossover with Health and Corrections and the health centre is already working there. I am wondering whether that strategy will merge, with both those departments acknowledging their responsibility in both parts of that.

**Mr Ryan:** Yes.

**MS BRESNAN:** So we will see a strategy, hopefully, in the future?

**Mr Ryan:** Yes.

**MS BRESNAN:** You do not have a date?

**Mr Ryan:** I would not like to put a date on it. It has taken so long for us to shake down with the through-care. But it has been much harder than we thought, primarily, to get people engaged. To get prisoners engaged has proven harder than we thought.

**THE CHAIR:** Mr Hargreaves.

**MR HARGREAVES:** Thanks very much, Madam Chair. This is in the same vein. Mr Ryan has pointed to the difficulty in Corrective Services actually delivering on community expectation about after-care because of the lack of authority to oblige somebody to continue with a program beyond the point of the court order dates. And I am guessing that, with the challenges that you have pointed to around through-care, one of the challenges is that you have got to get the sentenced person to want to engage in the after-care, because you cannot compel them.

The question that I have—possibly for the minister, I am not sure—is: I remember the government promising to look at, review, the whole of the AMC processes 12 months after it was opened. I remember that quite explicitly. The government's commitment has been an ongoing one over the last 12 months. And does it include in fact addressing some of the partnerships which would have been forged in the context of those 12 months?

**Mr Corbell:** Yes, it does. The terms of reference for the review that I have commissioned of the AMC's operations have now been finalised. It is a wide-ranging review and it will look at all aspects of the prison's operations, including the delivery of programs and other services to prisoners and including some of these other issues that we are discussing around support, what mechanisms are in place for support following a prisoner's release from the facility.

I was interested to hear some claims this morning that the government have been forced to deliver this review. I note, Mr Hargreaves, that when you were the responsible minister back in October 2009, just under a year ago, you said that there would be a review and that there would be a review 12 months after the prison's operation, which is around—

**MR SMYTH:** Is that what it said—that there would be a review? That is not my

recollection of it.

**MR HARGREAVES:** Yes. Read it out.

**Mr Corbell:** Yes. The chair of the committee said on 28 October 2009:

So there will be a review?

Mr Hargreaves said:

There has to be.

The chair said:

And presumably centred around March next year?

Mr Hargreaves said:

... it would be reasonable to assume that, fairly quickly after that—

that is, 30 March—

some sort of review will happen.

So it is quite clear, Mr Hargreaves—

**MR HANSON:** Yes, but can I just interrupt there?

**THE CHAIR:** No; you cannot.

**Mr Corbell:** Mr Hargreaves—

**MR HANSON:** You did not finish the quote.

**MR HARGREAVES:** Excuse me.

**Mr Corbell:** It is quite clear, Mr Hargreaves—

**MR HANSON:** You did not finish the quote.

**MR HARGREAVES:** I am trying to listen to the response to my question.

**Mr Corbell:** I would also draw to your attention that, indeed, on 10 February this year, when the Assembly passed the relevant motion calling on the government to commission an independent reviewer, the Assembly also noted the government's existing intention—that is, the intention that the government had prior to the passage of that motion. It says that it was the government's intention to have a review into the operation of the AMC after its first year of operations. So it is quite clear, even in the Assembly resolution itself, that the government always intended to conduct a review. The Assembly itself noted that in its resolution. Claims that the government has been forced to conduct a review are simply misleading.

**MR HARGREAVES:** I have a supplementary.

**MR SESELJA:** It was not even close to the topic.

**MR HARGREAVES:** Join the committee if you want to join in. My supplementary on that is that, in the context of the review, you did indicate that there would be a look at the partnerships with the community organisations that have been forged in this 12-month period. What sorts of arrangements have come to pass, and will they be included in the review around the involvement of those community groups and the transitional release program going out? I am aware that one of the difficulties we have is handing over somebody who wants to be restored to the community and not necessarily having a way to go about it. I was hoping that those partnerships would be forged over the first 12 months, and I am interested to see what kind of relationships have been done and whether they will be included in the review.

**Mr Corbell:** Yes. The terms of reference for the review have been finalised. I am just trying to find them for you now.

**THE CHAIR:** Are we able to have those terms of reference tabled?

**Mr Corbell:** Yes, you can. They are available on both my department's website and the Corrective Services website.

**MR HANSON:** May I ask a supplementary?

**Mr Corbell:** Perhaps just for some information, what I did in commissioning Mr Hamburger and his firm to conduct this review is issue him with draft terms of reference and ask him to go and consult with the broad range of groups and individuals that would have an interest in this review. For example, he consulted with the members of the community reference group, which has been established by Corrective Services to look at, and provide advice on, the operations of the prison; that includes a large number of non-government organisations, community based organisations. He also consulted with the human rights commissioner and the ACT Ombudsman. He briefed the Auditor-General on what he was proposing to do and what the terms of reference were, and he received their feedback where it was provided.

He has subsequently advised me that there are a number of matters that need some refinement in response to that. I have agreed to all of those refinements. They include the inclusion of specific references to the Human Rights Act, including specific references around health services for detainees, a review of accommodation available for detainees on remand and the release processes for detainees.

With those changes, the terms of reference are now settled. I have been delighted with the very positive feedback we have received on these terms of reference. Mr Hamburger advises me that all stakeholders have welcomed the very thorough and comprehensive nature of these terms of reference. And in terms of the issue you raise, Mr Hargreaves, around programs and, in particular, engagement of the non-government sector, the community sector, in that work, that is certainly identified.

Indeed, one of the terms of reference, No 5, looks at the effectiveness of programs provided to detainees aimed at assisting and facilitating rehabilitation, including—and I will just highlight the ones that are relevant to your question—the through-care model, preparation for return to family and community life, review of the detainee’s progress against objectives set in sentence plans, transition from AMC to community corrections or to the community and, finally, support for and inclusion of community organisations in the AMC mix of programs to facilitate and enhance continuity of service support for detainees post release.

**MR HARGREAVES:** Thank you.

**Mr Corbell:** So the very specific reference that deals with the engagement of the non-government sector in support.

**MR HARGREAVES:** Am I correct in assuming that officers of the department of corrective services and other elements of JACS have been working on the context of this review for at least the past 12 months?

**Mr Corbell:** Yes. It has been a matter of discussion between me and the department for an extended period of time since I became the minister, and the identification of the consultant to do that work was something the government has been working on for some time.

**THE CHAIR:** Thank you. Mr Seselja.

**MR SESELJA:** Minister, it is fair to say there have been a number of debacles in relation to the prison in the last several weeks. I want to touch on a few of them; perhaps you could give us some details on what went wrong and what has been done to rectify some of the problems. We had recently the wrongful release of a prisoner. That was reported, I think, on WIN news. He apparently was able to walk out before he was lawfully allowed to. What were the circumstances in which a prisoner was wrongfully released?

**Mr Corbell:** The erroneous discharge of a prisoner occurred on 22 April. It was due to a breakdown in administrative processes within the prison and between the prison and the courts. The individual involved was serving a nine-month sentence with an earliest possible release date of 23 August 2010. The prisoner appealed that sentence, and his release date was brought forward to 22 April 2010 upon the offender commencing a good behaviour order. The prisoner was therefore released on that date.

However, the prisoner was also subject to a remand warrant for obstructing a territory public official to appear before the Magistrates Court the following day. This mistake was identified by Corrective Services on the day that it occurred. ACT Policing was contacted. The prisoner was located by the police on the same day and was taken into police custody, where he remained overnight. He then appeared in the Magistrates Court on the following day and was subsequently granted bail.

Corrective Services are investigating the circumstances of this incident. The outcome of that investigation will determine where improvements can be made to assist them

to ensure that this does not recur. In relation to the broader issues about release of prisoners, you will note, Mr Seselja, that I have included the general issue of release processes for detainees as one of the specific terms of reference Mr Hamburger will look at independently.

**MR SESELJA:** You said it has been investigated. How long has that investigation taken? It has been over a month now.

**Mr Corbell:** I will ask Mr Ryan to provide you with some further information in relation to that.

**Mr Ryan:** The investigations into both matters are well advanced but not yet complete.

**MR SESELJA:** There are a number; we will not be able to get through them all. The prisoner roof-top protest—how were prisoners able to gain access to the roof?

**Mr Corbell:** The prisoners gained access to the roof by climbing the steel cage which encloses the outdoor area on the outside of that cage of the sentence cell block.

**MR SESELJA:** What was the initial staff response to the protest?

**Mr Corbell:** I will ask Mr Ryan to answer that question.

**Mr Ryan:** The first response was to secure those that remained in the group of 23 that were being escorted by an officer. The 13 that made their way to the roof were just left there; they were not going anywhere. Once the others were secured, and the rest of the facility secured as well, to make sure that there was no follow-on or copycat activity, we decided to wait and see them out. They came down on the following morning, on Sunday, 11 April, at about quarter to 11 in the morning. No force was used to bring them down. They were then secured.

We are looking at what we can do to erect further barriers to prevent prisoners from climbing onto the roof in that particular location. We have not made any decision yet. We do not think it is really necessary to engage or embark on a wholesale redesign of access opportunities to the roof. Indeed, most of those that really count, most of those that would affect security, are well covered off anyway. But we will be looking at what we can do to close off that particular area and stop that irritation.

**MR SESELJA:** Minister, it was reported at the time that the protest was in response to the number of lockdowns. You made statements about lockdowns which you then had to correct in the public domain. I understand from a question which you answered on notice that there have been 47 lockdowns in the financial year to date—at the time that it was answered. Why are we seeing so many lockdowns? For instance, in the lead-up to the protest in March there were 13 lockdowns. That seems very high. Why are we seeing such a high level of lockdowns in the prison?

**Mr Corbell:** I will just make some observations about this in general in terms of lockdowns. There is no consistent terminology in use around the country around what a lockdown is. The way we measure a lockdown is as a period of time when prisoners

are confined to their cells when they would normally be expected to be able to move about outside their cells. That is how we define it. It is complicated by the fact that in the cottages prisoners can be confined within the living quarters of the cottage, which has its own kitchen and lounge-dining area, but they cannot be locked in their rooms. Is that a lockdown—because they are still able to move around—or not? There are some ambiguities around the term in any event.

In terms of the number of lockdowns, the number of lockdowns is driven by a range of reasons. We have seen some challenges in relation to staffing. Unexpected absences of staff have led to the need to lock down the facility at different times. Generally speaking, that is on a rolling basis, so the whole facility is not locked down but parts of the facility are locked down at different points of time to manage a shortage of staff and to retain safe conditions for both the prisoners and staff.

The other point I would make is that the government is measuring performance around this issue. We will again apply the nationally consistent methodology, which is time out of cells: on average, the average amount of time out of cells per prisoner per day, which is a measure that is reported in the ROGS data.

Let me highlight some of the issues around lockdowns. In Goulburn, for example, in the prison there, prisoners are locked in their cells from 4 pm until 8 am every day. In the ACT at the AMC, they are locked in their cells from 7 pm until 7.20 am. Even though those are routine practices, they would not be captured as lockdowns. For example, in Goulburn, it is just that that is the routine, but clearly it has an impact on the time out of cells.

What we are endeavouring to do is make sure we perform well in terms of the total amount of time out of cells. The most recent Productivity Commission figures in this regard show that time out of cells for the ACT was 10.8 hours on average; the national average was 10.6 hours. New South Wales prisoners spend 9.3 hours out of their cells, Queensland prisoners 11.4 and Victoria does not even report against that measure. So you can see that the ACT is above the national average in terms of time out of cells. We will continue to try and achieve that, because that is the most appropriate way of measuring how effective we are at providing prisoners with reasonable opportunities.

**MR SMYTH:** Yes, but that is an entirely different subject. Come on—47 lockdowns since the prison opened, your human rights compliant prison. You have got to admit that that is a failure on the part of you to deliver a proper corrections system.

**Mr Corbell:** Our prisoners spend more time out of their cells than the national average.

**MR SMYTH:** So you're not going to address the issue of lockdowns?

**Mr Corbell:** I am going to address the issue of lockdowns. The number of lockdowns is being addressed by Corrective Services at this current time. The government has agreed—I have given my agreement for a new roster to be put in place at the prison. We will move to a 12-hour rostering arrangement. This is something that is needed to provide better opportunities for staff, to reduce the level of absenteeism that we have been seeing. That new roster has been approved by me. It has also been approved by

the union at the AMC representing prison officers and we believe this will greatly assist in the management and the frequency of lockdowns at the prison.

**MR SESELJA:** How have the prisoners who were involved in the rooftop protest been disciplined?

**Mr Corbell:** I will ask Mr Ryan if he can answer that question.

**Mr Ryan:** They all faced charges for their offence and they were given 28 days and loss of privileges, which they have since served.

**MR SMYTH:** Twenty-eight days of what?

**Mr Ryan:** They are separated from the rest of the group and they are locked in a cell, and they must get at least one hour out of that cell per day.

**MR SMYTH:** So 28 days of solitary confinement?

**Mr Ryan:** Not solitary confinement.

**MR SMYTH:** Minister, the prison has been a joke since your mock opening. You have had the mock opening. The X-ray machine was not working. You have had ongoing security problems. You had the wrongful release of a prisoner. You have had extended detention of a prisoner who should have been released. You have had a rooftop protest. You have got prisoner lockdown. You have got the death in custody—and God alone knows what happened after that. You have got prisoner internet access issues. You have got prison officers taking firearms home. You have got problems with your radio frequency identification system. You have got a hep C transmission, and you have got prisoner complaints over myriad issues.

Minister, why is your human rights compliant prison system operating in this way and what are you doing to fix it?

**Mr Corbell:** Mr Smyth, I reject your assertions about my management, my oversight, as minister, of the facility—

**MR SMYTH:** Which one is wrong?

**Mr Corbell:** If you will let me answer the question, I will endeavour to do so. First of all, you, quite inappropriately and I think with complete disregard for the facts, suggest that I or Corrective Services are responsible for a death in custody.

**MR SMYTH:** I did not say that.

**Mr Corbell:** Well, you list it as a failure. Any death in custody is, of course, regrettable and of significant concern.

**MR SMYTH:** And what happened afterwards?

**Mr Corbell:** But I would draw to your attention, Mr Smyth, that the coroner, in their

review of that incident, found no blame either on the part of the government or Corrective Services officers. For you to list that as part of your political attack on me highlights the extreme—

**MR SMYTH:** What—stating the facts is now a political attack?

**THE CHAIR:** Mr Smyth, let the minister respond.

**Mr Corbell:** the highly political nature of your approach. In relation to the hepatitis C transmission, I would simply put to you that any hepatitis C transmission is, of course, a concern. But, if that is the standard against which you are going to hold me accountable as minister for corrective services, as the minister responsible for the prison, it would mean that every minister responsible for a prison system in this country would have to resign because of—

**MR SMYTH:** No, no, it is just one piece in a picture that you choose to ignore.

**Mr Corbell:** You have made a series of very serious allegations—

**THE CHAIR:** Mr Smyth, let the minister respond.

**Mr Corbell:** and I am entitled to address them, Mr Smyth. In relation to the other issues that you mention, the operation of the prison was always going to be a learning curve for everyone engaged in its operation. This is the first time that this jurisdiction has put in place a full-blown prison facility catering for all classifications of prisoner, men and women, sentenced and remand.

It meant a significant effort on the part of Corrective Services, and there were inevitably going to be challenges associated with that and it was inevitable that incidents were going to occur. Where incidents have occurred, they have been investigated. Where there has been inappropriate action on the part of officers, it has been investigated and disciplinary action taken. Where prisoners have behaved in manners contrary to the policies and procedures of the prison, that has been investigated and appropriate disciplinary action taken.

In regard to the overall practices and procedures of the facility, the government is committed to an open investigation of the complete operations of the prison after 12 months of operation. I have commissioned an independent expert to investigate and review all aspects of the prison's operation, and that will provide us with an appropriate benchmark against which we can take action to further improve operation of the facility.

In conclusion, I would simply say this: this is a prison that is striving to meet best practice in a whole range of areas. It already surpasses many other prisons around the country, because of its practices, because of its culture and because of its commitment to a human rights framework.

You can say what you like about some of the problems that we have encountered. The government will work through those and I as the minister will make sure that we work through those. Running a prison is a complex business, but I would happily compare

the operations of this facility against the operations of many other prisons around the country. For the information of the committee, Madam Chair, these are the terms of reference—I am happy to table these now—of the independent review into the prison's operations.

**THE CHAIR:** Ms Bresnan, and then Mr Hanson.

**MR HANSON:** Is that a follow-up?

**MS BRESNAN:** It is a follow-up. You mentioned the 12-hour roster. Was that a request from the prison guards and their representatives, to have that 12-hour roster? I apologise—officers.

**Mr Corbell:** It was both a management and a union objective. It was identified by both as an appropriate step to take.

**MS BRESNAN:** You mentioned unexpected staff shortages. Was that just the staff shortages at the time that the lockdown or the lockdowns were occurring, or is this something that is ongoing or has not been resolved?

**Mr Corbell:** A range of issues has led to staff shortages. Unanticipated absences are one part of that; another part of that is that operational requirements have drawn prison officers away from the prison; for example, escorts, particularly escorts to a hospital where prisoners have to be escorted at the hospital and then remain under guard at the hospital. A range of circumstances such as that have led to shortages; and also a lack of being able to backfill those in terms of overtime and other measures.

Steps have been taken to address that in terms of the overtime provisions. Also, changes to the roster arrangements will now give us greater flexibility in managing those types of circumstances. I might ask Mr Ryan if he can talk a bit more about the 12-hour roster and just explain why that change is so significant.

**Mr Ryan:** It was quite clear to us after less than a year's operation that the roster that we originally selected and arrived at in conjunction with the union was less than ideal. It was too complicated and it was not family friendly. Those things in turn gave rise, I think, to a greater level of absenteeism amongst officers than we would like. So we sat down with them and worked through with them and with a consultant how best we could overcome this. We agreed that we could do better with a 12-hour roster that more closely matched, almost exactly matched, the time out of cells of prisoners, so that we did not have the anomaly that you have with eight-hour shifts where on at least two of the eight-hour shifts you find that you have people who are not matched to the routine of the prison.

We also had by then found out where the weaknesses were in our present allocation of staff to tasks. We, for example, knew by then that the way we deal with the intelligence function, which is extremely important, was something that needed to be beefed up. We have in this prison access to a level of technology that as a whole is better than anything else in the country, but that gives us lots of information that we have to gather and process so that we can then task those intelligence devices and systems in a way that gives us a return for our investment.

We also found that, with the sort of person that was coming in on remand these days, we should have had enough experience with that, because we ran remand centres in the ACT for some time, but it was more apparent to us in this new environment that we needed to allocate more staff effort to the remand area, and we have done that.

We worked through at length with the officers to make sure that in doing that we maintained the visits entitlement that prisoners have, and indeed we have agreed to make sure that we do better, with the six days visits that we have, which, I might add, exceeds things around the country, where generally speaking it is two days a week.

We also made sure that, in the 12-hour shift where there is obviously a requirement that all officers get an hour's break at some stage, we looked at the sentenced prisoners in the cell blocks that we were locking down, to make sure that we kept them out of cells—in the cell blocks but out of cells—under this new roster.

We are very confident and very happy about this new roster—all of us—and we are going to trial it for 30 weeks. That is how long it will take to put everyone through the system, and we intend to run it for the same budget as we run the present roster.

Of course, success is contingent upon things like getting officers to work. At present, our officers have an amount of down time of around nine weeks a year, which is seven weeks leave and two weeks personal leave. Two weeks personal leave sounds high, but it is matched by other areas, even in my own agency. If we can maintain even the status quo—and we hope to do better—we will be able to run this at the same budget.

**THE CHAIR:** Thank you. Mr Hanson.

**MR SMYTH:** What hours are the two shifts?

**Mr Ryan:** Seven to seven.

**MR SMYTH:** Thank you. Sorry, Jeremy.

**THE CHAIR:** Mr Hanson.

**MR HANSON:** All right. In addition to the list that Mr Smyth read out, the extensive list, we have had also the blow-out in costs, the unanimous JACS report, which was quite damning. We have had the issue of staff shortages. We have had a judge warn:

If the community cannot protect someone who is detained then the community cannot expect to retain that detention.

We had you misleading the community about the number of lockdowns that had occurred. We have had a number of community groups denied access to conduct some of the rehabilitation programs they were due to conduct. We still do not have a gymnasium at the facility, or a number of other facilities. What responsibility do you take, minister, for what has gone on at the jail? Rather than deflecting the blame to the department or saying that there is a teething problem, what responsibility do you take?

**Mr Corbell:** I take responsibility for making sure that where problems arise they are addressed, and that is what the community would expect me to do. In relation to your claims about the JACS report, the JACS report, of course, concluded that the government contributed to the delay in the opening of the facility. That conclusion by the JACS report, as you know, Mr Hanson, is incorrect. It is incorrect.

**MRS DUNNE:** That is your assertion, minister.

**MR SMYTH:** No, that is your assertion.

**Mr Corbell:** It is not my assertion; it is the assertion of the independent arbiter appointed under the contractual provisions to mediate and arbitrate disputes between the territory and the contractor about delays in construction of the facility. What is quite clear from the results of the independent arbitrator is that the contractor, Bovis Lend Lease, was responsible for the delays in the opening of the facility. That has been arbitrated under a legally binding framework and it has not been appealed by the contractor. So your claim in relation to the JACS report is simply wrong.

In relation to the information I provided to the community about the number of lockdowns in the facility, I provided advice about the lockdowns in the facility based on advice I had received that morning from Corrective Services. They confirmed with me that no prisoners had been confined to their cells for more than 20 hours. Subsequent to that, Corrective Services advised me that that information was incorrect. They advised me of that after I had made my comments to the media.

Once they advised me of their mistake, I advised Corrective Services and directed them to correct the record and advise that the figures I had been supplied with were incorrect and to provide the correct figures. So those are the facts of the matter, Mr Hanson. When I receive advice from Corrective Services, I expect at all times for it to be accurate. Where it is not accurate, I have required them to correct the advice that they have given.

**MR SESELJA:** How often are they giving you incorrect advice?

**Mr Corbell:** I am not quite sure what else you would expect me to do in that regard.

**MR SESELJA:** How often have you received incorrect advice from Corrective Services?

**Mr Corbell:** These are my approaches on these matters. The development of the prison and the implementation of its operations, as I said before, was always going to be a complex and challenging task. But, as Mr Ryan has indicated, this prison is delivering a level of supervision, a level of programs, a level of corrective services activity—to portray it broadly—that already goes well beyond that provided in many other prisons around the country.

The obvious example is just in relation to access to family and access to visits. In Victoria you get visits two days a week. That is the other human rights jurisdiction in this country—two days a week.

**MR SESELJA:** Can you get visited when you are locked down? How does that work when with it is locked down?

**Mr Corbell:** Here in the ACT you get visits six days a week, six days a week—

**MR HANSON:** Madam Chair, I would like to move on to a question relating to the review?

**Mr Corbell:** including both days of the weekend. So the assertion—

**THE CHAIR:** Wait for the minister to finish.

**Mr Corbell:** that the government is not living up to its expectations around human rights, I think, has to be judged in the context of how already—

**MR HANSON:** The question is whether you take responsibility or not.

**Mr Corbell:** service delivery is being addressed. In terms of whether or not I take responsibility, I take responsibility for making sure that management of the prison is up to scratch, that where problems occur they are addressed, that investigations are undertaken and that steps are taken to prevent their reoccurrence—

**THE CHAIR:** Minister—

**Mr Corbell:** and that, I think, is the appropriate thing for a minister to do.

**MR HANSON:** Yes, but—

**THE CHAIR:** Minister, you just mentioned that the independent arbiter had completed that task. What was the outcome of all that because there were still some— I guess what needed to be arbitrated was around costs and so forth. Has that all been finalised?

**Mr Corbell:** There are some matters still outstanding. There are some matters still outstanding which are still the subject of negotiation between the territory and the contractor. Once those matters are finalised, the final level of payment that the contractor will make to the territory will be determined.

**THE CHAIR:** Has any of that payment already been determined?

**Mr Corbell:** No, it cannot be. None of that payment can be made or the amount determined at this time because it will depend on the total final cost of the facility, of the contract. That will be dependent upon the resolution of a number of outstanding matters as to what the total cost will be.

**THE CHAIR:** What do you think the time line on that might be?

**Mr Ryan:** The latest information I had is that it depends on the expert determination process in relation to the main issue to be resolved in the project and that is the

hierarchy system that we claim was in the specification and Bovis Lend Lease are claiming was not.

It has reached the stage where an expert determinator has been selected but the process has not started yet. The best advice I could receive is that it is likely to be all resolved and finished, including any other defects—and there are quite a few that need to be resolved—by later this year.

We then have to go back to look at what is still left in the budget. There is still \$2.6 million left in the budget. We also hold over \$3 million in sureties. We then need to work out who pays for what in relation to this defect, work out what the liquidated damages are based on the total project prices and finalise our dealings with Bovis.

**THE CHAIR:** So you are expecting it to be completed later this year?

**Mr Ryan:** Yes.

**MRS DUNNE:** Calendar or financial?

**MR HANSON:** Madam Chair—

**Mr Ryan:** Calendar year.

**MRS DUNNE:** Calendar year?

**Mr Ryan:** Sorry, it is calendar year. I said “financial”? I am sorry. I beg your pardon.

**THE CHAIR:** Calendar year; so that might bring some questions for the annual report hearings. Thank you.

**MR HANSON:** In relation to the review, minister, you read a quote earlier but you did not finish off the quote with regard to what Mr Hargreaves said. You then said, “But I cannot tell you what form that will take but I will be very interested when I get there to find out what that is.” That is a direct reference to any form of review that would be done. In the estimates hearings you said, “In terms of policies and procedures, we will need to check them out along the way and fix them up and also check them at the end of the 12 months.”

I have read your quotes from 10 February as well. There is no reference that I can find to any form of external or independent review being conducted. In fact, when that motion was put with, I acknowledge, an amendment from the Greens that called for an independent external review, you then voted against that motion. Can you point me to any reference from the government that indicated that you would be conducting an independent or external review into the operations of the Alexander Maconochie Centre?

**MR SESELJA:** Kicking and screaming, hey, Simon. Kicking and screaming, I think is the term.

**THE CHAIR:** We have got a question. Let us let the minister respond.

**MR HANSON:** Simple question.

**Mr Corbell:** Mr Hanson, the proposition you have put ignores a couple of facts and that is not surprising in terms of questions I usually get from you. First of all, the government—

**MR SESELJA:** You are the one who always gives misleading answers, Simon. You should not be throwing stones.

**THE CHAIR:** Mr Seselja.

**MR SESELJA:** You give misleading answers all the time.

**THE CHAIR:** Mr Seselja, allow the minister to respond.

**Mr Corbell:** The government voted against the resolution because it included point 1(b), which noted the unanimous findings of the Standing Committee on Justice and Community Safety inquiry into the delay in the commencement of operations at the Alexander Maconochie Centre.

**MR SMYTH:** The committee was wrong.

**MR SESELJA:** Are you having a go at Mary again, Simon?

**MR SMYTH:** Mary thought he was wrong.

**THE CHAIR:** Okay, can we keep the commentary down and allow the minister to respond?

**Mr Corbell:** As I have already made clear, Madam Chair, the findings of that committee were fundamentally flawed in that they—

**MRS DUNNE:** That is your assertion.

**Mr Corbell:** They are fundamentally flawed and it is not my assertion.

**MRS DUNNE:** It is your assertion.

**MR HANSON:** But it was noted in the finding.

**THE CHAIR:** Could we keep the commentary down and please let the minister respond?

**Mr Corbell:** It is the finding of the independent arbitrator appointed under the contract to determine fault and liability for delays in the construction of the facility. Now I know, Madam Chair, that some people in this committee find it difficult to accept that someone other than themselves has made a judgment about this matter which has conflicted with their own.

But those are the facts. In relation to the other issue Mr Hanson raises, which is the issue of independent review, the minister indicated that the government was prepared and expected and anticipated—and the minister was Mr Hargreaves at the time—to undertake a review. That is what we have done.

**THE CHAIR:** Ms Bresnan.

**MR SESELJA:** Just a quick follow-on from that. Minister, you refer to this report, the unanimous report that you disagree with. You said at the time that it was politically motivated. Do you really believe that a Green, a Labor and a Liberal member all conspired against you in a politically motivated attack?

**Mr Corbell:** It is quite clear, Madam Chair, that there was a high level of politics in relation to the outcomes that, in particular, a number of members sought from that and they conflict.

**MR SESELJA:** Why do you think Ms Porter was out to get you, Mr Corbell?

**THE CHAIR:** Mr Seselja.

**Mr Corbell:** They conflict with the findings of the independent arbitrator on who was responsible for the delay in the completion of the prison project.

**MR SESELJA:** But why was Ms Porter out to get you politically?

**THE CHAIR:** Mr Seselja!

**MR SESELJA:** I don't follow the logic.

**THE CHAIR:** Mr Seselja! I think it is unfortunate that the JACS committee did not have the independent arbiter's report.

**Mr Corbell:** My criticism is with the committee.

**MR HANSON:** Your criticism is with Ms Porter as well as—

**MRS DUNNE:** The independent arbiter did not find that the delay was solely due to the security system.

**MR SESELJA:** Your criticism is with Ms Porter as well as Mrs Dunne and Ms Hunter.

**Mr Corbell:** My criticism is of the committee.

**THE CHAIR:** Members! Members, we are going to Ms Bresnan.

**MR SESELJA:** Including Ms Porter.

**THE CHAIR:** Ms Bresnan.

**MS BRESNAN:** We have already had mentioned the hep C infection. I have actually got a question around whether or not any Corrections staff have suffered needle stick injuries at the AMC.

**Mr Ryan:** No, I am not aware of any of our officers suffering a needle stick injury. I am sure I would be if it had occurred. They take particular care, especially when they are searching areas, because that is when it is likely to happen. We also are aware of the fact that a high percentage of our prisoners may have or carry blood-borne diseases. The protocols within the prison with things like blood spills are such that they treat every prisoner as though they have a blood-borne disease when there is a blood spill.

Nevertheless, it is a concern to us that we have such a large number in there that have hep C, especially when from time to time there is a need to restrain someone by the use of force. We always hope that if anything happens we do not run out of luck. Obviously, if an officer is ever injured, we have the Hume clinic on the spot there to treat not just the prisoners but our officers as well.

**MS BRESNAN:** You talk about restraining them. Perhaps I am putting a hypothetical question, but what sort of injuries could ensue from restraining?

**Mr Ryan:** You could imagine that if there was a use of force on a prisoner for whatever reason, an officer could be injured by someone who is carrying a blood-borne disease and there could be an exchange of blood, just as there can be on the football field.

**MS BRESNAN:** Yes. I am aware that in the collective agreement for Corrections staff there is a provision in there about Corrections staff being consulted with or having to agree to any form of an NSP program, if it was introduced.

**Mr Corbell:** The provision relates to a requirement to consult.

**MS BRESNAN:** That is right, a requirement to consult. Is that something which is likely to remain in the EBA or be discussed?

**Mr Corbell:** That is a matter which is subject to discussion. I would not want to pre-empt the outcomes of the negotiations with the union.

**MS BRESNAN:** Thank you.

**THE CHAIR:** The Minister for Health said recently that having an NSP in the AMC was a no-brainer from a health point of view. Do you have a view from a corrections point of view?

**MR CORBELL:** My view as minister is that we have to take all feasible steps to reduce the likelihood of the transmission of blood-borne viruses, blood-borne disease. The government's policy is that we look at whether or not a needle syringe program is feasible in the prison and we put it on a process to undertake that assessment.

**THE CHAIR:** Thank you.

**MR SESELJA:** How are the drugs getting in, Mr Ryan, in your view?

**Mr Ryan:** As in any modern prison, it is extremely difficult to keep drugs out of prison. We could keep drugs out of prison, but you would not like the way that we would do it.

**MR HANSON:** How would you keep them out of prison?

**Mr Ryan:** Well, you would—

**THE CHAIR:** Mr Hanson, maybe one questioner at a time, thank you.

**MR HANSON:** My apologies.

**Mr Ryan:** You would do things like not design a prison the way we have designed it, with open campuses and people interacting and living in a much better environment. You would not—

**Mr Corbell:** If I can interrupt, just to reinforce the point, you would keep all prisoners segregated from each other at all times. You would not allow contact visits at any time and you would have very significant search requirements for all visitors to the prison—very invasive and intrusive search requirements—none of which are consistent with the framework that we would have in place for a human rights compliant prison and none of which exist in any other prison around the country either because it is extreme, intrusive to the extreme, and not conducive to good order in a facility in any event. Can you imagine any prison where all prisoners are segregated from all other prisoners at all times? It is simply not feasible to run a facility on that basis.

**THE CHAIR:** Mr Smyth.

**MR SMYTH:** If we can just go to some of the numbers in budget paper 4, minister. Firstly, what is the FTE for corrections staff?

**MR HANSON:** Why do you need to separate prisoners? It is about the drugs coming in, isn't it? Surely it is about the drugs coming in.

**THE CHAIR:** Mr Hanson, Mr Smyth has asked a question. Could we go with one question at a time? Then it is Mr Seselja and then I will have a question.

**Mr Corbell:** The FTE at AMC is 129—at the AMC itself it is 129. As to Corrective Services more broadly, I am sorry, I do not have that number in front of me.

**MR SMYTH:** That is okay. Perhaps you can take that one on notice.

**Mr Corbell:** Yes.

**MR SMYTH:** How many staff at the AMC have quit since the recruitment process started?

**Mr Corbell:** I would have to take that on notice too.

**THE CHAIR:** I note that that has been taken on notice.

**MR SMYTH:** If we go to page 266 of budget paper 4, there are two projects rolled over—\$2.5 million for the Alexander Maconochie Centre and \$407,000 for the chapel and quiet place. Why have these projects been rolled over?

**Mr Corbell:** The rollover in relation to the AMC itself is pending the finalisation of the final contract price for the facility. The final contract price is yet to be determined and that is subject to the independent arbitration process Mr Ryan referred to earlier. In relation to the chapel and quiet place, the government has gone to tender in relation to that project.

Unfortunately, the tenders received back indicated that it was going to be well in excess of the amount budgeted and well in excess of the independent assessment commissioned by Procurement Solutions as to what would be a reasonable market price for the facility. Tenders have come in at 39 per cent above what was assessed by Procurement Solutions as a reasonable market price.

Therefore, I have directed Corrective Services to hold the project over and re-tender it later in the new financial year. The advice I have is that the current construction market for projects of this size in particular is superheated, primarily as a result of the commonwealth stimulus measures and, therefore, it would be wise to re-tender the project once the market has perhaps cooled a little. That is what I intend to do.

**MR SMYTH:** But that would have been expected. It is more expensive to do building inside a prison when the prison is operational.

**Mr Corbell:** No, look, the advice we have—and that issue has been assessed in detail by independent experts—is that that does not account for the significant over-market price we are receiving. The over-market price we are receiving, on the advice I have, can only be put down to the significant level of activity in the marketplace already.

**MR SMYTH:** All right. So the chapel will open when?

**Mr Corbell:** The date will be contingent on when we choose to go to tender and when that process is finalised. That process will be undertaken in the coming financial year.

**MR SMYTH:** On page 383 of budget paper 4 there is the operating statement for the prison. I noticed the prison receives other revenue. What other revenue does a prison receive?

**Mr Corbell:** I might just ask our CFO if he can assist. Just while we are waiting, Mr Smyth asked what the total FTE was for Corrective Services. The actual FTE as at 31 March this year was 283.36.

**THE CHAIR:** Have we found the answer to that next question?

**Mr Corbell:** I am sorry, we are not able to identify that. It is only in the order of about \$10,000, so we—

**MR SMYTH:** You expected 10 and you got seven this year, but it has doubled to 14. So whatever it is, it is growing.

**Mr Corbell:** We will have to take it on notice.

**MR SMYTH:** All right.

**THE CHAIR:** I note that that has been taken on notice.

**MR SMYTH:** There are borrowing costs in the operating statement. Last year you were expected to spend \$343,000 on borrowing, but you only expended \$60,000. It goes up in the next year to \$354,000 and then \$359,000 et cetera in the outyears. What has the prison borrowed the money for?

**Mr Corbell:** Can you just reference the page number you are referring to?

**MR SMYTH:** It is the same table. It is the operating statement for Corrective Services, page 283 of budget paper 4.

**THE CHAIR:** Under “expenses”, the fifth line down.

**MR SMYTH:** What was the money borrowed for? How much was borrowed?

**Ms Crowhurst:** The borrowing costs referred to there relate to the vehicle lease payments. The vehicle leases are under a finance lease, which has an interest component that is reflected. That is the accounting treatment for it—that it comes in under borrowing costs. We have had a one-off adjustment this year that has impacted on this year’s estimated outcome, which means that we have got a lower estimated outcome. It just flows back up to the normal expected costs next year.

**MR SMYTH:** That is fine. It is not a loan; it is leases?

**Ms Crowhurst:** No, it is the vehicles.

**MR SMYTH:** I think, Jeremy, you can follow.

**THE CHAIR:** Mr Hanson, on finances.

**MR HANSON:** The cost per prisoner per day—does that incorporate corrections health, in terms of the amount of money that we spend on corrections health, or is that calculated separately? You publish a figure—I think 485 was the latest; it is around 500 anyway—

**Mr Corbell:** Mr Ryan advises me that he does not think it does, but we will take it on notice and clarify that.

**MR HANSON:** In doing so, can you find out what the total cost of corrections health

is and then aggregate that out so we see the full cost of a prisoner, which includes the corrections element and the corrections health element? Is that feasible?

**Mr Corbell:** We will need to seek some advice from Health on that.

**MR HANSON:** Yes, of course.

**Mr Corbell:** But we will endeavour to do that.

**THE CHAIR:** I note that that has been taken on notice.

**MR SMYTH:** And are there any other unapportioned costs?

**MR HANSON:** Yes, and if there are any other costs. I am trying to capture the full cost—if it includes corrections health, which is a significant element—and if it is directly tailored towards the prisoner. There may be other elements as well that I am missing, as Mr Smyth says, that we can incorporate.

**Mr Corbell:** I am happy to take that on notice.

**THE CHAIR:** Okay. Mr Seselja.

**MR SESELJA:** Thank you. One of the other incidents that we referred to was the Corrective Services employee who resigned after it was revealed he had taken a gun home from the prison's armoury. I have just a couple of questions around that. It happened, I understand, on 30 October last year. Minister, when were you first made aware of the incident?

**Mr Corbell:** I could not tell you now when I was made aware of the incident. I would have to check the advice of the secretary of the department.

**MR SESELJA:** Before or after the investigation?

**Mr Corbell:** As I say, Mr Seselja, I could not tell you now. I would have to check the record.

**MR SESELJA:** What action did you take once you were told?

**Mr Corbell:** There was no need for me to take any action in relation to that. Corrective Services advised me that they were investigating the matter and would be taking appropriate action. What has occurred in relation to that is that the Corrective Services investigation found that the officer involved was unable to justify his actions in taking the weapon from the AMC, or that he had approval to do so. There was also a concern that he may have committed an offence under the relevant firearms legislation.

As a result, the Corrective Services investigation was ceased, or put on hold, and the matter referred to the police. The police, as I understand it, determined that they could not take any further action in relation to the matter. At that time, and before the Corrective Services investigation recommenced, the officer involved resigned from

Corrective Services.

**MR SESELJA:** What actions were taken subsequent to that to try and ensure that these kinds of incidents do not happen again?

**Mr Corbell:** As a result of the investigation which Corrective Services immediately commenced, a number of procedures were changed to prevent a recurrence. In particular, the number of officers with access to the armoury was reviewed and further restricted.

**MR SESELJA:** How many is that down to now? What have they gone from to?

**Mr Corbell:** Corrective Services does not require all officers to be proficient in the use of weapons. At any one time Corrective Services requires 20 to 30 officers trained and up to date in the use of weapons. Officers that are currently authorised to use weapons include training officers, canine unit officers, AMC armoury officers and court transport unit officers. There are currently two armourers in the establishment of the prison.

**MR SESELJA:** How many has it changed from? You said that it was reduced.

**Mr Corbell:** I do not have that figure with me. I will take it on notice.

**THE CHAIR:** I note that that is taken on notice.

**MR SMYTH:** Minister, you said an investigation was put in train. Can the committee have a list of all the investigations that have had to be undertaken since the opening of the AMC?

**Mr Corbell:** We can tell you the number of investigations, yes.

**MR SMYTH:** Thank you for the number. Could we have a list of the incidents that were investigated, please?

**Mr Corbell:** Subject to privacy considerations, yes.

**THE CHAIR:** Again, I note that that is taken on notice.

**MR SMYTH:** And in the armoury—Mr Ryan, we had a discussion a couple of years back—there are pistols and shotguns?

**Mr Ryan:** Yes.

**MR SMYTH:** And what numbers and what types are they?

**Mr Corbell:** It is desirable for security reasons not to publicly disclose the number of firearms retained at the AMC and I would ask that the committee not press me or my officers on that matter.

**MR SMYTH:** We were given that detail a year or two ago. What has changed?

**Mr Corbell:** There are security considerations that are a relevant concern about the total number of firearms and their type available at the AMC. To disclose that information in any further detail could compromise security at the AMC, and I am sure that you would not want to—

**MR SMYTH:** In what way?

**Mr Corbell:** It is quite obvious that, if either criminal gangs or those inside the AMC are aware of the full nature of the armoury available to AMC officers, they may seek to exploit any weaknesses they can identify from that and—

**MR SMYTH:** Is the armoury not secure?

**Mr Corbell:** That is not what I am saying.

**MR SMYTH:** Have you got that little confidence in the security arrangements—

**Mr Corbell:** No, that is not what I am saying.

**MR SMYTH:** of your armoury and your staff that you are hiding behind that issue?

**Mr Corbell:** I would have thought it was a pretty obvious problem that, if you disclose your full capability, you allow people to plan to overcome that capability, and we are not—

**MR SMYTH:** So prisoners are now planning to overcome and take over the armoury in a mass breakout from the AMC—

**THE CHAIR:** Mr Smyth, you have asked a question. The minister is answering it.

**Mr Corbell:** That is my answer to you. For security reasons, I will not disclose the full detail of the armoury and the nature of the weapons there. And that is the clear advice I have from the director of Corrective Services in relation to this matter.

**THE CHAIR:** Minister, I want to ask about the AMC Official Visitor, and I note that the position of Official Visitor was filled earlier this year. I also understood that there was a role for an Aboriginal and Torres Strait Islander official visitor, and I am wondering whether that is a position that will be filled. What is happening with that vacancy?

**Mr Corbell:** At this stage, Corrective Services intend to provide me with further advice on options to create and establish an official visitor position for an Indigenous prison visitor, and that is something that we will progress in the coming financial year.

**THE CHAIR:** Have you got any idea of time frame and, in the meantime, while that is being developed, what sorts of interim measures are you looking at putting in place?

**Mr Corbell:** We already have the Official Visitor. The Official Visitor visits all

prisoners in the facility, and the feedback I have had to date about the new Official Visitor is very positive. I have already met with the new Official Visitor and I have to say that I am impressed with his diligence and his commitment to his task and the perception that he brings to the role.

So I think we have a good arrangement in place in relation to our new Official Visitor, Mr Boland. However, I acknowledge that it would be useful to have another official visitor whose job was to engage specifically with Indigenous prisoners and to be an Indigenous person themselves. We will look at ways of achieving that and I will be getting some further advice from Corrective Services over the next couple of months as to options as to how to do that. I cannot give you a definitive time frame about when that will happen or how it might be implemented, but I am happy to provide further information as I have got something further to add to it.

**THE CHAIR:** Ms Bresnan.

**MS BRESNAN:** I have a question in relation to page 250 of budget paper 4, strategic indicator (ii). This is a question which came up, I think, yesterday in the hearings, around the reporting against strategic indicators and the fact that we have not actually got any figures; we just have trends over time listed for all those indicators. It seems to me you could provide data against these indicators.

I am wondering why, again, we have not got any data against these particular indicators and we are just again seeing trends over time. We have got perceptions of safety, reduction levels in crime. I imagine that would be something we would have been collecting data on for quite some time in the ACT. Why have we not got anything reported there?

**Mr Corbell:** This was obviously raised yesterday, and, again, I would direct you to the fact that there are more specific measures outlined in the accountability indicators around particular levels of performance. For example, in relation to Corrective Services, you will see there are specific percentage measures in relation to the reduced risk of offenders reoffending, the referrals Corrective Services make for offenders to programs and services, the average cost per prisoner per day, average cost per prisoner per day for periodic detainees, average cost for community-based offenders. So we do have specific performance measures that drill down into greater detail.

**MS BRESNAN:** Yes, I know, but again, these are things which do address slightly—they are related—different issues like perceptions of safety.

**Mr Corbell:** Yes. They are higher order and, again, as we said yesterday, these are things that can be refined in future budget documents.

**MS BRESNAN:** When do you think we can expect to see some actual numbers put beside these indicators in future budgets?

**Mr Corbell:** I think it would be pre-emptive of me to tell you that today but the government would anticipate that there would be refinement of these measures in future budget documents.

**MS BRESNAN:** Sure. I imagine this would be something we would have data on, and we would have data collected over a period of time.

**Mr Corbell:** That is right.

**MR SMYTH:** Mr Carter has just been handed some information. Perhaps he has the answer.

**Mr Corbell:** No, I think he is looking at something else.

**Mr Carter:** I am just looking at the annual report.

**Mr Corbell:** That is my answer on details.

**THE CHAIR:** Okay. Ms Porter.

**MS PORTER:** It is a question I was going to ask anyway but it is a supplementary to what Ms Bresnan was talking about just now in relation to these data. You pointed actually to what was on page 260 in relation to reduced risk of offending. And I wondered whether you could outline for me and for the committee some more information about the prison employment program that aims to place prisoners who are leaving the AMC into employment in the community, therefore, I would think, reducing the risk of reoffending.

**THE CHAIR:** Could I just make the point, Ms Porter, that you were not in the room earlier but we did go through the details of the NEO program.

**MS PORTER:** Sorry.

**THE CHAIR:** It will be in the transcript. Did you have another question?

**MS PORTER:** Yes. Probably you have gone through this as well. I want to know the rehabilitation programs that are run currently.

**THE CHAIR:** Yes, we did go through a list of those programs.

**MS PORTER:** I am sorry about that.

**MR HANSON:** Madam Chair, if I can turn to an allegation, that was made and appeared before the courts, of a remandee—I believe there is an alleged rape—who was used essentially as an ashtray. It raises the question, firstly, about the co-location of remand and sentenced prisoners and how we are ensuring that remandees are safe in that environment and, secondly, the issue of the judiciary and concerns that they have raised. Certainly Justice Refshauge—and I will read that quote again—said:

If the community cannot protect someone who is detained then the community cannot expect to retain that detention.

There are two issues. Firstly, there is the real concern of mixing sentenced and remand prisoners and how we are keeping the remandees safe. Secondly, there are the

concerns raised by the judiciary and whether that concern that was raised in the court has been raised separately to the minister or in other environments.

**Mr Corbell:** In relation to the comments of Justice Refshauge, I really do not have anything further to say in response to that. Justice Refshauge made an observation and I understand the concerns that led him to make that observation. But I do not think there is anything really for me to add. In relation—

**MR HANSON:** Sure. I was wondering whether you had any further concerns or conversations.

**Mr Corbell:** In relation to the issues associated with mixing of prisoners, yes, it is an issue of complexity and difficulty at times in the AMC and it relates to those prisoners who are on protection and those prisoners who need to be separated from the mainstream for reasons of discipline. So in regard to prisoners on protection, prisoners who are being segregated for discipline reasons, we have one facility in the prison that deals with this and that provides a capacity to deal with this, which is the management unit, and there are instances where detainees on remand and detainees who are sentenced will mix with each other in the context of being held in that management unit.

We need to consider a range of things in dealing with these circumstances, and Corrective Services takes account of things such as the security classification, the nature of the offence, the vulnerability of any particular prisoner and whether any prisoner in the group is assessed as likely to take advantage of any physical or mental condition of other prisoners.

As of 24 May, the mix of prisoners in the management unit was as follows: there were nine protection prisoners. Three of those were on remand. Six of those were sentenced prisoners. And there were five discipline prisoners, two on remand and three sentenced.

In response to the allegations of sexual assault, obviously that is a matter which is being investigated by the police. However, Corrective Services have taken steps to separate the alleged perpetrator from other prisoners to ensure their safety. Counselling has been offered to all of the alleged victims and obviously the police investigation is on foot.

**MR HANSON:** The alleged perpetrator is someone that has previously been convicted of raping someone at the Belconnen Remand Centre. Why was it that someone that has been found guilty of raping a fellow prisoner was then allowed to associate and mix with remand prisoners? That seems to me to be an utter breakdown.

**Mr Corbell:** I will ask Mr Ryan to answer that question.

**Mr Ryan:** Certainly, in relation to that particular prisoner, in hindsight, that could have been done better. But we simply cannot treat every sex offender during their incarceration as though they are going to commit a similar offence again.

The minister has just outlined the way in which we use the management unit and how

it is split up. But in addition, within the total number of prisoners within the AMC, which today is 218, there are 71 prisoners who are on protection for some reason or other that we have to deal with. It is the worst of them, or the most difficult of them, that we put into the management unit. The others, that large number, we deal with by way of separation in cottages and in cell blocks and in control of access to other people. It is a never-ending problem. Certainly, that particular perpetrator is one that, with the value of hindsight, we should have been watching more closely.

**MR HANSON:** Doesn't this indicate a design flaw in the AMC or a breakdown of procedures, because, if you are saying that you have got this large number of protected prisoners, both on remand and sentenced, and you cannot hold them separately because of the design of the AMC or the procedure that you use, isn't that a systemic problem? Doesn't that indicate a design flaw? And what are we doing to remediate that?

**Mr Ryan:** In other jurisdictions, what they are doing—and it is something we have not done yet and do not intend to do—is dissuading prisoners from asking for protection. They monitor and they do some gate keeping on the numbers who go into protection because, as you can imagine, a lot of people like to manipulate their environment, and one way of doing that is to go on some form of protection.

**Mr Corbell:** We do not do that.

**Mr Ryan:** We do not do that.

**MR HANSON:** I see that you have got a system here then, essentially, of trying to dissuade prisoners from seeking protection.

**Mr Corbell:** No, no.

**MR HANSON:** That is what you just said, that you would—

**THE CHAIR:** Can we have clarification?

**Mr Corbell:** Can we just make it clear. Mr Ryan said that is what occurs in other jurisdictions. We do not do that here. But that is how other jurisdictions seek to deal with this difficult issue. Of course, other jurisdictions also have the opportunity to send prisoners to different prisons; they have the ability to move prisoners around within a system. Obviously, we are—

**MR SESELJA:** Which is one of the criticisms of—

**THE CHAIR:** One at a time, please.

**Mr Corbell:** We are more constrained in that regard.

**MR SESELJA:** Indeed.

**Mr Corbell:** But Corrective Services are continuing to refine their procedures, as we have seen an increase in the number of prisoners requiring protection, and they will

continue to do that to manage that situation, which fluctuates, which goes up and down in terms of the number of prisoners—

**MR HANSON:** Sure, it fluctuates. You planned on a prisoner population of up to 300, because that is how many beds you have got.

**Mr Corbell:** Indeed.

**MR HANSON:** And it seems to me that it is a systemic breakdown that a prisoner that comes into the Alexander Maconochie Centre as a remandee, if he wants protection, is basically obliged to mingle with sentenced prisoners on protection, often—

**Mr Ryan:** No, no.

**Mr Corbell:** An assessment is undertaken as to the appropriate regime that needs to be provided for that prisoner and then steps are taken in accordance with that assessment.

**MR HANSON:** Would that be human rights compliant—to have remandees associating with sentenced prisoners who are—

**Mr Corbell:** I think, as Dr Watchirs indicated yesterday, it is not desirable, but it is permitted in certain circumstances.

**MR SESELJA:** So what are the circumstances under which it is allowed in the prison? What are those special circumstances?

**Mr Corbell:** It has to be relevant to the particular circumstances of that prison.

**MR SESELJA:** So what are those circumstances in this case?

**Mr Corbell:** As a rule, they are exceptional circumstances—

**MR SESELJA:** What are the exceptional circumstances here that allow—

**Mr Corbell:** to maintain the safety of that prisoner.

**THE CHAIR:** Okay, thank you. I would like to move on to also something that the—

**Mr Corbell:** That is, if the risk of that prisoner remaining in the mainstream of the jail is greater than them mixing with remand and sentenced prisoners. The safety of the prisoner is paramount.

**THE CHAIR:** Okay. I would also like to move on to something the human rights commissioner said yesterday. She noted the problems with the availability of programs for women located at the AMC because of their small numbers and that this seems to be an ongoing problem. What progress are you making in ensuring that there are programs available for women? Where are you up to on it? What is being provided? Also, what programs may women have requested that you have not been

able to provide because of the so-called small number of the population?

**Mr Ryan:** We attempt to give women, as close as possible, the same suite of programs, whether they be vocational, educational or therapeutic, as we give to the men. At present, in the area of therapeutic and rehabilitative programs, the women have considerably less than the men, but some of it for good reason.

We have a total of nine programs available to the men, but there are four of those that at this stage are not available to women, and some of them we do not think will ever be available to women. One is an adult sex offenders program. The next is Solaris Therapeutic Community. At present, they are not engaging in the therapeutic community. We have difficulties with the location of the two lots of accommodation to be able engage them properly in the therapeutic community, but we are hopeful that some time in the future we can do that.

**THE CHAIR:** Isn't that the important thing? Wasn't Solaris the one around alcohol and drug rehabilitation?

**Mr Ryan:** Yes.

**THE CHAIR:** And I would suspect that the vast majority of women prisoners have got an alcohol or drug issue.

**Mr Ryan:** Yes, that is correct, and we would like to engage them in the Solaris Therapeutic Community. It is not to say, though, that they do not get drug and alcohol programs, because they do. They do not get the family violence cog skills program either. But the sort of thing that they do get includes the AOD, alcohol and other drug, programs, women's cog skills, and health and wellbeing.

**MR SMYTH:** So Mr Ryan, for the *Hansard*, cog skills are—

**Mr Ryan:** Cognitive skills, sorry. We are having some difficulty in getting the women to engage in some of these programs, and I think that is because there is no inducement for them to do so. We are moving towards pointing out just what the inducement is for them to do so, namely, to address their offending behaviour, if only because, when they come up for assessment for release on parole, they can be seen to have addressed their offending behaviour. We have not been terribly successful with that.

We need to manage the other activities that the women have available. For example, there was an alcohol and other drugs program recently where women who were enrolled did not turn up because they chose to go to a baristas course instead, or they chose to sit down and talk with some women from the community who came in to talk to them. That is our problem: to better do the gate keeping there and sort it out. So that is why the engagement level is not as high as it should be on those programs.

The other courses are things like horticulture, asset management, hospitality, small business studies and so on. There is a good uptake. Of the 21 we have in custody today, there are only three that are not enrolled in anything in that sort of course.

**THE CHAIR:** Thank you for that. Mr Smyth, and then we will move on to courts.

**MR SMYTH:** All right—a bit of a Cook’s tour then. Back to the needle/syringe program: is it true that bleach is currently being provided to prisoners for the purposes of cleaning injection equipment?

**Mr Corbell:** I understand bleach is provided for the purposes of cleaning generally. Bleach-like products have been available for use in the laundry since the AMC opened. Prisoners use bleach-like products for a range of cleaning purposes such as cleaning floors, benches and toilets. Dispenser units with bleach for these purposes were installed in the accommodation areas in February this year.

The volume of bleach purchased I note was reported in the *Canberra Times* recently. That volume was misrepresented. The figure referred to the volume purchased at the AMC, not the actual volume used.

**MR HANSON:** The bleach is used for cleaning needles and syringes, and that is why it is a bleach-like product rather than another cleaning product, isn’t it?

**Mr Corbell:** The bleach is available for cleaning.

**MR HANSON:** You are being obtuse. The reality is that the bleach is there and it is a bleach-type product specifically so that it can be used for cleaning needles and syringes. Is that not true, minister? That is why we have—

**Mr Corbell:** I will ask Mr Ryan to—

**MR HANSON:** a bleach-type product; we had it in the Belconnen Remand Centre as well.

**Mr Ryan:** Yes, we did. But first things first, and the first thing is that we need cleaning materials, and that is what they are for.

**MR SMYTH:** Is it not dangerous? Bleach can be thrown in somebody’s eyes. Are there not cleaning products that are less corrosive?

**Mr Ryan:** It has never been a problem, and bleach and bleach-type products are available in most prisons around the country.

**MR HANSON:** For cleaning needles and syringes.

**Mr Ryan:** No, for cleaning.

**MR HANSON:** So you are saying that the bleaches provided, the specifically bleach-like product, is not done so in part because it provides a substance for prisoners to clean their needles and syringes?

**Mr Corbell:** It is for cleaning floors, benches and toilets.

**THE CHAIR:** Thank you. Have you got another one, Mr Smyth, before we move on?

**MR SMYTH:** The gymnasium: is there a plan to construct a gymnasium or a multipurpose sports hall at the AMC?

**Mr Corbell:** There is no funding for that project at this time, but the government will continue to give consideration regarding that.

**MR SMYTH:** On the visits program, you mentioned that visits are received six days a week. I have a recollection that, when the original work was done on the prison, it was being considered that visits would be allowed seven days a week. Is my memory correct and, if so, why was it changed?

**Mr Ryan:** I do not recall. That may well be so. But, certainly with respect to budget, we have always fell short of that and only been able to achieve what is vastly in excess of anywhere in the country—six days a week.

**MR SMYTH:** All right. And the last question would be: what other assets and facilities do corrections run? And what is the process for determining the future of the Belconnen Remand Centre?

**Mr Corbell:** The Belconnen Remand Centre has been returned to the Department of Land and Property Services. In relation to that building, obviously, as you would be aware, Mr Smyth, it is attached; it is the one building along with the Belconnen police station. The Belconnen police station is still operable and will be until the new police station is complete in its construction. Once police move from the old station to the new one, it will be decommissioned and the government will then make a decision about the future of that building. I think it is highly likely the building itself will be demolished and the government will either use the land for another purpose or will sell it.

**THE CHAIR:** Okay. Thank you, Mr Smyth.

**MR SMYTH:** When is the new police station due to open?

**Mr Corbell:** The new police station is due to be completed, I think, by the middle of next year, if I recall correctly.

**THE CHAIR:** Thank you to the officials from corrections who appeared this afternoon. We will now move on to courts and tribunals.

**Mr Corbell:** Sorry, Madam Chair, can I clarify my answer in relation to who holds the old Belconnen Remand Centre? We have notified our intention to return that asset to the Department of Land and Property Services but that has not yet occurred. I just want to clarify that.

**THE CHAIR:** Thank you. Mr Seselja.

**MR SESELJA:** Thank you, Madam Chair. Minister, I want to talk about the new district court or the virtual district court. There was a letter in the *Canberra Times* this morning from Ken Archer from Burley Griffin Chambers. You are probably aware of

it.

**Mr Corbell:** Yes.

**MR SESELJA:** Ken Archer, I think, is a former prosecutor in the territory. He raises a number of concerns and I just want to get you to perhaps address some of the concerns that are raised in his letter. He starts by saying:

At a recent meeting with a departmental officer arranged to brief the Law Society, it became clear to me that this proposal was very much an attack on the Supreme Court. It was made clear that not only was the Government contemplating not appointing a fifth judge, it was also contemplating not appointing a successor to Justice Gray when he retires next year.

Is that correct?

**Mr Corbell:** This is not an attack on the Supreme Court. I reject that allegation out of hand.

**MR SESELJA:** The second part of his critique?

**Mr Corbell:** In relation to the decision to replace Justice Gray, that decision will be taken once Justice Gray retires.

**MR SESELJA:** He claims that he was told this in a meeting with a departmental officer.

**Mr Corbell:** That is not correct.

**MR SESELJA:** So this is not in any way an opportunity not to replace Justice Gray by using this virtual district court?

**Mr Corbell:** Mr Archer's presentation of that briefing does not accord with what the departmental officer discussed.

**MR SESELJA:** So it is not government policy? The government is not contemplating that move?

**Mr Corbell:** The government has made no decision in relation to that matter.

**MR SESELJA:** So you are not contemplating that move?

**Mr Corbell:** It is not a matter that I have given any contemplation to at this time.

**MR SESELJA:** He goes on to say:

It is clear that the Supreme Court is not doing all it could to address delays ... This has caused the Government political embarrassment.

He also states:

The result is a JACS-inspired solution that answers the problem by creating further complexity in the criminal justice system that is already too bureaucratic.

How will you avoid that result occurring?

**Mr Corbell:** The proposal for a district court is a direct response to the issues identified in the Supreme Court working group that the Chief Justice and I convened. The Supreme Court working group concluded that there were two steps open to the government to address the problems associated with delays in hearing matters in the Supreme Court. One was to provide for an additional judicial officer, either on a temporary or permanent basis. The other was to alter the jurisdiction of the Supreme Court and increase the jurisdiction of the Magistrates Court. The district court proposal does effectively both of those things.

We are providing for a temporary appointment, an acting judge, for a period of nine months to address, in the short term, the backlog in the Supreme Court. We are also undertaking structural reform in relation to the jurisdiction of the Supreme Court. We are doing that by increasing the civil jurisdiction of the Magistrates Court and we are also creating a new jurisdiction to deal with those matters which, in most other jurisdictions around the country, are not dealt with by the Supreme Court but are dealt with by an intermediate court.

The way we are doing that is not to create the full-blown physical apparatus of a district court, in terms of a new building, a new registry and so on. Instead we propose to combine the functions of the Magistrates Court and the registry with the registry of the new district court. We propose to use dual commissions to provide for district court judges, who also are appointed as magistrates, to hear matters, including jury trials, in matters that would not be dealt with in most other states around the country by a supreme court.

For example, it makes little sense for a supreme court to deal with matters such as aggravated burglary and so on in jury trials. It is not a good use of the resources available to the territory, the judicial resources available to the territory, to have those matters clogging up the important work of the Supreme Court. And this new proposal is designed to address that.

**MR SESELJA:** Mr Archer goes on to say that his irritation is shared by just about all the legal profession. What have been the views expressed by the legal profession in relation to this matter?

**Mr Corbell:** We are currently in a consultation process. I have released a consultation document on the detail of implementation of this proposal and issues such as the full jurisdiction of the proposed new district court, how it will relate in terms of appeal matters, a range of other issues. And we are actively seeking feedback from legal profession stakeholders in relation to that. That process is not yet complete.

**MR SESELJA:** He goes on to say that he does not know of a precedent for such a move of magistrates appointed as judges to a new court. Is there a precedent for such a move?

**Mr Corbell:** Yes, there is. In New Zealand, for example, the functions of the District Court and the Magistrates Court were combined into a single jurisdiction. District Court judges also effectively perform the function of magistrates in New Zealand. Mr Archer's suggestion that the process of dual commissions is without precedent just ignores reality.

The President of the Court of Appeal is also a judge of the Supreme Court and holds a dual commission. Visiting judges to the Supreme Court from the Federal Court hold dual commissions. And the Supreme Court of New South Wales also appoints district judges to conduct matters in that court on the dual commission basis. So it is quite a common practice that can be adopted around the place.

**MR SESELJA:** One final one; he goes on to say:

It goes against the government's stated position in relation to advertising for judicial office. It completes the emasculation of the Magistrates Court ...

**Mr Corbell:** Sorry, could you repeat that part?

**MR SESELJA:** Sorry:

It goes against the government's stated position in relation to advertising for judicial office. It completes the emasculation of the Magistrates Court, the jurisdiction of which has been decimated by the ACAT disaster.

As he refers to it. Will this proposal emasculate the Magistrates Court?

**Mr Corbell:** I reject those allegations entirely. There has been no emasculation of the Magistrates Court. To suggest that it is emasculating the Magistrates Court to require a whole range of civil and administrative matters to be dealt with outside of a court which is primarily established to deal with criminal justice matters is just silly. There are many other jurisdictions around the country that have civil and administrative tribunals in a range of forms to deal with those matters. And that is exactly what we have done here. There has been no emasculation of the Magistrates Court.

What was the other part of the criticism? Sorry, there was one other part.

**MR SESELJA:** It was about not advertising for judicial office.

**Mr Corbell:** Indeed. All appointments to judicial office have to go through a detailed process that includes the specifying of criteria and the assessment of applicants against those criteria. And that will be the case in relation to this process as well. Criteria will be established and applicants will be assessed against those criteria before a decision is made. It is the case that the government will, in this case, indicate that the field will be drawn from existing magistrates—

**MR SESELJA:** So you will not advertise it?

**Mr Corbell:**—who already, in terms of since the process has been in place, have been required to meet those criteria in any event.

**THE CHAIR:** Supplementaries, Mr Smyth, then Mr Rattenbury and Mrs Dunne.

**MR SMYTH:** Minister, what cost-benefit analysis was made for the establishment of a district court?

**Mr Corbell:** I beg your pardon?

**MR SMYTH:** Minister, what cost-benefit analysis was made for the establishment of a district court?

**Mr Corbell:** Efficient use of taxpayers' funds has been a particular issue when we look at the delays in the Supreme Court. The cost-benefit analysis that has been undertaken has been in the context of looking at how much it would cost to adopt the original proposal, which is the appointment of a new judge, a permanent fifth judge, resident judge, to the Supreme Court. That would cost the territory in the order of over \$800,000 per annum, and that includes all on-costs and superannuation. In contrast, the appointment of two magistrates to act on a part-time basis as district court judges will cost \$275,000 per annum.

**MR SMYTH:** Will you table the breakdown of the costs to establish the new court?

**Mr Corbell:** Yes, I can provide that breakdown.

**THE CHAIR:** I note that is taken on notice.

**Mr Corbell:** I can go through that now in better detail if you like.

**MR SMYTH:** I think I would like to see a table.

**THE CHAIR:** I think we will take it on notice, minister, because we have a—

**Mr Corbell:** Okay. In contrast, it is over \$800,000 per annum for a permanent fifth resident judge, and it is \$275,000 per annum for the proposed new district court jurisdiction.

**MR SMYTH:** Will you also table the cost-benefit analysis that was done that led to this decision?

**Mr Corbell:** The analysis is in the figures and I will provide the figures and the contrast between the two.

**THE CHAIR:** Mr Rattenbury.

**MR RATTENBURY:** Thank you. If I can clarify an answer to Mr Seselja's question, which I did not quite catch with clarity, when Justice Gray retires will the position he currently holds be filled by a new Supreme Court justice?

**Mr Corbell:** It is not a matter I have given any contemplation to at this time.

**MR RATTENBURY:** That is extraordinary.

**Mr Corbell:** It is something that we will look at once the new proposal is in place and once Justice Gray has retired.

**MR RATTENBURY:** So are you willing to let the Supreme Court go forth with three justices?

**Mr Corbell:** The issue, and the reason I am reluctant to give a clearer indication to you today, is that we are currently consulting on what the jurisdiction of the Supreme Court will be. The consultation document that is currently out for public comment looks at which matters and what volume of matters will be dealt with by the new district court.

Given that that is now an open question, I do not believe it is appropriate for the government to definitively say what will happen in that regard. It will depend on the outcomes of the consultation process around what the jurisdiction of the new district court will be vis-a-vis the Supreme Court.

**MR RATTENBURY:** Turning to the district court, I guess I want to be clear on what the primary policy objective of the court is. Is it to reduce waiting times for people to have their civil and criminal cases heard?

**Mr Corbell:** Yes, it is.

**MR RATTENBURY:** That being so, how will you measure the success of the district court? For example, in the budget papers on page 261, there are a series of performance measures for the existing courts. Will similar measures be put in place for the district court?

**Mr Corbell:** Yes.

**MR RATTENBURY:** What contingencies are in place? The proposal for the district court is to appoint a full-time equivalent magistrate, with the two positions.

**Mr Corbell:** A full-time equivalent judge.

**MR RATTENBURY:** Yes, sorry.

**MRS DUNNE:** From the magistrates.

**MR RATTENBURY:** From the magistrates, indeed.

**Mr Corbell:** They will not be magistrates; they will be judges.

**MR RATTENBURY:** Yes, I am corrected on the terminology. My essential question is: what contingency is in place if the workload of the proposed district court reaches a point of overwork and a new backlog develops? Is there budget for appointing additional positions or additional resources to the district court?

**Mr Corbell:** That contingency will be able to be managed, as is outlined in the

discussion paper, by providing for a range of options for the district court to manage its workload, both in terms of its practices day to day and in terms of what the legislation itself says.

So the government proposes, as outlined in the discussion paper, that we need to manage the transition to a new district court jurisdiction. We need to do that by being very circumspect about the jurisdiction that we grant that intermediate court and make sure that it is not overwhelmed on day one by a huge influx of matters. And that can be done by identifying the jurisdiction carefully and making sure that we are able to properly anticipate the workload so that it matches the resources we have currently deployed to the court.

The other issue that is identified in the discussion paper is that we make sure that the court itself has some discretion to be able to allow matters to proceed through to the Supreme Court. Where the decision maker sits in that process is something to be determined, whether it should sit in the Supreme Court or in the district court itself. Those are all issues up for discussion but a pass-through mechanism or a way-through mechanism, if you like, is something that will also need to be considered to make sure the workload remains manageable and we do not encounter the issues that you highlight.

**MR RATTENBURY:** Thank you. One other feature of the budget is the proposal to appoint an acting judge for nine months to work through the backlog in the Supreme Court. I gather there are something like 418 cases in the backlog. Am I correct on that?

**Mr Corbell:** I could not tell you the number of matters.

**MR RATTENBURY:** I have seen it somewhere. I just cannot—

**Mr Corbell:** Four hundred is the total number of criminal lodgements in a year. I will take the question on notice and provide information to you.

**MR RATTENBURY:** Thank you.

**THE CHAIR:** I note that that has been taken on notice. Just to clarify that, that was the number of?

**MR RATTENBURY:** Number of backlog cases in the Supreme Court.

**THE CHAIR:** Thank you.

**Mr Corbell:** Number of cases awaiting hearing.

**MRS DUNNE:** Both criminal and civil?

**Mr Corbell:** Criminal and civil.

**MRS DUNNE:** And can we have it broken down by both?

**Mr Corbell:** Yes.

**MR RATTENBURY:** I understand it will be up to the Chief Justice to decide which cases the acting judge would hear. That being the case, what number of cases would you have in mind that the acting judge might be able to work their way through? Do you have any sense of how much of a dent would be made in the waiting list?

**Mr Corbell:** The Chief Justice, in his advice to me, has indicated that he believes an acting judge will significantly assist the court. I do not have the figures to hand but he does believe it will be of significant assistance to him. He will determine the matters. He will effectively create another list for that judge. And to plan ahead, he needs, and the registry needs, about three months before that judge commences work. Sorry, the court will need three months before that judge commences work, to get the list ready and to have it all flowing through smoothly.

**MR RATTENBURY:** Is there any data that you have or other jurisdictions have on the number of cases an acting judge can generally work through? Do you have any sense of that?

**Mr Corbell:** It depends obviously on the matters and the judges themselves and the way they do their work. Perhaps Ms Leigh can provide more information.

**Ms Leigh:** I was simply going to say that of course sheer numbers do not really give much of a picture of workload because the range of matters that a judge would be handling is such that a trial might take five days; other matters would take a couple of hours. So it is not just sheer numbers. And really the Chief Justice is looking at what might be the most efficient way to use that additional resource and the types of matters to be allocated. And I know he has been giving some thought to that.

**MR RATTENBURY:** One last topic before I pass over to Mrs Dunne: in last year's budget there was funding for a study into the prospect of a single court for the ACT. What was the outcome of that study and how does it relate to the proposal for a third court?

**Mr Corbell:** That work has commenced and it does dovetail neatly with this proposal. The reason for that is that one of the options that the government wishes to explore further is how we can provide for greater flexibility in the use of judicial resources, insofar as judicial officers who have the appropriate skill sets, or the ability to develop them, to deal with a range of matters outside of what they have commonly been used to dealing with.

So in many respects the creation of the district court is the first step potentially in the creation of a single, unified court, insofar as judicial officers will be able to move across jurisdictions, exercise different jurisdictional authority and provide flexibility in how we deploy our resources to provide access to justice for people. So dual commission is, in many respects, the first step in that process but there is more work to be done on that. That work is ongoing in my department and will have regard to this district court proposal because it very much anticipates the types of issues that were to be explored in a single court.

**MR SESELJA:** But is it not potentially running in conflict? You are creating another layer at the same time as you are considering condensing it into one?

**Mr Corbell:** In name but, in operation, it is effectively a single court. Whilst we are establishing, in name and in law, a separate jurisdiction, we are not creating a new physical infrastructure. We are not creating another registry or other processes that duplicate. We are in fact streamlining. We are consolidating the functions because we are using the Magistrates Court registry—that is the proposal—and we are using the same judicial officers from that court, or a number of them.

So whilst in name, yes, you would be right, in practice, it is effectively an extension of that court. And that is the sort of approach that we could consider in relation to other areas of the courts and their jurisdictions.

**MR SESELJA:** I guess that remains to be seen.

**THE CHAIR:** Mrs Dunne.

**MRS DUNNE:** Madam Chair, there are a number of issues that the opposition would like to pursue in relation to this matter. I would seek your guidance on whether we stay for some time or whether we bring this matter back in the recall day. It is just after the proposed closing time. I have extensive questioning on this. I thought we were going to start on this at about quarter to six.

**THE CHAIR:** You are saying you have another 15 minutes worth of questions?

**MRS DUNNE:** Easily.

**THE CHAIR:** I think Mr Rattenbury had another one. Minister, are you able to stay for another 15 minutes?

**MR SMYTH:** I cannot stay. I have got to be somewhere at 6.30. It has already been a long day.

**Mr Corbell:** I am happy to stay for a further period, Madam Chair.

**THE CHAIR:** We will continue for 15 minutes.

**MRS DUNNE:** Thank you, Madam Chair. Minister, can you first of all tell the committee why, when you put out a paper for consultation, one of the biggest single elements in the paper was announced as a *fait accompli* and essentially was not consulted on, the notion of having a district court?

**Mr Corbell:** I accept that the proposal for a district court in and of itself has not previously been raised but the issue of the jurisdiction of the Supreme Court and the jurisdiction of lower courts has been raised. In fact, it was the matter that was identified as one of the two options open to the government by the Supreme Court working group that had all stakeholders at the table.

So the two key elements of the government's proposal, to change the jurisdiction of

the Supreme Court and to provide for an acting judge, were both identified—

**MRS DUNNE:** But why did you not consult on this—

**Mr Corbell:** To answer your question—

**THE CHAIR:** Could we just get the answer to the question and get to the other ones.

**Mr Corbell:** They were both identified as the options open to government by the Supreme Court working group. The government has accepted those findings of the Supreme Court working group and we have proposed a mechanism to implement those findings. I accept that the district court proposal in and of itself was not specifically identified but the nature of the change, the nature of the reform, was. So I would ask people who have that criticism to view it in that context.

**MRS DUNNE:** But, minister, the two findings of the Supreme Court working group were to appoint another judge or to look at a change in the jurisdiction.

**Mr Corbell:** That is right.

**MRS DUNNE:** But you are not implementing both of those things. You are implementing one of them, and the other one as a temporary measure.

**Mr Corbell:** No, that—

**MRS DUNNE:** Minister, why did you not take up the proposal that was put to you by the Law Society and the Bar Association that you appoint a fifth justice now and consider whether it was necessary to continue with maintaining a fifth justice when Justice Gray retires in about nine months time? Why did you not take up that suggestion?

**Mr Corbell:** In relation to the working group's findings, they actually recommended a fifth judge be appointed on either an acting or a permanent basis. That is what the government has done. So I refute that suggestion. The recommendation was: appoint a fifth judge on either an acting or a permanent basis. We are appointing a fifth judge on an acting basis.

In relation to the prospective appointment of a fifth judge in anticipation of Justice Gray retiring, that does not give us the structural reform that is needed. It is a bandaid measure. The appointment of a fifth judge, on its own, does nothing to change the volume of matters that are appearing in the Supreme Court.

That is the fundamental problem here—the volume of matters that are listed for hearing in the Supreme Court, many of which do not justify the application of the highest order of judicial resources to have them resolved and, as a result, are incurring significant delays in access to justice. It is incumbent on the government to deal with the structural problem, not just apply a bandaid.

**MRS DUNNE:** Is it not the case that the proposal for a virtual district court only applies to the criminal jurisdiction? At this stage there is no movement on the shift of

civil jurisdiction between the Supreme Court and the Magistrates Court.

**Mr Corbell:** No, that is incorrect. There is a change in the civil jurisdiction. The government proposes to increase the civil jurisdiction of the Magistrates Court. In relation to the civil jurisdiction of the district court, it is the case that the government has said in the first instance that we contemplate the new district court dealing only with criminal matters. That will significantly reduce pressure on the Supreme Court for less serious criminal matters that are currently heard there. But in the longer term, the government does contemplate civil matters being dealt with by the district court, but that is not envisaged in the first stages of its implementation.

**MRS DUNNE:** To what extent do you propose to change the civil jurisdiction in the Magistrates Court?

**Mr Corbell:** As it is outlined in the discussion paper, we propose to increase the civil jurisdiction of the Magistrates Court from the current \$50,000 limit to \$100,000. That was also recommended in the Supreme Court working group's report.

**MRS DUNNE:** You are consulting on that, but you are not consulting on the virtual district court?

**Mr Corbell:** I think I have already answered your question on that.

**MRS DUNNE:** You are consulting on that. You are open to persuasion on whether that is the appropriate level for extending the jurisdiction of the Magistrates Court through the consultation—

**Mr Corbell:** The purpose of the discussion paper is to deal with all of the issues around the jurisdiction of the proposed new court. It would be sensible to include that proposal amongst that.

**MRS DUNNE:** Is there anyone that has actually had a good word to say for the proposal for a virtual district court?

**Mr Corbell:** I have had a range of feedback, positive and negative. That is to be expected. We are dealing with a new proposal. Change in the law is often difficult, but there are a range of views, both in favour and against, and that is to be expected.

**MR SESELJA:** Which are the stakeholders who have expressed a favourable view towards the proposal?

**Mr Corbell:** There are a range of stakeholders who have indicated they believe it is an effective and sensible solution, but I will allow them to speak for themselves.

**MR SESELJA:** Sorry, Mrs Dunne, but could I go on this?

**MRS DUNNE:** After you, Mr Seselja.

**MR SESELJA:** Just taking a step back—and Mr Archer touched on it, I think, in his letter—part of this goes back to some of the tensions between the government and the

Supreme Court. They have been expressed publicly. I do not think that is a secret. You have been concerned about the efficiency of the Supreme Court. Is this partly about the fact that you have been frustrated with progress on making the Supreme Court more efficient and so you have searched for another path?

**Mr Corbell:** I believe that all aspects of the justice system need to be efficient because the justice system is expensive. It is expensive for the public purse, but it is also expensive for those people who wait to get justice. We need to reduce the costs on both of those parties. This is not about any personality issue or otherwise between the government and the court or myself and any officer of the court. It is about recognising that access to justice costs us all, individually and collectively. In tackling the issue the government has had central regard to the recommendations of the cross-stakeholder group that was put together in the Supreme Court working group.

**MR SESELJA:** Going back though to those concerns, you did express public concerns. I think it was evident that there was tension. In fact, I think I FOI-ed some correspondence between you and judges. You denied us those documents. Has there been a continuing exchange of either letters or otherwise which, I suppose, reflect that tension? Has your relationship with the Chief Justice of the Supreme Court improved since we saw that public slanging match some time ago?

**Mr Corbell:** My relationship with the Chief Justice has always been professional and cordial and it remains that.

**MR SESELJA:** And the correspondence, if it were to be released, would reflect that?

**Mr Corbell:** Indeed.

**THE CHAIR:** Mr Rattenbury.

**MR RATTENBURY:** Can I ask a quick follow-up question? We were talking earlier about the study on the single court that was funded last year. Will you release the results of that study?

**Mr Corbell:** Once it is complete. It is not yet complete.

**MR RATTENBURY:** When is it due to be completed?

**Ms Leigh:** In many ways, the paper that has been put out is the first step in that work. When the government said that it would be undertaking that single court study it said that it would look at two things: first of all, that it would look at the calls for additional judicial resources. So that work has been done by the Supreme Court working group which, as the minister identified, then led into the proposals in the access to justice paper.

It was said that the study about the single court would be pursued through consultation and that it would look at streamlining of court administration and how we might develop a judicial system to suit our unique jurisdiction. The paper that has been put out by the government is the first step in doing just that.

**MR RATTENBURY:** How many more steps are there?

**Ms Leigh:** I do not think I should speculate on that. I think we have taken—the government has taken a concrete first step.

**THE CHAIR:** Mrs Dunne.

**MRS DUNNE:** Thank you. Minister, in your earlier exposition in answer to Mr Seselja's questions you drew examples of a number of places where judges held dual—

**Mr Corbell:** Commissions—

**MRS DUNNE:** Sorry, thank you—

**Mr Corbell:** Yes, and I should just correct one of my statements. It has been drawn to my attention that there were not dual commissions in relation to the New South Wales Supreme Court. The New South Wales Supreme Court appoints as acting judges retired District Court judges. I just wanted to clarify that.

**MRS DUNNE:** Yes. But all of those instances were cases where judges had dual commissions. Are there any instances where magistrates take on the role of the commission of being a judge in some court or other?

**Mr Corbell:** I think the most obvious example is New Zealand where judges of the District Court exercise the jurisdiction of what in Australia would be magistrates. Some of—

**MRS DUNNE:** That is not my—that is actually the opposite of what I have asked you. Where do magistrates exercise the role of a judge?

**Mr Corbell:** In New Zealand the Magistrates Court was expanded. Its jurisdiction was expanded and the magistrates were renamed as judges—

**MRS DUNNE:** That is still not—

**Mr Corbell:** If the argument we are going to have is about the nomenclature of a judicial officer then I think it is a fairly pointless one. You would probably be aware, Mrs Dunne, that the Australian Council of Magistrates, representing chief magistrates from all jurisdictions, has written to every Attorney-General asking that recognition of magistrates' judicial role be properly reflected by changing the terminology to "judge". So magistrates themselves already consider themselves to be judges. I do not think a debate about nomenclature is particularly constructive.

**MRS DUNNE:** No, it is not a debate about nomenclature. It is the issue about the sorts of jurisdictions that people operate in. The magistrates operate in a summary jurisdiction—

**Mr Corbell:** If it is about the particular jurisdiction that magistrates and courts of that nature exercise, I again draw your attention to New Zealand where there is a single

court that exercises the jurisdiction of both what would be in Australia magistrates courts and district courts.

**MRS DUNNE:** Yes. Okay.

**THE CHAIR:** One final question to Mr Seselja.

**MR SESELJA:** Yes. I had some questions on ACAT and it looks like we are going to run out of time. We will have to look at whether we come back. We in the opposition have had a lot of feedback about ACAT and about the rocky start, I suppose. Have you as minister, Mr Corbell, had feedback about concerns particularly about delays in ACAT and matters before ACAT? If so, what has been the nature of some of these concerns that have been raised with you?

**Mr Corbell:** The statistics that I have seen in relation to the completion of matters in the ACAT have been very good. I have no reason to think that overall the ACAT is not meeting time frames in terms of timeliness. There will always be exceptions to the rule but overwhelmingly when you look at the performance of the ACAT, timeliness is good.

**MR SESELJA:** How have the sitting times and the sitting hours of ACAT compared to the previous jurisdiction that took over from the AAT team and the other tribunals?

**Mr Corbell:** It would depend on which tribunal you were looking at. As you would appreciate, there are—

**MRS DUNNE:** What about in small claims, for instance?

**Mr Corbell:** 15 to 20 tribunals.

**MR SESELJA:** Small claims has been a particular area of feedback. Have we seen small claims taking longer at ACAT?

**MRS DUNNE:** The statistics that I have are that there were 900 matters lodged in the last six months and 553 cleared. That would seem to be a substantial backlog in the small claims jurisdiction.

**Mr Corbell:** I think you need to provide some point of comparison. I am happy to take that on notice and provide that to you.

**THE CHAIR:** We will note that that has been taken on notice.

**MRS DUNNE:** It is in response to an answer to a question that you gave me today.

**THE CHAIR:** As mentioned at the commencement of the hearing today, there is a time frame of five working days for the return of answers to questions taken on notice at this hearing. In relation to questions given on notice, the committee has agreed that written questions on notice will only be accepted for three working days following this public hearing for the following portfolio agencies: Department of Justice and Community Safety, Independent Competition and Regulatory Commission,

Emergency Services Agency, ACT Policing, Corrective Services, Law Courts and Tribunals Administration.

Members, please provide any question on notice to the secretariat by close of business Friday, 29 May 2010. Questions on notice pertaining to these agencies will not be accepted after that time.

On behalf of the committee, I would like to thank the Attorney General, ACT Policing, Senior Commissioner Baxter, Emergency Services staff and other officials for attending today and, in advance, for responding promptly to questions taken on notice and given on notice.

**The committee adjourned at 6.46 pm.**