



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**SELECT COMMITTEE ON ESTIMATES 2012-2013**

(Reference: [Appropriation Bill 2012-2013 and Appropriation  
\(Office of the Legislative Assembly\) Bill 2012-2013](#))

**Members:**

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

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**THURSDAY, 28 JUNE 2012**

**Secretary to the committee:**  
**Ms S Salvaneschi (Ph 620 50136)**

**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 Long Service Leave Authority</b> .....	<b>1122</b>
<b>Chief Minister and Cabinet Directorate</b> .....	<b>1122</b>
<b>Community Services Directorate</b> .....	<b>1176</b>
<b>Justice and Community Safety Directorate</b> .....	<b>1122</b>
<b>Office of the Commissioner for Sustainability and the Environment</b> .....	<b>1122</b>

## **Privilege statement**

The Committee has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

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 9 August 2011*

## **The committee met at 9.01 am.**

### Appearances:

Bourke, Dr Chris, Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections

### Justice and Community Safety Directorate

Leigh, Ms Kathy, Director-General

Mitcherson, Mrs Bernadette, Executive Director, ACT Corrective Services

### Office of the Commissioner for Sustainability and the Environment

Burrows, Ms Sarah, Senior Manager

### Chief Minister and Cabinet Directorate

Kefford, Mr Andrew, Deputy Director-General, Workforce Capability and Governance Division and Commissioner for Public Administration

O'Neill, Ms Carolyn, Acting Director, Continuous Improvement and Workers Compensation

Barbaro, Ms Fiona, Director, Office of Industrial Relations, Workforce Capability and Governance Division

### ACT Long Service Leave Authority

Barnes, Mr Robert, Chief Executive Officer/Registrar

Josipovic, Mr Goran, Chief Operational Officer

Shih, Ms Catherine, Chief Financial Officer

**THE CHAIR:** We will start given it is 9 o'clock and we have limited time. I would like to welcome you today, Dr Bourke, as Minister for Corrections, to the tenth public hearing of the Select Committee on Estimates 2012-2013. I also welcome officials as well. Thank you for joining us.

The Legislative Assembly has referred to the committee for examination the expenditure proposals in the 2012-2013 Appropriation Bill and the revenue estimates in the 2011-2012 budget. The committee is due to report to the Assembly on 14 August 2012.

The committee has resolved that all questions on notice will be lodged with the Committee Office within three business days of receipt of the uncorrected proof transcript, with day one being the first business day after the transcript is received. Answers to questions on notice will be lodged with the Committee Office within five business days of receiving the question, with day one being the first business day after the transcript is received. Answers to questions taken on notice will be returned five business days after the hearing in which it was taken, with day one being the first business day after the question was taken.

The proceedings today will commence with an examination of Justice and Community Safety, output class 2, Corrective Services, output 2.1, Corrective Services. We will then go on to consider the Commissioner for Sustainability and the

Environment, industrial relations, the arts and in the afternoon other aspects of Community Services.

I draw the attention of witnesses the blue privilege card in front of you. Can you indicate—again, I am sure you are all familiar with it—that you understand the implications of the information in that? Thank you. Before we go to questions, Dr Bourke, would you like to make a brief opening statement?

**Dr Bourke:** Yes, chair. I wish to provide this short statement, an overview of the achievements of this portfolio area in 2011-12 and our expectations for what will be achieved in 2012-13. There has been much to be pleased about in the way the delivery of corrections has advanced in the year just past. Our focus on education remains at the forefront of corrections practice in Australia. As reported in the report on government services released in January this year, the level of involvement of the ACT's detainees in education, at 89.8 per cent, far exceeds the national average of 35 per cent.

We have sought to enhance our engagement with community agencies in the delivery of rehabilitation at the AMC. To be successful in the area of rehabilitation it is, of course, highly advantageous to have community and government partnerships. ACT Corrective Services works with a range of agencies to deliver programs and services. It is particularly pleasing therefore that in 2011-12 we added such organisations as SHINE for Kids and Relationships Australia to a list of community groups that already includes the likes of the ACT Women's Legal Centre, Winnunga Nimityja Aboriginal Health Service and the ANU.

Our transitional release centre at the AMC has in 2011-12 begun to deliver on its potential. The recent making of the new work release policy will allow detainees on work release to take full advantage of the opportunities this program presents in terms of post-release employment and having money available upon release. Corrective Services is continuing to develop procedures to support this policy and to identify possible employers willing to assist detainees with work release.

The implementation of the recommendations of the Knowledge Consulting review has progressed considerably in 2011-12. The progress report the government tabled on 29 March 2012 reported that all 128 recommendations of the first report and all five recommendations of the second report—in total, 133 recommendations—have been considered by the task force. The progress report specified that 74 recommendations have been implemented and in respect of 51, implementation was nearing completion. The remaining eight require implementation over a longer period.

It also became clear during this year that the Alexander Maconochie Centre is seen as a place where lessons can be learned about modern corrections practice. In the last six months we have had international visitors from agencies in China at both the federal and provincial level and Vietnam. We have also hosted Australian colleagues, such as the New South Wales Attorney-General.

But corrections is always a tough area of public policy and we face many challenges. The business of corrections involves matching people with significant problems who are in the justice system because they have offended against society. As a

consequence, there will be violent incidents, there will be contraband finds, and offenders who are paying a debt to society will commit further offences and incur a further debt.

I want to take this opportunity to commend the men and women of ACT Corrective Services especially, but not only the custodial officers who do an impressive job of working with detainees in this challenging area on a daily basis. The ACT has seen an unexpected rise in the number of offenders being sentenced to full-time detention. This has placed considerable pressure on the accommodation capacity at the AMC. To respond to these challenges, we have commenced work to identify our accommodation and other needs at the AMC into the future. In the years to come we will need to act to respond to these needs but inevitably in a manner which the territory can afford.

Finally, it is an important further commitment to our focus on offender rehabilitation that next year will see further improvement in the delivery of through-care for detainees and other offenders. This government has made additional funding available in 2012-13 to enhance through-care coordination and brokerage of services.

There is no magic wand when it comes achieving rehabilitation and a reduction in reoffending, not least because, on average, detainees spend quite a short period in custody in the ACT. I do expect that the work undertaken as a result of this additional through-care resourcing will assist us in addressing issues of recidivism into the future. I look forward to your questions.

**THE CHAIR:** Thank you, minister. My first question is in relation to funding that is mentioned in budget paper 3, page 184, \$588,000 to improving the crisis support unit. Can we get some information about what that money will actually be spent on?

**Dr Bourke:** That money was brought forward to deal with a range of issues that had been identified through Hamburger in CSU, but I will ask Bernadette Mitcherson to answer that.

**THE CHAIR:** And I am aware of that.

**Mrs Mitcherson:** The money is to look at the internal design of the CSU—both the cell accommodation and the officer area as well as some of the common amenity areas. We want to enhance some privacy issues. We want to relook at the positions of cameras and we want to refit the cell accommodation to make it safer. We have not had any major incidents, but we want to make sure that going forward we have a better amenity for staff and detainees. It is in line with recommendation that Hamburger made that we engage architects with experience in this area to give us that advice as well.

**THE CHAIR:** When is it expected that this work will actually be undertaken and completed?

**Mrs Mitcherson:** When the budget is confirmed we will look to go to tender and go through a tendering process for this work. But I would like to get it done as soon as possible. So once we get through that process.

**THE CHAIR:** One of the things that was also recommended in Hamburger was detainees in the crisis support unit getting access to outside areas.

**Mrs Mitcherson:** Yes.

**THE CHAIR:** Is that going to be one of the things that is examined or accommodated in this design work that you are doing?

**Mrs Mitcherson:** Just in relation to that, there is a number of ways I would like to answer that. First of all, the design of the building is what we have. So we can only work within the confines of that building. In terms of getting access not just to grassed areas but also to other amenities outside the crisis support unit, like programs, education or the gym, what we have been trying to do with detainees, and quite successfully—I might say for this financial year that the average stay in the crisis support unit has been 18 days with the median stay 10 days.

So quite clearly that group coming into the centre are acutely unwell for a short period of time. For example, we may have someone who has come in who has high use of ice and amphetamine and who will probably require at least two or three weeks of managing. They often show psychotic symptoms. But generally once we have got them stable, we want to actually get them out into the main part of the jail straight away. So we are not looking—for those short termers, that does not become an issue because it is about getting them well and getting them out, or stabilising them. We do have a couple of longer-term ones. You recall we discussed this time last year a couple of very long-term young men.

**THE CHAIR:** Yes.

**Mrs Mitcherson:** I am happy to say that both those particular young men have been out since December last year and both are doing extremely well. What we did was work with them to get them out gradually to get them used to being in the outside area. So we started them on going to one program a week and going to the gym and eventually stepping them down in a programmed kind of way to live in the main. I might say that one of those young men now is probably going to graduate at the therapeutic community in the next graduation.

We still have a couple of very unwell people whose stay will be a bit longer than the median 10 days. Again, our goal is to get them well and to get them out but where we can, we will escort them and take them to grassed areas or other appropriate areas where it is possible.

**THE CHAIR:** To allow that access, they are actually having to be escorted to another part of the precinct?

**Mrs Mitcherson:** Yes, and I might say that a couple of the very unwell people at the moment can be quite—I will not say noncompliant; they are unwell. But they are often a bit aggressive and their mood swings are quite great. Staff know them very well and are able to work on that kind of stuff. So it is not just as case of “well, today we’ll take you out”; it depends on how they are as well.

**THE CHAIR:** Was that something that was occurring before the recommendations from Hamburger or after? Is that something that is now occurring?

**Mrs Mitcherson:** I have certainly been engaging staff to do that since I started as executive director. I cannot comment on previous to Hamburger.

**THE CHAIR:** Sure.

**Ms Mitcherson:** But certainly with our case work we have stepped up. We have redone our position description for caseworkers in the AMC. We have stepped up the processes in terms of getting people involved and trying to move them out as quickly as we can.

**THE CHAIR:** Also, there were some concerns raised previously with us that there had been quite a high number of Aboriginal and Torres Strait Islander young men going into that unit. We know that there are different circumstances as to why that occurred. We raised with the previous minister, Mr Corbell, some questions about this. Are we still seeing these trends, or is this something which is—

**Mrs Mitcherson:** Today we have nine people in the CSU. One is an Indigenous man. In the last financial year we have had 39 Indigenous out of 140 admissions, but I might say that some of those have come in and out more than once. Having one is great. We have been down to two or three, and we have been down to none. So it does fluctuate over time.

We have also started since this time last year working with Winnunga and their health and wellbeing program. So we have counsellors who are regularly visiting on a weekly basis now and work with men, particularly Indigenous men, in the crisis support unit. That program is working very well, along with the mental health Indigenous liaison officer.

**THE CHAIR:** How long has that Winnunga counsellor been visiting?

**Mrs Mitcherson:** We have started the health and wellbeing program—I can get you the exact date, but around about August last year—

**THE CHAIR:** That is fine.

**Mrs Mitcherson:** we started that. That has been going very well.

**THE CHAIR:** You find that is making a difference?

**Ms Mitcherson:** I think we have increased a number of programs in a number of areas and I think that together all those little things make a difference. I think it is about changing our focus on how we do case management and actually separating that position description from the general way we were doing it when I first arrived, together with an emphasis on transitioning people in and out.

**MR HARGREAVES:** Thanks very much, minister and officials, for coming. I want



to talk about one of my favourite subjects: through-care. As a bit of an intro, I am aware of the problem of through-care in that Corrective Services are okay up to the time when you have jurisdiction over a person's life and you can influence their positive development going forward. The challenge is, of course, what happens after that point, knowing, as you do, people with mental health or drug issues are going to experience issues, going back into the wrong environments—a big issue, but you have no jurisdiction over it. If we really want to do the total through-care of restoration of these people back into their community, there comes a point where somebody else has to take over and run it.

I notice in the budget documents, page 123 of BP3, you have got what looks like \$1.1 million over two years to extend that through-care model. The initiative extends through-care beyond an offender's custodial sentence, which brings it beyond your jurisdiction. I am intrigued to know how you are going to do it. I think it is fabulous, and I would like to know a little more about how that is going to work.

**Dr Bourke:** The through-care extension for offenders into the community is one of our budget initiatives that have come through this budget. It provides funding for personnel to be placed in corrections to work with community organisations to coordinate that through-care. What I have heard from talking to organisations is that there are already sufficient resources within the community to deliver through-care. It is the coordination of that through the many agencies that have some part in through-care that is the issue. And that is what this money is to do—to cover a period from induction, when they actually go into the prison, and extend it for around 12 months after they leave the AMC.

It includes a number of elements, including a single point for service coordination, client centric case management, services which are actually responsive to that offender's needs, tailored services, and establishing links with providers prior to release, introducing the community organisation or provider of whatever through-care service is required to the detainees before they are actually released, so that the personal link, that personal relationship, is beginning to be developed and so that the detainees know where they are going to be going and what they are going to be doing after they are released, which is very important for them. And this is how we can ensure that we work to reduce those causes of recidivism which occur in the community.

**MR HARGREAVES:** I am aware that, indeed, the minute a prisoner is sentenced, as soon as that happens, you are starting to talk about the release plan for this person, and that gives you your goals. Both people sign up to the contract of what is going to happen during their stay as a guest in your establishment. I am aware that there are conversations going on with industry groups and employers and others along the way to make sure that the skill set that prisoners leave the institution with is actually one that can gain them some employment. It is pointless having a very educated person who is going to be unemployed once they leave; otherwise they will be back in a week. I am aware of that.

What I am interested in exploring is how you are going to make the connections, as you just said. There are quite a number of community organisations out there ready and raring to go. Coordinating them and getting them all together is the challenge. Do

you see it as a role for corrections, in the reduction of recidivism strategy, to have a bit of a helping hand in that issue beyond where you have authority over a person's life?

**Dr Bourke:** Certainly, and going back to the timing of how this is going to happen, we intend that the coordinated unit will be established around late August this year, that the first client intake will happen in September and that there will be recruitment to permanent positions before the end of the year. But of course the community organisations that we are going to be working with include Relationships Australia, Prisoners Aid, the ACT Women's Legal Centre, the Canberra Men's Centre, Karralika and a range of other particular organisations, including Northside Community Service. But I will get Mrs Mitcherson to give you some more details about that.

**Mrs Mitcherson:** The through-care unit is actually something I am pretty excited about. I think it is an opportunity for us to do something that has not been done nationally before, and I think if it can work anywhere it can probably work in the ACT. But in a nutshell, it is true that we do not always have control over someone when they leave custody. Not everyone has a period of supervision. But if we can engage a client or an offender in a process prior to release, they are more likely to stay involved, at least with other agencies.

What we will be doing is working with those groups and extending that. We have already started mapping the services in the ACT, and those services do not always provide a service in the AMC, because that is not what is needed when someone gets out. While we have a manager and a coordination process, the key to this is the brokerage funding that is available. For example, someone that does not have high needs may get out of custody. They may have some needs, but it might be they need some extra assistance in terms of seeking a job or some equipment or some clothing or some help with housing.

But for those groups that come in and out on a regular basis, what I would call the churn-through, I want to do something different there and actually engage them with their family members in conferencing before they get out of custody, for them to help us design what will work to keep them out of custody and hopefully keep their children, particularly if they have got teenagers, out of the juvenile system as well.

We may well use all those services. We will not be repaying for services that are already available, but we might want to do some more wraparound services around a family, for example, that are quite intensive for six months. It might mean engaging a caseworker to have contact with that family four or five times a week to help them settle down as a family and to stop the patterns. It may be that we engage them in some relationship counselling—whatever it takes, I think. I do not want to be locked into saying we are going to do X with the brokerage money, because each person coming out of custody will be very different.

It is very exciting. I think that the opportunity does exist to actually make a difference in some lives and some families. And I say "families" because if someone is in custody, their family is in custody as well, whatever form that family will take. We are particularly interested in getting to a point where we can stop the next generation

from coming in as well.

**MR HARGREAVES:** I am particularly pleased to hear that. I do not know whether you have seen the report of the standing committee on justice, *The forgotten victims of crime*. If you have not seen it, I would refer you to it.

**Mrs Mitcherson:** Thank you.

**MR HARGREAVES:** It talks about the families of those incarcerated as a victim and the threefold nature of the victims of crime. And one of the things that it identified was the lack of services in preparation for the release of a person who has spent, let us say, 10 years in jail. When they start to transition out, we put a lot of energy into making sure they are okay going out. We put, until now, no effort into preparing the children of the incarcerated person or the wife for the eruption that is going to happen in that household. Am I hearing that that is exactly where you are headed?

**Mrs Mitcherson:** It is certainly something that I am very interested in. I think that when someone gets out of custody, often there is a little honeymoon period at Dad or Mum's home, and it is all very exciting for a couple of days, and then patterns set in in terms of behaviour. And if some of those patterns are around alcohol and drugs, particularly alcohol, family violence can start to develop again. So I am very interested in engaging families before someone gets out of custody.

That actually means having them help co-design the kinds of services we might build in for that family to keep the parent out of custody—and it is generally the male—which will then impact on everyone. And that includes a combination of economic stability, counselling, making sure children are getting to school. I do not want to be limited in what we might do for a family to keep them out of the justice system.

**MR HARGREAVES:** I will ask this and you might be able to respond to that issue. I am interested to know whether or not the services themselves address the psychological issues of those people receiving the person into the system. If we take someone with 10 years' incarceration, the marital relationship of the man and a woman has been affected. We know that. Are we—

**MR HANSON:** You are filibustering to prevent questions being asked by the opposition.

**THE CHAIR:** Mr Hanson, thank you. If you have any comments, you can direct them to me.

**MR HARGREAVES:** Or put it in writing.

**THE CHAIR:** Thank you, Mr Hargreaves, the question, please.

**MR HANSON:** My comment was that what is occurring here is filibustering to prevent questions from being asked.

**THE CHAIR:** Mr Hargreaves, as I said to you, Mr Hanson, is a committee member, and he can ask a question. You will get your chance.

**MR HARGREAVES:** Thank you. I know you do not appreciate it, but I ask you to listen, please.

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

**MR HARGREAVES:** The issue for me is the human relationship, and whether you are addressing the human relationship, for example, the husband and wife relationship, which is a delicate one. If you have got a young man who has become the alpha male in that family whilst the person has been in jail, is there preparation for that young man to surrender that alpha male position? Those two issues I have identified as the major ones for family breakdown once the reunion has happened.

**Dr Bourke:** I will come in with an overview there for you. I think that the purpose of corrections is not just to remove offenders from the community and lock them up; it is, as I like to say, to rebuild lives, and not just, as you say, for the detainees but also for their families. These are people upon release who will be living down the street, around the corner from us, and we want to know that we have done everything possible through the corrections system, and through the through-care plans that we are putting in place, to reduce the risk of them committing more crimes in the future. They are going to be living down the street from us, but I will get Mrs Mitcherson to expand.

**Mrs Mitcherson:** I think the issue of family relationship, whatever form that relationship takes, is very important. One of the programs we piloted this year was Indigenous men and we have just finished the first part of it. We are calling it a yarning program. Often with Indigenous men, it is a safe space and a group for them to actually discuss personal things, and we are using Indigenous counsellors who have been trained by Relationships Australia. We want to run that for another couple of times.

What we would really like to do—and we are working with Relationships Australia to do this—is engage the partners of those men in a similar group in the community so that both members of the family are working on those sorts of issues. So we are looking at a number of things that can assist, and we will continue to do so.

But issues around attitudes to women are something that is pervasive in the jail system with the men, in terms of poor attitudes and relationships. We are certainly looking at a number of programs that will impact on that over time.

**MS HUNTER:** I want to go back to the \$620,000 that was allocated last year for a feasibility study about future capacity at the AMC. I know that last year's estimates committee recommended that the government advise when the gymnasium, chapel and quiet place would come online, and the government in response said, "This feasibility money could be part of looking at that." Could you give us an update of where that is up to?

**Dr Bourke:** As you say, the feasibility study on the AMC's future correctional facility requirements was funded from the 2011-12 budget. The purpose of that was to examine short and long-term options in relation to accommodation in the AMC, and

this will be used to inform future budget initiatives and will be used to inform the budget process coming into next year and is, therefore, confidential to cabinet.

**MS HUNTER:** So you cannot give us any more detail on what has been included?

**THE CHAIR:** Surely we could get a timetable on the quiet place and chapel and see where that is up to?

**Dr Bourke:** That is a matter for budget.

**THE CHAIR:** So we cannot get any update on where that is up to? No? Okay.

**MS HUNTER:** The other one is the policy regarding women and babies in the prison. I think we had some discussion about this last year. Where are we up to on that issue? Is it still feasible, if there is a circumstance of a woman with a baby, for them to stay together in the prison if it is in the best interests of the child?

**Mrs Mitcherson:** I think that the key to that is always the best interests of the child. We have had one application that did not get past the superintendent stage in the last financial year. And I guess even before you assess an application—I do not want to give anyone away or breach privacy—you potentially have to assess whether someone has clean urines and is not engaged in incidents in the centre that would put them at risk of actually having their child. So we have had that circumstance and it was not appropriate to go any further. We would assess on a needs basis, and it would depend on a number of factors.

**MS HUNTER:** The policy is still there that if all of those processes are gone through and are cleared, there is a possibility that a baby and a mother could be together?

**Mrs Mitcherson:** There is always the possibility, and we would assess each case on an individual basis.

**MS HUNTER:** How is it all going with women in prison? We have discussed this previously around access to programs and so forth. In a sense the women are in a prison within a prison, so it can sometimes make it difficult to access other facilities and so forth. How is that going?

**Mrs Mitcherson:** As we discussed last year, it is very difficult. We have, I think, today 11 women in custody. Probably a third of those are on remand and there are a couple of long sentences; the rest are fairly short. So it is very difficult. Within that group of 11 there is probably a number that cannot be together for personal association reasons. That makes it very difficult again, because then the groups become smaller. So it is difficult to engage. Depending on offences, some cannot be with anyone. So even with the 11 today it is difficult. We have been down as low as three women in custody last year.

We have tried to do things differently. We have two group sessions a day at the moment that women who are able to associate can engage in. While we cannot run a therapeutic community like we do for Solaris, many of them have drug and alcohol issues, so we do things that fit into a readiness program so that they might then engage

in that sort of a program on release. We are trying to do things around that.

As to access to education and programs, we have a good space in the women's precinct. Since we spoke last year we bring education staff into the unit to do one-on-one or group things. We do encourage work as well. Depending on who is in custody and the motivation, that may or may not happen. It is very challenging because we have a turnover of women. We have the service organisations come in on a monthly basis and meet in the women's precinct and talk to the women.

There are probably about a dozen groups that are involved in that, and sometimes the women might ask for a particular group to come, and we will engage them in that too—everything from women's counselling groups, accommodation, legal aid, rape crisis or whatever group. We think that works better so you do not actually miss anyone. That happens on a monthly basis. And bimonthly we also meet with service providers so we can make sure that we are providing particular services.

We also engage Relationships Australia, the case managers, to refer anyone who may need some individual counselling. That is for men and women and that is working quite well. So we are doing a number of things, but it a challenge.

**MS HUNTER:** Is the counselling that you have just mentioned in response to the Hamburger review that found there were a number of stakeholders who were concerned about that lack of in-depth counselling being available?

**Mrs Mitcherson:** I struggled with that part of the Hamburger question, because what does counselling mean? What it means to me might be different from what it means to someone else. Most correctional jurisdictions do not do one-on-one work. So the best way for us to do it is to engage, and that has worked quite well, with three sessions and if they need some more we can work through that.

So we are doing it that way and working on group work. I am not sure that there is a better way of doing it in correctional centres generally. Some jurisdictions engage their own psychologist, but even then they would do more group work and might do three to five individual sessions and then move on. So it depends, again, on the need, absolutely.

**THE CHAIR:** I have a quick follow-up on the women with babies. Is the women's prison actually set up—I know it was at one point—to accommodate a woman and a child? Is it still set up to allow that?

**Mrs Mitcherson:** We have not changed the configuration in the women's precinct at all.

**MR HARGREAVES:** Are there two facilities that were set up?

**THE CHAIR:** I think there is only one.

**MR HARGREAVES:** There was one set up, and then there was another area where there could have been a shared arrangement with an infant rather than a really young baby?

**Mrs Mitcherson:** We have not changed the configuration. I think the context has to be in terms of the best needs of the child at the time and the separation that you may have to have from company. So it is a very difficult area and it would need to be assessed on an individual basis, but we have not changed any of the configuration of the women's precinct at all.

**THE CHAIR:** Okay. I know there is a woman there breastfeeding at the moment, and another woman who is expecting—

**Mrs Mitcherson:** She is, and hypothetically we have assessed whether that would go any further.

**MR SMYTH:** Minister, on the issue of prisoner safety, what was the classification of the prisoner that was placed in Canberra Hospital last week? Was he a remandee? Was he a sentenced prisoner?

**Dr Bourke:** I understand that he was on remand.

**MR SMYTH:** He was on remand? So how does that work? And at what level was the individual who committed the alleged assault?

**Dr Bourke:** This is a matter of police investigation—

**MR SMYTH:** I do not think the police are investigating whether he is a remandee or not.

**Dr Bourke:** No, the subject of the incident.

**MR SMYTH:** That is fine, but what classification was he? Surely we know what classification he is. That is not subject to a dispute in law, is it?

**Mrs Mitcherson:** Both were on remand.

**MR SMYTH:** Both were on remand? And what is the policy about mixing those on remand with those who are sentenced?

**Mrs Mitcherson:** Both these men are on remand and both were on protection. So the policy is that we would like to separate where possible. There are some occasions where it is more appropriate to mix remand and sentenced for their own safety. But the two detainees involved in this incident were both on protection and both on remand.

**MR SMYTH:** If they were both on protection, how was this incident allowed to occur?

**Mrs Mitcherson:** Being on protection means you are still in a unit. They both sought protection status, for reasons which I cannot go into—it is their personal business—but there was an offender and he attacked the other person.

**MR SMYTH:** Is this a result of the level of security provided? How many officers were in proximity at the time?

**Dr Bourke:** As I said in my opening statement, Mr Smyth, there are incidents which do occur in prisons.

**MR SMYTH:** Sure.

**Dr Bourke:** It is part of managing a corrections facility that these things occur from time to time. They occur in every prison in the world, and that occurred here.

**MR HANSON:** Madam Chair, could I have a supplementary on this?

**THE CHAIR:** Yes.

**MR HANSON:** I recall a couple of years ago there was a rape case where a sentenced prisoner had raped a remandee. Have you tracked the number of assaults, rapes or other crimes perpetrated by sentenced prisoners on remandees?

**Mrs Mitcherson:** I am not aware of the incident you are talking about. You talked about a couple of years ago, and I have been briefed in relation to that. I am not aware of any recent incidents, but we review every assault and every allegation.

**MR HANSON:** So how many assaults have there been on remandees by sentenced prisoners?

**Mrs Mitcherson:** I would have to take that question on notice.

**THE CHAIR:** That is taken on notice.

**MR SMYTH:** The issue, though, that I tried to raise, minister, was: is there a problem with guards being on their own, and is there a problem now, given what happened to Superintendent Buchanan, with the reluctance of guards to intervene? To your satisfaction, were these prisoners appropriately supervised? And how many guards were on duty at that time in that area?

**Dr Bourke:** Let me say, Mr Smyth, that I received no advice that the guard prison workers are reluctant to intervene. I am not really sure where you are getting that information from. In fact, with regard to recent comments made in the press, I am sure—and I have heard—that many of the guards at the AMC are offended that they, as Mr Hanson said, walk on eggshells.

**MR SMYTH:** So you do not believe that they are walking on eggshells?

**Dr Bourke:** No, I do not.

**MR SMYTH:** The guards have your 100 per cent support to do what they deem necessary to maintain order in the prison?

**Dr Bourke:** In fact, there have been no investigations of guards who have defended



themselves.

**MR SMYTH:** Sorry; there have been no investigations of—

**Dr Bourke:** I will get Ms Mitcherson to give more detail.

**MR SMYTH:** guards who have defended themselves?

**Mrs Mitcherson:** There are no investigations for officers who have defended themselves. As late as yesterday I received advice from an officer, on behalf of other officers, that they were not comfortable with the comments in the paper that they were scared to do their job. This is certainly not the information that I am receiving. There was an incident quoted and there were circumstances surrounding that last year, but it is absolutely not the advice that I am receiving from officers. As late as yesterday I had some correspondence by email from an officer in relation to this matter.

**MR SMYTH:** Are officers ever placed in one-man posts or work solo within the prison?

**Mrs Mitcherson:** Yes, absolutely.

**MR SMYTH:** And is that safe?

**Mrs Mitcherson:** Yes, absolutely.

**MR SMYTH:** So how many instances of assault have there been on officers?

**Mrs Mitcherson:** For the exact number I would have to check for you, but are you referring to the matter that was referred to in the paper last year?

**MR SMYTH:** Since the prison opened, how many assaults have there been on officers?

**Mrs Mitcherson:** I will just check those figures. I do not have them since the prison opened. I can give you the figure from 1 January 2010 to 31 December 2011, which is 44.

**MR SMYTH:** That is to December last year. How many in the first six months of this year?

**Mrs Mitcherson:** I do not have them for the first six months of this year. I will have to take that question on notice.

**MR SMYTH:** All right. You will take that on notice.

**Dr Bourke:** The first six months of this year have not elapsed yet.

**MR HANSON:** So 44 assaults—

**MR SMYTH:** No; the first five months and 28 days of this year, minister.

**Dr Bourke:** It is terribly specific, Mr Smyth.

**MR HANSON:** Can I just clarify the period for—

**THE CHAIR:** Thank you, members.

**MR SMYTH:** If you are going to be anal about it, then—

**THE CHAIR:** Members, one at a time, please.

**MR SMYTH:** If we have to get down to that level of specificity for you, we will.

**THE CHAIR:** Mrs Mitcherson has taken it on notice.

**MR HANSON:** Can I just clarify the time period for the 44 assaults, please. That was—

**Mrs Mitcherson:** It was 1 January 2010 to 31 December 2011.

**MR HANSON:** Right, so one every two weeks, basically?

**Mrs Mitcherson:** It does not fall that way in terms of how they happen.

**MR HANSON:** For sure, but on average.

**Mrs Mitcherson:** In fact, they have dropped over a period of time.

**MR SMYTH:** What support is offered to officers who are assaulted and what support is given to their families?

**Mrs Mitcherson:** In relation to any officer that is engaged in an incident, which may or may not result in a physical assault, they are supported and there is a debriefing. There is counselling offered. If they have time off work due to that assault, they are given supports. We have a peer support system in the AMC as well, which is officer to officer, which is highly regarded in the centre. We have a counselling service available if they need it, as well as anything else they need. And there is certainly contact with phone calls and support.

**MR SMYTH:** Are the prisoners who have committed these assaults quarantined from the officers they assaulted?

**Mrs Mitcherson:** They are certainly dealt with in terms of a disciplinary process and referred to the police. The police would generally lay charges. That process follows its course. Then we have our own disciplinary management plan that follows through in relation to how we manage that person going forward. The reality is that that person is still in our custody and is still at the AMC, so it is not as though we can send them somewhere else. Having to work at the AMC means that you have to work with people and re-engage and work with them.

**MR SMYTH:** Do you have a process in place where, if an officer is threatened by a prisoner, they report it? If so, what action is then taken?

**Mrs Mitcherson:** It depends on the nature of the threat and the risk assessment. If it is someone mouthing off, we might want to make a note of that and do an incident report, because it is important to know that. And then someone who has got rapport with them would get involved. It just depends on the level of those threats and how that is managed.

I think it is important to understand that, while there have been assaults, every day there are dozens and dozens of really great interactions with custodial staff and detainees—remandees and detainees. They do wonderful work, and they know them. The thing about this town is that they are not strangers. Many of our custodial staff have known many of our detainees, even some of the ones who are difficult to manage, for many years. That is probably unfortunate, because they have been coming in for many years, but there are excellent relationships where staff have built good rapport and are able to talk people down and engage them. It is hard to give a black-and-white answer when you are managing, today, 275 offenders in custody with a whole different way of managing all of them.

**MR SMYTH:** Have there been any threats against officers' families? If so, what action is taken?

**Mrs Mitcherson:** I am not aware—

**Dr Bourke:** Of course, if there was a threat to an officer's family, that would be a matter for the police to investigate and prosecute.

**MR HANSON:** Have there been any?

**Dr Bourke:** I will get some advice on that.

**Mrs Mitcherson:** Sorry; I missed the question.

**MR SMYTH:** Have there been any threats to officers' families?

**Mrs Mitcherson:** Since I have been the executive director—I am not aware of any, apart from the previous superintendent, who indicated that there was a threat to his family.

**MR SMYTH:** If you are not aware, could you take that one on notice.

**Mrs Mitcherson:** Absolutely.

**MR SMYTH:** Since the prison opened.

**Mrs Mitcherson:** I was actually reading from the wrong table then. The 44 is actually the code calls in that period. There have been 17 actual assaults and five reportable. My apologies for that.

**THE CHAIR:** Thank you, Mrs Mitcherson.

**THE CHAIR:** Anything further, Mr Smyth?

**MR SMYTH:** No.

**MR COE:** I have a question about the RFID system. How much has been spent on working towards that capability?

**Dr Bourke:** The RFID system was ceased in October 2011. The system was never fully commissioned because of a range of implementation problems. Whilst some of those were resolved, ACT corrections were not satisfied that they could satisfactorily resolve problems with the battery life of individual devices. With regard to the actual costs, would you take that, Kathy?

**Ms Leigh:** The original expected cost for the RFID system was \$3.9 million, but only \$1 million has ever been paid for the system. That is because of the issues that led to the system being ceased. The balance of the money was to be paid on a monthly basis once it was commissioned. Because it was not commissioned, that money was not paid. Since we have ceased the system, there have been some payments for the maintenance of the officer duress aspect of the system.

**MR HANSON:** Where are we at with the \$1 million? Is that being recovered?

**Mrs Mitcherson:** We have not paid it.

**MR HANSON:** So nothing?

**Mrs Mitcherson:** We have paid \$1 million.

**MR HANSON:** That is what I said. What is happening with the \$1 million?

**Dr Bourke:** Because part of the payments has been to maintain the duress system, which actually does work.

**MR HANSON:** The duress system was \$1 million?

**Mrs Mitcherson:** We have kept the hardware relating to the system as well.

**MR HANSON:** Is there any payment that we have made for the RFID as a component of that \$1 million that we are out of pocket for essentially because the system does not work? Or are you saying that the whole \$1 million was for the duress system?

**Mrs Mitcherson:** The \$1 million that was paid has covered the duress system, but also we have retained the hardware of the system. I would need to take on notice any more detail about that, but that is the basic picture.

**MR HANSON:** So we are not out a single cent for the RFID; it was given to us free until it started working? Essentially, you are saying that the ACT government has not

spent a single cent on RFID?

**Mrs Mitcherson:** I am saying that the ACT government paid \$1 million for the entire RFID system; that was out of the \$3.9 million that was supposed to be paid for it.

**MR HANSON:** So that component, that million—are we going for cost recovery because the system does not work?

**Mrs Mitcherson:** That million relates to the hardware that we are retaining and the use of the duress system.

**MR HANSON:** So you are satisfied that this RFID system, now that it is withdrawn—we have not spent a single cent on that that went beyond a duress system?

**Mrs Mitcherson:** The money that was paid was paid in the expectation that an entire system would be provided, but the amounts that were to be paid beyond that initial amount were not paid, because they were conditional upon the successful commissioning of the system.

**MR HANSON:** And you are satisfied, then, that the million that we have spent, when all we are getting delivered is a duress system, is an appropriate amount of money to have paid for a duress system?

**Mrs Mitcherson:** I am satisfied that the contract has been handled appropriately.

**MR HANSON:** You are not really answering the question. What I am trying to find out, if I can make it very simple, is: are we out of pocket? Is the ACT government? This thing has been done. Yes or no? If yes, how much?

**Mrs Mitcherson:** I think that the amount that has been paid was appropriate for the contract that we entered into and for the services we have received. And we are still finalising those arrangements.

**MR COE:** The hardware that has been purchased as part of that \$1 million—is all of that hardware being utilised?

**Mrs Mitcherson:** I would need to take the details of the hardware and the system on notice.

**THE CHAIR:** That is taken on notice.

**MR HANSON:** Apologies: I just feel that the answer is somewhat evasive. It is not a hard question. The question is: “I’m satisfied with the contract and so on.” I am trying to find a dollar amount. We have spent \$1 million of taxpayers’ money, essentially on capability that is a dud. There are bits that you can use, and that is fine. But what are we out of pocket because of this thing falling over? If you are saying nothing, then that is fine; say it. And if there is an amount, what is that amount?

**Mrs Mitcherson:** As I said, the contractual arrangements are still being finalised. I do

not think I can add anything more to what I have said.

**MR HANSON:** With the system itself, then, leaving behind the costs, obviously someone decided about \$4 million. You are not going to spend that money for no purpose. Obviously there was an important reason to have RFID in this jail; otherwise we would not have decided to spend \$4 million on something. That system is now withdrawn. I have heard people saying, “Oh, well, it’s not going to make any difference.” If that is true, why on earth did we decide in the first place to roll out a capability for \$4 million, if it does not make any difference? Or does it make a difference, and do we have a gap in our security?

**Dr Bourke:** No, we do not have a gap in our security. The radio frequency ID bracelets were a new system for Australia. This would have been the first place in Australia where this had been used. It would have had the capacity to enhance operational effectiveness, and that is why it was planned. However, detainee safety and officer safety have not been compromised by the fact that we are not using it.

**MR HANSON:** Sure, but when the prison was designed, and it was designed in a spread-out sort of format, the RFID was much touted by Mr Hargreaves and Mr Corbell as an important part of the capability. I assume that when someone made the decision to spend \$4 million of taxpayers’ money, they did that with a view that it was necessary. Now that system is not working and you are saying that it was not necessary. So why on earth did we make a decision to—

**Dr Bourke:** We have not spent \$4 million worth of taxpayers’ money.

**MR HANSON:** No, but someone was going to, weren’t they? Someone said, “I’m going to spend \$4 million of taxpayers’ money.”

**MR COE:** Someone?

**MR HANSON:** The directorate or the minister—\$4 million of taxpayers’ money. The whole system has been a fiasco. Now you are sitting here saying, “Oh, we didn’t need it in the first place.” Why on earth did your predecessors sign up for something for \$4 million if it was not necessary, if it was not an integral part of this jail? You are quite happy for Mr Hargreaves or Mr Corbell to make appropriation decisions for \$4 million on an RFID system that you have not delivered, but you are not putting the money there for the gym, the chapel or the external perimeter fence. It does not make sense what you are saying. I need an answer as to why it is that a couple of years ago \$4 million was very important to be spent on this system and now you are saying, “Well, we didn’t ever need to spend that.”

**Dr Bourke:** That is not what I am saying at all. I am saying we tried this system. It did not work. We have not had to pay the money that was allocated for the system. Therefore, it has been something which has been tried; it did not work; we have moved on.

**MR SMYTH:** So for clarity, the RFID—we have not paid a cent and it has not cost the ACT taxpayer a cent?

**Dr Bourke:** No; you have already heard what—

**MR SMYTH:** I am asking you: how much has the RFID system cost the ACT government?

**Dr Bourke:** The RFID system includes the duress system, which works well, and we have been working with it. So—

**MR SMYTH:** So—

**MR COE:** So what—

**MR HANSON:** This is a Sir Humphrey; this is deliberately evasive.

**THE CHAIR:** One person at a time, please.

**MR COE:** What would be the cost—

**MR HANSON:** Deliberately evasive.

**MR COE:** What would be the cost of purchasing a duress system—

**MR HARGREAVES:** Let's attack in a gang, shall we?

**MR COE:** What would be the cost of purchasing a duress system as a stand-alone procurement?

**Dr Bourke:** I will take that on notice.

**THE CHAIR:** That is taken on notice.

**MR HANSON:** May I have a question?

**THE CHAIR:** Is it a supplementary?

**MR HANSON:** No; it is a new question.

**THE CHAIR:** I have got a question, thank you.

**MR HANSON:** I have not had a question, Madam Chair. I was just wondering—

**THE CHAIR:** You have actually had a question, Mr Hanson.

**MR HANSON:** No; I have had a supplementary on RFID.

**THE CHAIR:** All right; okay.

**MR HANSON:** The capacity issues—what is the current population of the jail in total and what is the breakdown between sentenced and remand, please?

**Dr Bourke:** I think the current capacity is 322. And as of 26 June we have got 275 detainees. The exact breakdown between sentenced and remand—I will get Mrs Mitcherson to answer that.

**Mrs Mitcherson:** The figures for that are—in terms of males, we have 264, with 11 women. Of that, 181 are sentenced and 94 remand.

**MR HANSON:** That is an increase from the days when we sent people to New South Wales, obviously—a significant increase. Have you explored why it is that our prison population, both in remand and sentenced, is increasing or has increased?

**Dr Bourke:** That would be because magistrates and judges are sentencing people to prison terms. That would be a question for the Attorney-General.

**MR HANSON:** Sure, but when the jail was proposed and built, there was a quite firm position from the government that this was not going to lead to an increase in sentencing from magistrates. That was one of the concerns—that if we did open our own jail, all of a sudden magistrates are going to fill the jail up, so to speak, because of their greater willingness to send people to prison in the ACT than to send them to New South Wales.

The government said at the time that that would not happen; the magistrates also said that would not happen. It would appear that that is exactly what has happened and that essentially the consequence of the ACT jail being built is that we have got significantly more people being incarcerated. How does that fit with your human rights agenda?

**Dr Bourke:** Your question seems to be about sentencing, which is most appropriately a question for the Attorney-General.

**MR HANSON:** So as the corrective services minister who is trying to deal with the fact that this jail, which was meant to have capacity for 25 years, is already full, you have not bothered to work out why there are so many remandees and sentenced prisoners coming in? You have not bothered to inquire as to that?

**Dr Bourke:** We have already, as I said previously, commissioned a report around the future correctional facility requirements—a study for which \$0.620 million was allocated in the last budget to examine the short and long-term options—

**MR HANSON:** But you have not bothered to make inquiries of the Attorney-General or have a review or have discussions to explore why the jail, in terms of the numbers of remandees and sentenced prisoners, has increased so dramatically since the jail was opened comparative to when we sent prisoners to New South Wales? You have not bothered to do any thinking around that?

**Dr Bourke:** I think that sentencing, as I said, really is a matter for the Attorney-General.

**MR HANSON:** Okay; you have not.



**MR SMYTH:** No; no thought at all.

**MR HANSON:** All right.

**MR SMYTH:** Given that the prison was meant to be different, given that this was to be the world-leading prison—

**Dr Bourke:** It is different.

**MR SMYTH:** It is? Apparently Mr Stanhope said on 2CC yesterday that during the commissioning and the building of the AMC he never pretended it would be different. He says his vision for the prison was that it would be seen as the world's best practice for being the most humane prison in the world. Yet we were consistently sold the idea that this would be a world-leading prison. It would be different because of things like RFID and the practices that were put in place. The former Chief Minister has just said that it actually is not different from any other prison; it is just the same: "We have just built the same old same old." What will you do to make it a better prison, and what will you do to make sure that the investment that the ACT taxpayers have put into that prison actually reaps some sort of dividend?

**Dr Bourke:** I have already talked in my opening address about how our prison is being visited by people from overseas and interstate—

**MR SMYTH:** Visits do not make it different.

**THE CHAIR:** Just on that—sorry, to interrupt you, Dr Bourke, but the issue of recidivism obviously comes into this sort of issue. Are we—this is something we have asked about a few times—going to actually start seeing that reported on in the annual report from this year?

**Dr Bourke:** Indeed. Once we have had the prison operating for a reasonable period of time, so that you can start to look at some reasonable data on what we have been able to do.

**THE CHAIR:** That is something we have asked for, because it obviously comes into this issue about the numbers of prisoners we have seen in there. Okay. We are, unfortunately, out of time. Thank you, Dr Bourke and officials from the directorate, for appearing before the committee today.

We will now move onto the Commissioner for Sustainability and the Environment. I understand that we have not got the commissioner here; Ms Burrows and Mr Fitzgerald will be speaking on behalf of the commissioner. I draw your attention to the privilege statement, which is on the blue card in front you. Can you indicate that you are aware of the information implications in that statement?

**Ms Burrows:** Yes.

**THE CHAIR:** Thank you. You should be aware that proceedings are being broadcast today. We will ask you questions and then you can answer them to the best of your ability.

**Ms Burrows:** Absolutely.

**THE CHAIR:** Budget paper 4, pages 313 and 317, lists the funding for the commissioner. In 2012-13 it looks as though there is a 25 per cent decrease in funding to the commissioner. I am just wondering, if you are able to, if you can advise how the commission will be able to continue to meet the work that it needs to do, particularly the accountability indicators.

**Ms Burrows:** The funding for 2011-12 included a rollover that we put aside each year—some savings towards the state of the environment report, which happens every four years. The 2011-12 figure includes the savings over the four years for the cost of the state of the environment report, which we undertook recently. The 2012-13 budget is fairly similar to our previous base budget. In 2011-12 our base budget was \$1.23 million. It just does not include the rollover due to the state of the environment report being completed and the new cycle starting again.

**THE CHAIR:** So that is the main thing?

**Ms Burrows:** Yes.

**THE CHAIR:** Are you confident, though, with the funding that the commissioner gets—leaving aside that particular item, that you have got for funding there that allows the commissioner to be able to do the work that they need to do, which is a pretty important role?

**Ms Burrows:** Yes. It is a very important role and we believe we do have the funding to undertake the role that we have at the moment.

**THE CHAIR:** On the state of the environment report, you just mentioned that as being a major piece of work for the commissioner. There were some concerns that were outlined and highlighted in that report. As best you can—obviously we have not got the commissioner here directly—were you surprised or can you say whether the commissioner was surprised by some of the findings in that report that came out of it?

**Ms Burrows:** I think what we are seeing in the state of the environment report is being seen in a similar way in the Australian state of the environment reports. A lot of the issues that are coming across in ours are coming across nationally and in other areas as well. So to some extent it is not that surprising, but obviously there are some areas that we highlighted within the report where we think some work can be done.

**THE CHAIR:** Were any of the findings more concerning than others? I take your point when you said that it is similar to what is seen across the country. That is fairly concerning, but were there any things that were more concerning than others, that stood out as particular issues for you more so than others?

**Ms Burrows:** I think the recommendations highlight the areas that we think are of particular concern or need a particular focus for the future. One of the things that did come across is that we have a relatively good environment in the ACT. We are extremely lucky. One of the overall themes would be this need for vigilance. We

know that there are a lot of pressures coming towards us in terms of population, urban growth and climate change. There is a need to just be vigilant of what we have at the moment and the need to be proactive in order to maintain that with the additional pressures coming forward.

**THE CHAIR:** We had the minister appear yesterday; he said that there were questions about the state of the environment report. He indicated that he felt that the government was establishing the correct policy settings for dealing with environmental pressures and issues that we see in the ACT. Is this something the commissioner would agree with or do you see that there are some areas of policy that need improving and that there might be some deficits there?

**Ms Burrows:** That is a question I would have to take back to the commissioner. It is really something that he would need to comment on.

**THE CHAIR:** Can you take that on notice? I think the minister said that he thinks we have got the correct policy settings. It would be good to hear from the commissioner if he actually agrees with that statement that we have got the correct policy settings. Mr Hargreaves?

**MR HARGREAVES:** No, I am fine, thanks.

**THE CHAIR:** Ms Hunter.

**MS HUNTER:** One of the things that came out of the state of the environment report—and I know you have done some work on it—was overconsumption, or increasing consumption. What specific recommendations do you have to tackle this growing issue in the ACT?

**Ms Burrows:** We had a particular recommendation around waste—that the focus of community education needs to be on that link between consumption and waste. That was a particular one that really focused on consumption itself. Largely, that is where we are seeing a lot of the outcome of overconsumption, obviously in increased emissions and greenhouse gas, but it is really at that end point. The recommendation we had around waste focused on consumption.

**MS HUNTER:** What has been the response? Has there been any government response to that?

**Ms Burrows:** Yes. The government have responded to the state of the environment report—they did that on 5 June—and largely supported, or supported in-principle, all those recommendations.

**MS HUNTER:** On this particular recommendation about community education, the government was positive; it agreed?

**Ms Burrows:** Yes.

**MS HUNTER:** Was there any further detail about how it would then go about that community education?

**Ms Burrows:** I do not have the detail. I do know there was a paragraph in their response to that. I would have to go back and take a look at that.

**MS HUNTER:** Thank you. Another one that the report highlighted was the steady pace of urban development that is occurring in the ACT, and we know that. There is a lot going up in Molonglo and still out at Gungahlin. Do you have a view of the process that currently exists around managing urban development?

**Ms Burrows:** Again, that is something I would have to take back to the commissioner—his view on that particular issue.

**THE CHAIR:** If you could do that, thank you.

**MS HUNTER:** Is the commissioner undertaking any work or has the commissioner come to a view about the best way to manage population growth in the ACT?

**Ms Burrows:** No, there has not been any work done on population growth through the commissioner's office.

**MS HUNTER:** Is that something that is going to be discussed within the commissioner's office that you are aware of? It did come out of state of the environment report.

**Ms Burrows:** We have no particular project focused on population coming up in the next financial year. Obviously, along with most sustainability things, it is an issue that we do keep track of.

**MS HUNTER:** Is there a view within the office about whether we can support growth while also maintaining a sustainable environment?

**Ms Burrows:** No, we have not done the research on that. It is important in our office that we do as much research and background on that before we come to any particular view and we have not.

**MS HUNTER:** So what research are you undertaking at the moment?

**Ms Burrows:** For the next financial year?

**MS HUNTER:** Yes.

**Ms Burrows:** The aim for the next financial year is that we will be doing some work across the region. We are following our state of the environment report. There are regional state environment reports for each council that are due at the end of this financial year. Next year we will be taking a look at both our SOE and the regional SOEs and looking at some of the drivers for environmental issues and sustainability issues across the region. We will be continuing, of course, to undertake complaints. Given that, on average, we have had an investigation each year, we would expect to be ready for an investigation should that arise.

Also, out of our legislative changes we are going to take a look at some of the practical implications of ecologically sustainable development—things such as the intergenerational equity and precautionary principle and what these might mean in practical decision-making terms.

**MS HUNTER:** When you say “sustainable development” what do you mean exactly? Development in—

**Ms Burrows:** The new objectives of our act focus on ecologically sustainable development and decision making. So we want to take a bit of a look at some of that. There are definitions within the legislation in the ACT. There are also wider definitions across the world as to what that means and then, more importantly, what that means on a practical basis. Things like intergenerational equity are quite difficult to implement practically, so we want to do some research and some work around some of these issues.

**MR SMYTH:** Moving to the Queanbeyan sewerage works, has the commission been consulted on any aspects of the operations or the quality control standards for the proposed upgrade for the Queanbeyan sewerage treatment works?

**Ms Burrows:** Not to my knowledge.

**MS SMYTH:** Can you take that on notice?

**Ms Burrows:** Yes. The Queanbeyan sewerage treatment plant would have come up as part of the Lake Burley Griffin investigation but, to my knowledge, we have not been directly—

**MR SMYTH:** If you could check and find out what have been the areas of consultation, what feedback the commissioner has provided and what the government’s response was?

**Ms Burrows:** This is particularly on the treatment plant?

**MR SMYTH:** On all of the treatment plants for Queanbeyan, yes.

**THE CHAIR:** That is taken on notice.

**MR SMYTH:** Then if you can talk about Lake Burley Griffin and your report. There is a wide range of recommendations, some of which would be quite expensive. Which of them can be implemented quickly at no or low cost, with the least bureaucratic process and with good outcomes for the health of the lake?

**Ms Burrows:** In terms of the cost of implementation, that is not something that we examined within the report. We did not identify any that had a particular priority or urgency to them. This is more, I guess, looking at the holistic approach to management of the catchments and water sensitive urban design in order to improve water quality in the lake and other areas. We would suggest that most of these need to be combined together rather than one aspect looked at above and beyond necessarily any other aspects.

**MR SMYTH:** In relation to that particular recommendation that the ACT, New South Wales and surrounding local governments establish a Burley Griffin-Molonglo-Queanbeyan catchment management agreement, what interaction does the commissioner see that such a group would have, for instance, with the Murray-Darling basin and the Murrumbidgee Catchment Management Authority?

**Ms Burrows:** In terms of a holistic approach to catchment management, it would obviously be beneficial. The greater the interaction of these sorts of bodies the better in order to create that sort of holistic approach. We would imagine that such a body would at least communicate or have some kind of interaction with—

**MR SMYTH:** Who should take the lead on that? Is that an NCA issue or is it for the ACT government to drive? How will that work? Obviously, somebody has got to take the initiative. Where should the initiative come from?

**Ms Burrows:** I guess our focus has been on the outcome. I think the answer is wherever we can get initiative is great. I do not think there is a particular group that should be the one that necessarily steps forward. We would like to see everyone take the initiative in these things.

**MR SMYTH:** What sort of time frame would the commissioner like this work to occur over and in what sort of time frame would we see some results that saw an improvement in the health of the lake?

**Ms Burrows:** Obviously, we would like to see them implemented as soon as is possible and practicable. I would have to take on notice responses regarding when the expected results would be.

**THE CHAIR:** That is taken on notice.

**MS SMYTH:** What follow-up work does the commissioner propose in relation to monitoring the progress of the recommendations?

**Ms Burrows:** The progress on all recommendations is reported in our annual report. Each year, following the government response to our investigations and other reports, we monitor and track progress against those recommendations.

**THE CHAIR:** Just as a follow-up on that particular report, one of the things I think Mr Smyth mentioned was the construction of wetlands. I know the commissioner is not here, but what would be your view about the usefulness of constructing urban wetlands in other parts of Canberra? We talked about Burley Griffin, but other parts such as Lake Ginninderra, Lake Tuggeranong and Ginninderra Creek. There have been a number of proposals put forward, including one for the Tuggeranong Homestead, which you are probably aware of. What is your view of the usefulness of these to address the overall water quality in the ACT?

**Ms Burrows:** It is something I would have to take back to the commissioner. Again, the views of the office need to be seen as the views of the commissioner; so I would just have to take that back.

**THE CHAIR:** If you can take that on notice as well. Just related to that, do you have any views on the inner north wetlands—the usefulness of constructing wetlands and other parks throughout the lakes in the ACT? Again, you might not be able to answer this, but the report on the lakes also highlighted the need for greater understanding across government and within the community regarding benefits, costs and opportunities for improving water quality in the ACT's catchments and watercourses. How do you think this issue should be approached? Is it about education? Is it about actually having, I guess, formal mechanisms within government that mean that this happens?

**Ms Burrows:** The issue with water quality, as was, I guess, highlighted in our report, is that there are multiple pressures on it. Pollution and problems with water quality come from multiple areas. It is unlikely that there is going to be one solution to this particular issue. Education is certainly part of it, but there are other aspects which we have highlighted in terms of the recommendations which would involve community activity, or government activity, that needs to be undertaken.

**THE CHAIR:** During the investigation of this process did you develop any sense of how well community groups such as Waterwatch are being supported to undertake their activities, whether it be monitoring or cleaning up lakes and catchments? Do you think there is enough support there for those groups to do that?

**Ms Burrows:** Both through this investigation and also through the state of the environment report it really did highlight the importance of these community groups. Groups like Waterwatch and the ornithological group, as well as other park care, land care groups, have a significant role to play and should be supported where possible. We did not look in particular at the cost of supporting them or do any work on that within the investigations.

**THE CHAIR:** So it was more about just saying that they are important?

**Ms Burrows:** Absolutely.

**MR COE:** In May there was an amendment to the Commissioner for Sustainability and Environment Act which added the investigatory functions for the commissioner to include ecologically sustainable development. What does that include, because it does seem quite broad?

**Ms Burrows:** Yes and to some extent that is why we want to undertake some research on that, to really define exactly where we will be heading in that case. In terms of what we have been doing already, a lot of the complaints and investigations that we look at are not purely, I guess, biological or natural. They do involve the whole gamut of sustainability in terms of urban and people and social issues. So we have been undertaking a lot of that work anyway as part of our investigations.

**MR COE:** Will it include prospective developments like Throsby?

**Ms Burrows:** Investigations and complaints are directed by either the community in terms of complaints, or the minister, or coming from a complaint in terms of

investigations, so it would be driven by those aspects.

**MS HUNTER:** Just to get a handle on that, it is not necessarily developments, housing developments? It is broader than that, this sustainable development?

**Ms Burrows:** Yes, absolutely.

**MR COE:** So how do you determine what is within that scope, because it is a bit of a catch-all when you come down to it? If somebody complains about something which really is quite out there but some people would determine it as being within a sustainable development type guise, how do you interpret it?

**Ms Burrows:** Each complaint is looked at as a particular case and on its own merits. The focus in particular for our office, given that we are the Commissioner for Environment and Sustainability, is that environmental side of it. Ecologically sustainable development is the focus of our act, not just sustainable development. So it really is looking at nature and our interactions, be it through individual interactions or policies or development with the environment, and that focus on the environment is particularly important and is the key to our role.

**MR COE:** I see in section 14(1)(b)(i) it mentions a complaint that is “frivolous or vexatious or was not made in good faith”. How do you apply that?

**Ms Burrows:** We have not had to, to date.

**MR COE:** So what is a complaint? How substantial does a complaint need to be before it gets investigation? If somebody in effect sends you a one-line email, is that enough?

**Ms Burrows:** A complaint can come in a range of forms: it can be a phone call, it can be a letter or it can be an email. What we will then do is go back to whoever made the complaint and really talk them through what we do, what the process is and what it is that they are after. Sometimes we get inquiries, rather than complaints, so we will direct them to where is appropriate. In terms of what it can cover, in the past we have looked at a single tree that has either been cut down or not been cut down, depending on what the complainant’s issue is. We have looked at ecological burns. We have looked at housing developments and their implications for environmental issues. So it really runs the whole gamut and there is not a one size fits all approach to responding to them.

**MS HUNTER:** I just want to pick up on that because you were saying that ecologically sustainable development is about that interaction between people and nature. At the last sitting of the Assembly the government tabled their response to your Canberra nature park investigation. Have you had an opportunity to review that response and to form an opinion about that response?

**Ms Burrows:** It is not something I personally have done, but again I can take any questions back.

**MS HUNTER:** A high priority action identified by the investigation was to develop



operational plans for all reserves. Are you aware of any progress that has been made in developing those plans?

**Ms Burrows:** I am not. This is not something that I have been tracking personally but, again, I am happy to take that on notice.

**MS HUNTER:** Have you had anything to do with the implementation of a nature reserve restoration program? It was another high priority recommendation. Have you heard whether this is going? The government's response appears to make no mention of any particular actions so I suppose I am asking really whether the commissioner was satisfied with that response.

**Ms Burrows:** The response only came in at the beginning of the month. We track progress against the responses that are agreed or agreed in principle. So effectively we needed to have that response in order to decide what then was tracked. So that will be ongoing within our annual reports, but to date we have only had that for a few weeks so we have not really been in a position to track progress against what was agreed or not agreed on.

**MS HUNTER:** Are there any delegations in place when the commissioner is away? Are there other delegations?

**Ms Burrows:** Yes, there are. Delegations are in place to continue the current operations of the office while the commissioner is away.

**MS HUNTER:** And does that include an acting commissioner delegation?

**Ms Burrows:** No.

**MR COE:** With the statutory role of the commissioner, what does that mean when the commissioner is away in terms of any immediate issues which need clearing?

**Ms Burrows:** The office continues to work on a day-to-day basis quite—

**MR COE:** I understand the day-to-day basis, but if there is something quite urgent?

**Ms Burrows:** In terms of the legislation and how that works, that is really a question that you would have to ask the department in terms of the statutory role, or the minister. That is something that they have control over.

**MR COE:** Sure.

**MR SMYTH:** Has the commission received any complaints about plastic shopping bags?

**Ms Burrows:** No.

**MR SMYTH:** None at all?

**Ms Burrows:** No.

**MR SMYTH:** In the state of the environment report the picture painted by the commission was of things like green space decreasing, waste generation up by 28 per cent, greenhouse gas emissions increasing by eight per cent, Canberrans using 14 times the land than the rest of the country and the ecological footprint 13 per cent above the Australian average. Over what time frame is it reasonable to reduce those sorts of impacts?

**Ms Burrows:** I think this is the question that everyone is struggling with, to be honest. These are all difficult problems that not just Canberrans but Australia and the world are struggling with. It would be great if we could have some easy answers, but I do not think there is an easy time frame to put that to.

**MR SMYTH:** The commissioner in the report has raised these problems and we have seen a significant retreat from some of the achievements that we were making. Over what time frame is it reasonable to expect that things get better?

**Ms Burrows:** That is a difficult question in terms of overall. There are a whole load of different issues that are being faced that are highlighted by the SOE and each one is dealt with at a different almost geographic as well as temporal and spatial frame. So there is not really one answer to that. I am sorry. It is a very complex interaction between ecological systems, social systems and economic systems.

**MR SMYTH:** Would it not have been reasonable, though, since the last report, for the state of the ACT's environment to have improved rather than deteriorated to the degree that the commissioner has pointed out?

**Ms Burrows:** Again, the issues that we are facing in this SOE are not always identical to the ones that we faced previously. So it is not always simple to compare one to the other. There are some issues that have been ongoing; we have highlighted that these really do need to be addressed and continue to be addressed.

**MR SMYTH:** But things like measuring greenhouse gas emissions and waste generation are certainly things that the commissioner has reported on for a number of reports. Would it not have been reasonable to expect some progress there instead of a deterioration?

**Ms Burrows:** That is really a question I would have to take to the commissioner. Again if you want—

**MR SMYTH:** I am quite happy for you to take that to the commissioner.

**THE CHAIR:** One of the things in the state of the environment report was around transport priorities. The comment in the report was:

If the ACT is to create a genuinely sustainable transport system, investment in, and construction of infrastructure for more sustainable travel options must be seriously reconsidered.

Again we have not got the commissioner here today, but are you able to elaborate on

those particular comments that were made about having those priorities?

**Ms Burrows:** With transport it would be nice to say that there is a simple solution. Again, everything in the SOE is complicated. In terms of transport, we do not really advocate a particular solution. As with everything, you need multiple solutions to multiple problems and I guess we are really just saying that there needs to be consideration from a holistic point of view, so looking in terms of new developments and how transport is included in both new and old developments, what form of transport is appropriate, maybe even within different areas of the ACT, and what is most appropriate in terms of getting people into more sustainable transport.

**THE CHAIR:** So when you are constructing a new suburb do you actually build in the public transport options from the start for people so that you are actually dealing with cultural issues?

**Ms Burrows:** These things certainly need to be considered as early as possible. The SOE highlights that people who live closer to the city tend to walk and cycle. So, for example, a bus may not be their solution to sustainable transport, and it may not be everyone's solution, and that is perfectly fine. These sorts of things should be considered and incorporated where possible.

**THE CHAIR:** Are there any further questions?

**MS HUNTER:** I am thinking that maybe others need to be taken or we will put them on notice. When will the commissioner be back? I am just wondering about the timing with our processes.

**Ms Burrows:** Yes. The commissioner is back in the second week of August. However, we can contact him.

**THE CHAIR:** I have got a couple of other questions too, but they probably need to be directed to the commissioner. Thank you on behalf of the committee for coming. We appreciate it. I know that was not easy, but thank you for coming.

**Meeting adjourned from 10.32 to 11.03 am.**

**THE CHAIR:** Thank you, Dr Bourke, for now appearing in your capacity as Minister for Industrial Relations. Proceedings will now continue with an examination of the expenditure proposals and revenue estimates for the Chief Minister and Cabinet Directorate's output class 1, government strategies, specifically output 1.3, industrial relations policy, followed by the ACT Long Service Leave Authority.

I draw your attention to the privilege statement on the blue card in front of you. Could you please all indicate that you have read that and are aware of the information and implications in that? Thank you. So that everyone is aware, proceedings are being broadcast.

We have got IR policy and long service leave. We will see how we go but we will probably leave at least 20 minutes for the Long Service Leave Authority.

Minister, would you like to make an opening statement?

**Dr Bourke:** With pleasure. I want to highlight just some of the significant achievements in the Industrial Relations portfolio during the past financial year, as well as foreshadow some priority projects for the coming year. The committee will know that this government is committed to ensuring safety and fairness for all workers, ensuring that the private sector workers compensation scheme operates efficiently and effectively now and into the future.

In work safety we have introduced the Work Health and Safety Act and its associated regulation. This has been the culmination of a number of years of work towards harmonising occupational health and safety law across Australia. Whilst not all jurisdictions have adopted these laws yet, we, Queensland, the Northern Territory, New South Wales and the commonwealth have, meaning that for the vast majority of industry we are harmonised—a benefit for everyone.

We have also established the Asbestos Regulators Forum, a significant step forward in managing asbestos incidents in the territory. We have allocated funding for a dedicated asbestos coordinator position within the Office of Industrial Relations. We have passed legislation to introduce a portable long service leave scheme for the security industry—another example of the government's determination to bring fairness to workers.

I remind the committee of the achievements reached in relation to the ACT private sector workers compensation scheme. We have continued participation in national projects led by Safe Work Australia. These should maximise coordination and harmonisation of workers compensation schemes across the country, improving compensation outcomes for injured workers and streamlining requirements for business.

We have assisted in the development of nationally harmonised guidance material on workers compensation insurance obligations in relation to cross-border workers. We have introduced amendments to the workers compensation regulation 2002 which provides WorkSafe ACT with an audit mechanism to assess the performance of an insurer over the period of its licence. It will also ensure the insurer is accountable for the commitments made during the licence application process.

We have engaged with the Work Safety Council on the opportunities for improvement to the design and function of the scheme to ensure an equitable and sustainable balance between compensation for injured workers and affordability for ACT businesses. Ensuring safety and fairness for all workers is a continuing process. The budget papers reflect a number of projects and ongoing work to be undertaken over the next 12 months. Similarly, the budget papers signal work that will improve the performance of the private sector workers compensation scheme.

Over the next 12 months we will finalise with other jurisdictions the completion of the final stage of codes of practice for the harmonised work health and safety legislation and rewrite the territory's dangerous substances legislation, taking into account the model regulations on asbestos, hazardous chemicals and major hazard facilities, as well as the unique requirements of the territory, with an emphasis on retaining our

high safety standards.

We will also address recommendations that may stem from the national review of asbestos management, undertake a review of public holiday legislation in the territory, participate in the ongoing work of Safe Work Australia as part of their strategic plan, participate in the national review to address workplace bullying, participate in the ongoing review of the Fair Work Act and continue our work with stakeholders to develop a robust, transparent and accessible framework against which WorkSafe ACT can conduct compliance audits of the insurers who underwrite the ACT private sector workers compensation scheme.

We will address recommendations that may stem from Safe Work Australia's review of the treatment of dust diseases across the various workers compensation schemes in Australia.

In industrial relations we will continue to work with stakeholders to ensure that any proposals for improvements to the private sector workers compensation scheme deliver an affordable system for employers, fair treatment of injured workers, improved performance of scheme providers and an effective governance and management regime for the scheme. This is a full agenda, reflecting the government's vigilance in industrial relations.

**THE CHAIR:** Thank you, minister. My first question is a general question around workplace bullying. As you know, the federal government is conducting an inquiry into this. I understand—and obviously I stand to be corrected on this—that Canberra is the only capital city where there will not be a public hearing held. I am just wondering, if this is correct, if there have been any representations made to the federal government to make sure that we have a public hearing here in the ACT.

**Dr Bourke:** As you know, we have been at the forefront of addressing bullying and seek to react quickly when claims occur.

**MR SMYTH:** A 10-year war in obstetrics was reacting quickly?

**THE CHAIR:** Sorry, Mr Smyth. I appreciate what you are saying, but my question was in relation to the federal inquiry—if there have been any representations, to make sure we have a hearing.

**Dr Bourke:** I have asked the directorate to oversee a whole of government submission to this important review. I have had discussions with the Work Safety Council, who we are continuing to consult with.

**THE CHAIR:** Have you made any representations to make sure there will be a hearing in Canberra?

**Mr Kefford:** It was our understanding that there would be. I am happy to check that while we are at the table.

**THE CHAIR:** Okay. If you could check that, yes.

**Mr Kefford:** So the direct answer to your question at the moment is no, but on the understanding that, given that the inquiry is being run by the House of Representatives committee, there would be hearings in Canberra.

**THE CHAIR:** It would be good to confirm that—

**Mr Kefford:** I will ask while we were at the table if we can confirm that schedule for you.

**THE CHAIR:** We had heard otherwise, so it would be good if that is not the case. Minister, you said that your department is coordinating a submission to this. I appreciate that it is a House of Representatives inquiry, but will you be doing anything to make sure people are aware of this inquiry in the ACT so that individuals can make submissions?

**Dr Bourke:** Mr Kefford can answer with the details.

**Mr Kefford:** I have just been advised that we have a tentative sitting date in Canberra in August. That would seem to address your initial question.

**THE CHAIR:** Great.

**Mr Kefford:** In terms of the submission, as the minister has outlined, the government will be providing a submission to the committee's inquiry. That is a submission that we are coordinating from within the Office of Industrial Relations and preparing in consultation with the Work Safety Council, which considered the submission when it last met a few weeks ago.

In terms of the advertising of the capacity for others to make submissions, while that is ultimately a matter for the commonwealth parliament and not for us, this is a matter that we have discussed, as I say, at the Work Safety Council. We have also discussed it in general terms at the joint council, and so within the various representative groups. Certainly the people with whom we are speaking and the usual people who would be interested in such a submission are aware of the opportunities for submissions to be made. In relation to individuals outside the circles about whom I have spoken, that is really a matter for the commonwealth parliament, to promote its own inquiry.

**THE CHAIR:** Minister, you mentioned you were consulting the Work Safety Council on this submission. Obviously the Greens' legislation that passed earlier this year made it a priority for the Work Safety Council to investigate and report to the minister. So, apart from talking to them about this particular submission, I am wondering what work has been done with the council since the legislation passed and if they have made any reports to you?

**Mr Kefford:** The council has had one meeting in the time since the Assembly passed the legislation to which you refer. The council agreed at that meeting to establish a formal subcommittee to consider those issues in more detail, so we had what I would describe as a productive and general conversation about the issues raised in the legislation passed by the Assembly but also the general issue of bullying in workplaces. That committee is in the throes of being formally established. One of the

members on that committee is Ms Vikki Knott from the University of Canberra, and, while the formalities of that process are continuing, she is already beginning to circulate some academic material to inform the deliberations of that subcommittee. We will be seeking to draw those members who expressed an interest in participating in that subcommittee into the process of the government's submission to the commonwealth inquiry.

**THE CHAIR:** And when are they due to report to the minister next?

**Mr Kefford:** A reporting date has not been set. We would see this, I suspect, as a committee that has a continuing life. Ms Barbaro may remind me of the particular date of the next meeting of the Work Safety Council, but it would be in a couple of months time. The expectation would be that the subcommittee will meet and provide at least an indicative program of areas of interest and work and so on to the council and then, through the council, to the minister for endorsement. The date of that next meeting is 23 August.

**MR HARGREAVES:** Minister, I recall when I was minister for IR that I was there at the start of the introduction of the rollout of the portability of long service leave. Exactly where are we at in that rollout?

**Dr Bourke:** This year we have brought in legislation to bring the security industry into the portable long service leave schemes. This has gone very well. The levy has just been set and I will get Mr Kefford to speak a little bit more about that.

**Mr Kefford:** Mr Hargreaves, you would be aware that there are a number of schemes that run in parallel now across building, construction, cleaning, and now the security industry has been described as well as in community services. It might be opportune for me—it is a strange way for me to do it—to introduce Mr Barnes, who is the newly appointed chief executive of the authority. The schemes continue to serve an important purpose in ensuring that workers who are employed in industries where there may be higher mobility between firms but continuity within a sector have access to the long service leave entitlements that are available to workers who perhaps are in areas where they are more likely to remain with a single employer.

**Dr Bourke:** For instance, particularly in the security industry, where security contracts change from time to time, the security person who is at the front desk may be there for many years but as a result of contract changes may have multiple employers. Previously that would have disadvantaged them, even though they had been turning up to work, day after day, for many years and would have in any other circumstances been entitled to long service leave. This legislation, this new scheme, has made them eligible also for long service leave, just like everybody else who works in the building.

**MR HARGREAVES:** Thank you. Mr Barnes, did you want to add something to that?

**Mr Barnes:** No. I think it has been covered quite adequately, thank you.

**MR HARGREAVES:** I will ask you a question or two then.

**THE CHAIR:** Is this on the portable long service leave?

**MR HARGREAVES:** Absolutely.

**THE CHAIR:** We might just deal with IR policy and then come back to—

**MR HARGREAVES:** It is actually a policy question around the—

**THE CHAIR:** Okay, sorry.

**MR HARGREAVES:** It is not about the mechanics of the scheme. It is about the reasons why you would have it in the first place: is the provision of long service leave a matter of reward for loyalty to a company, or is it an occupational health and safety measure aimed at giving the same treatment to all people in the workforce?

**Dr Bourke:** Long service leave is, as you say, about occupational health and safety, giving people the opportunity to rest and rejuvenate after a long period of work. Its industry basis has had a long development in Australia and is something that we should be very proud of. It is something that our government has been strongly supportive of.

**MR HARGREAVES:** So what we are saying is that people who have a long service leave provision have that occupational health and safety aspect to their working conditions, but the people who are in part-time and casual employment do not have that access to long service leave as an OH&S issue, and that is what the scheme is all about? That is the policy driver behind it, yes?

**Dr Bourke:** No. The policy driver behind the scheme is to deal with people who have different employers. If you are part time you would still have an entitlement to long service leave. I will get Mr Kefford to talk a bit more on that.

**Mr Kefford:** I think that the answer the minister gave is the example I would come back to. The experience in the security industry, which is the most recent one, is, as the minister described, that an individual may well work in the same industry and, indeed, in the same building for a period of time, but because of the particular nature of that business may not reach the qualifying period with a particular employer. The intention is, through the scheme, to provide what might be described as a generic entitlement to access that leave which exists for the reasons the minister has outlined.

It is a recognition, perhaps, of a quirk in particular industries. In the public service, for example, while we might work in a number of jobs within the ACT public service, that counts as service with the same employer. In the most recent example, the security guard that sits at the front of our building or in other industries the tradesman that might be employed by a number of construction firms across a period of time may not necessarily crack the threshold with a particular employer.

**MR HARGREAVES:** The policy shift has been from an enterprise perspective into an industry perspective.

**Mr Kefford:** I think the scheme—



**Dr Bourke:** More from an employer's perspective to an industry perspective.

**Mr Kefford:** Yes. The scheme exists so that a person who works in the same industry but who might happen to work in it for a number of firms for the period has the same entitlement and access to long service leave that a person who has stayed with a single employer might.

**MR HARGREAVES:** What has been the attitude of the business sector, union sector and political sector to these changes?

**Dr Bourke:** Let us just focus on that business sector involvement to start with. As the employer, those people who have employed people realise that you do need to make provision for long service leave for your employees as time goes by. This scheme actually offers a benefit to employers by making those savings easy to administer in a secure way so that that money is there—

**MRS DUNNE:** Madam Chair, could I follow up?

**THE CHAIR:** Sorry?

**MR HARGREAVES:** Keep going.

**Dr Bourke:** when the employee is eligible for long service leave. So instead of having to call upon your current cash reserves or whatever money you have got lying around or resources you have got lying around as an employer you have already built that up over a period of time. Plus, the actuarial calculation of the amount that you need to put aside, the levy, may actually be less than what you would have thought you had to put aside working off your own resources. So you actually have some quite specialised advice around that levy. That it is actually a great benefit to employers.

**THE CHAIR:** Mrs Dunne, you had a follow-up question?

**MRS DUNNE:** On the subject of employers making provision, is it not the case that in the security industry there are now employers that are making provision in three separate areas: those who are employed in the construction scheme who are covered by the construction scheme, those who are covered by the new security scheme when it comes into operation, which is 1 July next year—1 March or 1 July?—and those—

**Dr Bourke:** The security scheme?

**MRS DUNNE:** The security scheme.

**Dr Bourke:** 1 January.

**MRS DUNNE:** Okay, and those people who are covered by neither the building and construction scheme or the security scheme so that they are still making separate provision for clerical people who are not covered by the security scheme.

**Dr Bourke:** What is your question, sorry?

**MRS DUNNE:** Is it not the case that there are people who are making three separate lots of provisions?

**Dr Bourke:** In the same way they would be making separate lots of superannuation provisions to different superannuation funds.

**MRS DUNNE:** But there are people who are effectively operating with three super schemes at the moment—three long service leave schemes at the moment. There are people employed in the security industry who are not covered by the security industry scheme. Is that the case? They were previously making long service leave provision for their employees. Now for some of those who are covered by the security scheme, they are making those provisions through the Long Service Leave Authority, and for the clerical staff that they have, who are not covered by the security industry scheme, they are making separate provision in a separate account. Is that—

**Dr Bourke:** That would be good business practice for them, would it not?

**MRS DUNNE:** That is what they are doing, is it not? You seem to be maintaining that businesses hitherto did not make provision for long service leave in the security industry.

**Dr Bourke:** I am not saying that at all. What I am saying—

**MRS DUNNE:** You seem to be implying that—they just had money lying around and when someone came to take long service leave, then they took some excess money that they had lying around, that there was not a long service leave provision account and that they were not meeting their legal requirements.

**Dr Bourke:** That is not what I said at all.

**MRS DUNNE:** It was the implication of what you said.

**Dr Bourke:** No, business practices in small and medium business are many and varied. People manage their business in a way that is under their own control. That is the purpose of being in business, that you can manage that.

**MRS DUNNE:** So are you implying, minister—

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

**Dr Bourke:** Whether they actually make a provision over the years or they worry about it when they get there is entirely up to them in regard to the schemes that are not portable schemes.

**MRS DUNNE:** So can I—

**Dr Bourke:** But I will get Mr Kefford to give you some more information.

**MRS DUNNE:** Can I actually ask you to clarify this? Are you asserting that there are

people in business in the ACT who before this in respect of the security industry were not making provision for their employees for long service leave?

**Dr Bourke:** Since I do not have information about their individual business practices, I cannot say how they were managing their businesses, because that is entirely up to them. I was just speaking from a broad small business experience—

**MRS DUNNE:** When you were in business, did you make provision for long service leave or did you use your excess money that happened to be lying around when somebody needed to take long service leave?

**Dr Bourke:** Mrs Dunne, I am here as Minister for Industrial Relations. I am not here to answer questions about my personal life and business.

**MRS DUNNE:** You are making assertions about how the security industry ran their businesses hitherto, which were at least somewhat defamatory—that they were not making provisions and not complying with the law.

**Dr Bourke:** There is nothing defamatory about it. It is a business practice; it is their choice as to how they run things.

**MRS DUNNE:** They do not have a choice. They have to make these—they had to make these—

**THE CHAIR:** Okay.

**MRS DUNNE:** provisions, and they had previously to make provisions.

**THE CHAIR:** Mr Kefford, did you have anything—

**Dr Bourke:** No, they did not have to make a provision. It is a business practice to decide whether you make a provision or you deal with it when it turns up. That is your business decision. I am just saying that there is a benefit to them to have this new scheme so that they did not have to worry about that.

**THE CHAIR:** Mr Kefford, did you have anything to add?

**Mr Kefford:** No.

**MS HUNTER:** Can I ask a supplementary first? Are you looking at other industries to extend the portable long service leave to?

**Mr Kefford:** I think, Ms Hunter, you would be aware that there have been discussions around a number of industries, retail being one, where this sort of scheme might be applied. But the answer to your question is that we are not actively working on those at this point. We have been focused on the security industry legislation, which the Assembly has recently passed. At this point where we might go in the future is not something that we have made decisions about.

**MS HUNTER:** I want to go on to sham contracting. Do you have the latest data on

how much sham contracting is occurring in the ACT? Can you tell us where it is mainly occurring? Is it particular workplaces?

**Dr Bourke:** As I have been advised, it is more common in the construction industry. I think it is about the order of five to 10 per cent, but I will get Ms Barbaro to provide some further information.

**Ms Barbaro:** As far as I am aware, there is no data on the prevalence of sham contracting. I am aware that the CFMEU released data earlier in the year that supported the level of reduction of sham contracting. I know that the concern of Jim Robinson and particularly union concern is that the industry where it would be most prevalent for Canberra is the construction industry. I know that there has been a bit of focus—it is a national issue; so there has been focus through Fair Work on particular industries, construction being one and I think abattoirs being another.

**MS HUNTER:** Can you give a bit more detail about processes that you use that might uncover sham contracting?

**Dr Bourke:** There is currently a review of the commonwealth Fair Work Act. Part of our submission to that was to change the onus of proof around sham contracting from recklessness to a test of negligence. That was what we are trying to do with the commonwealth through our submission.

**MS HUNTER:** If the commonwealth does not agree to the changes to the federal legislation to allow easier prosecution of sham contractors, what will you do at the local level?

**Ms Barbaro:** The ACT has limited regulatory power in relation to compliance for sham contracting. But there are some mechanisms through the Revenue Office, through payroll tax compliance, through the Long Service Leave Authority. I think the Office of Regulatory Services also plays a role. But the government earlier in the year introduced an IR audit tool in procurement. That is another measure that has come into place recently. It is designed in part to eliminate sham contracting in construction work. Tenderers are required to pre-qualify or have a pre-audit that they are complying with the Fair Work Act. During projects they get randomly audited. That has gone a way to reducing instances of sham contracting.

**MS HUNTER:** So that IR audit tool would be used in procurement such as around the Majura parkway?

**Ms Barbaro:** Yes, it will be.

**MS HUNTER:** Okay. The federal government has a construction compliance certificate that means everyone contracting with it must meet certain standards on all work sites. Why does not the ACT adopt the same standard?

**Ms Barbaro:** There are various standards and audit tools that are put in place through Shared Services Procurement. In relation to IR, there are three: IR, safety and financial suitability.

**Mr Kefford:** But I think, Ms Hunter, while we are familiar with these matters in general terms, that next level of detail is really a matter for Shared Services Procurement and not us.

**THE CHAIR:** Would you provide input and advice on it, though, on what sort of things you think can be implemented?

**Mr Kefford:** Certainly, and we are in the process of—a subcommittee has been established under the work safety council to look at safety in the procurement context. We are working closely with our colleagues in Shared Services as part of that process, as we are with the members of the committee. I suppose I was just speaking in terms of the particular application of those tools and the approaches taken. Those questions might be better directed to Shared Services.

**THE CHAIR:** No, I guess I was just trying to get a sense of whether you provide that, because your direct policy is not actually providing that advice.

**Mr Kefford:** Absolutely, yes. Certainly, we work closely with the Work Safety Commissioner. As I say, in a particular example of the work around compliance, qualification and pre-qualification of tenderers for government contracts, we are working very closely with our colleagues across the government to ensure that the approach we take not only to the pre-tender and pre-qualification processes but also to the inspection audit checking processes that happen after a contract had been let are appropriate and providing appropriate assurance on a range of compliance across the regulatory frame including, as we are talking about here, in terms of sham contracting and work safety.

**THE CHAIR:** Thank you. Mr Smyth.

**MR SMYTH:** In your introduction, minister, I did not hear you mention in the list of legislation the workers compensation amendment bill 2010. What is happening with that bill?

**Dr Bourke:** Mr Kefford.

**Mr Kefford:** Thank you, minister.

**MR SMYTH:** Are you not aware of what is happening with your own bill?

**Dr Bourke:** I will ask Mr Kefford to speak, thank you.

**MR SMYTH:** I have asked you: are you not aware of what is happening with your bill that you have carriage for in the Assembly?

**Dr Bourke:** I have asked Mr Kefford to speak.

**MR SMYTH:** You do not know? You have got no idea, have you? How embarrassing.

**THE CHAIR:** Mr Kefford, we will hear from you now.

**Mr Kefford:** Mr Smyth, the bill you refer to, as you would be aware, is part of a program of improvements that go to the way in which the private sector workers compensation scheme operates in the territory. There was a series of legislative amendments proposed in that legislation. There has been consultation with the stakeholders in the industry, including the Law Society, around what that legislation might say.

At this point, the focus of the work has been rather on progressing that bill which went, in particular, to matters around access to common law and so on. The work has been progressed first in relation to the regulation of insurers and the way in which the insurers participate in the market. The intention is, once that work is completed in terms of insurer regulation, to return to the legislation that we have described.

**MRS DUNNE:** Can you elaborate a little more on the work that has been done to regulate insurers?

**Mr Kefford:** Sure. I might ask Ms O'Neill to come to the table to deal with the detail of that question, Mrs Dunne, if that is all right.

**Ms O'Neill:** Mrs Dunne, we passed some amendments most recently to the workers compensation regulation to provide WorkSafe ACT with a compliance audit tool mechanism to allow the regulator to have broader regard to the functioning and conduct of the insurers over the discharge of their regulatory responsibilities under the act. That work is continuing in consultation with the Work Safety Council.

**MRS DUNNE:** You said what you are proposing to do, but could you drill down a little more into what you are hoping to achieve from this regulation.

**Ms O'Neill:** Certainly, Mrs Dunne. The intention behind the work is to create a level of increased transparency for the community around the role that the approved insurers play within our scheme and how they are held accountable for both the discharge of their statutory requirements and responsibilities and also the manner of performance, the standard of performance, to which they discharge that role.

**MRS DUNNE:** Will there be a range of reporting? And how often will that occur and what would the average punter expect to see in that report?

**Ms O'Neill:** Reporting is certainly an element of the work that we are considering. At present we are working both with the approved insurers and through the Work Safety Council to achieve a common understanding of what performance ought to look like in the scheme, in terms of the role of the approved insurers, before turning our minds to then how we would monitor, capture, collect and report on that performance. Certainly, reporting will include an element of transparent reporting to the community via WorkSafe ACT's reporting of its overall regulatory function.

**MRS DUNNE:** Finally, what is the time frame for the consideration, and when will we start to see an output from this work?

**Ms O'Neill:** The first output came with the amendment to the regulations, Mrs Dunne.

I would expect, and we are anticipating within the current year, that we will have some performance standards finalised and put in place, again through the regulatory framework. We are working still with WorkSafe to develop some robust proposals for administering the Work Safety Council around the time lines on reporting, how frequent that may be and what they may look like. But we would expect further progress within the calendar year.

**Mr Kefford:** If I might just add to that, Mrs Dunne, we would see this reporting that you are describing sitting alongside the information we already release in terms of the performance of the scheme. We have released the actuarial analysis for the operation of the scheme now for a number of years, as well as material around indicative premium rates. We are certainly trying to provide information to all of the participants in the private sector scheme on how the scheme is operating, and we would see this material in terms of the insurer performance as adding to what is already available.

**MR SMYTH:** When are we likely to see an updated version of the draft bill that was presented in 2010?

**Mr Kefford:** I think that would be a matter for the incoming government, Mr Smyth.

**MR SMYTH:** So it is not the government's intention to deliver a bill that they said was so urgent back in 2010?

**Dr Bourke:** Not within the time frame that is available to us before the election, Mr Smyth.

**MR SMYTH:** What has caused this delay where, almost two years after a draft was made public, you have not had the wherewithal to bring forward a revised bill?

**Dr Bourke:** Obviously there has been a period of work and consultation about it.

**MR SMYTH:** How many submissions have been received on the draft bill that was put out?

**Ms O'Neill:** Mr Smyth, I can get back to you on the exact number. There were quite a few received, and they are still available through the CMCD webpage. All of the formal submissions that we received, which I believe were around the mark of 13, are still available through that webpage.

**MR SMYTH:** What was the flavour of the submissions? Was it generally supportive? Was it against the proposed reforms? What were the areas of contention?

**Ms O'Neill:** From memory, Mr Smyth, it could not be said that the submissions were either wholly unsupportive or wholly supportive. There were a range of different positions expressed. Submissions were received from members of different segments of the community. Some areas of concern for some were not areas of concern for others. There were some hesitations and concerns, for instance, around proposals to change access to common law that were raised through some of the submissions we received from legal service providers and also from the unions. Those proposals in turn were supported through employer submissions that we received. For each issue

there were countervailing responses.

**Mr Kefford:** And there has been a process, through the Work Safety Council, of us picking up the issues that were raised in those submissions and taking papers to the Work Safety Council to engage with the business and union representatives on that body. That has been a quite productive and helpful process. So I think we are at the point where we are in a position of providing suggestions to an incoming government around further reform in this space, drawing on that work.

It has been a regular item on the Work Safety Council's agenda in the intervening period and I think it is fair to say that those conversations and consultations there have been productive. They have allowed us to go through those issues. Ultimately there are balances to be struck in this context between the efficiency and cost of the scheme and protecting the rights and entitlements of people who are injured at work.

**MR SMYTH:** What is the unit's assessment of the current effectiveness of the act in regard to rehabilitation of injured workers and getting them back to work, and has there been any trend work done on the likely outcomes for the cost of premiums into the future?

**Mr Kefford:** I might come to the end, and then come back to Ms O'Neill in terms of the other performance. The data we have released in terms of the actuarial review has shown that the premiums have reduced over time in the private sector scheme. From 2003-04 to 2012-13, the average premium rate has fallen from 3.65 per cent of wages to 2.37. There is ongoing actuarial reporting around the scheme performance at the aggregate level, but part of what we are doing and continue to do, in terms of both the private sector scheme and also our engagement with Comcare in the public sector, is to keep focusing on improving return to work outcomes for people who are injured at work. I think it is going to be an ongoing process of consideration.

**MR SMYTH:** All right. You answered what has occurred. I asked what work have you done on projections for the cost of premiums. What is likely to happen in the future?

**Ms O'Neill:** What work have we done on projections for premiums?

**MR SMYTH:** On projections, given the cost of the premiums. Mr Kefford said that this is what has happened in the last eight years. What is happening in the next four years? What is the trend?

**Dr Bourke:** A reduction of over 25 per cent.

**MR SMYTH:** That is very good, minister, but what is happening in the next four years? The minister is across his brief; what is the prediction for the next four years?

**Dr Bourke:** I am passing—

**THE CHAIR:** We will let Ms O'Neill answer, thank you.

**Ms O'Neill:** Part of the outcome that we are hoping to achieve through the overall



body of work is an impact on premiums. The work that was advanced or proposed through the 2010 amendment bill, and also the revisiting of how insurers are regulated and how their role in the market continues, is part of the overall package that is intended, in combination, to work together to put some downward pressure on premiums.

**Mr Kefford:** But to answer your question specifically, Mr Smyth, we have released indicative premiums on the website—for this premium year?

**Ms O'Neill:** That is right, for the 2012-13 year—as we did last year, Mr Smyth; you will recall that our actuaries released some reasonable estimated premium rates which go to informing employers, from an actuarial perspective, where they may expect to see their premiums start from, on top of which the individual employer experience is then taken into account to arrive at specific premium rates.

**MR SMYTH:** But longer than just the year that we are facing—is there any work done on from now till 2015-16, 2016-17?

**Ms O'Neill:** We have outlined some of the work that is on foot now, which I would expect to continue over that period.

**MRS DUNNE:** But there are no outyear-type projections?

**Mr Kefford:** We might take that on notice, Ms Dunne. I cannot recall what is published in the actuarial analysis and whether there are indications of the future path of premiums. The only published numbers that we have put out in terms of a projection are those reasonably indicative numbers.

**THE CHAIR:** So that is taken on notice.

**MRS DUNNE:** Could I move to the government scheme. One of the ministers who was before us earlier in the time frame spoke about workers compensation and the fact that the ACT is a price taker when it comes to Comcare. What work is being done to ameliorate the cost of workers compensation inside the government?

**Mr Kefford:** There is a very significant program underway through the workers compensation improvement plan that was funded in the budget last year. That is multipronged; I might touch on some of them and then see where you want to take your questions. Part of what was foreshadowed in that was the co-location of case management resources within Shared Services, working closely with the branch that Ms O'Neill is currently the director of. That has happened; we are beginning to see the benefits of having our case management staff co-located.

There is a very significant effort being undertaken in terms of injury prevention—getting to the point of having people not needing the workers compensation scheme. And there is a range of initiatives from the kind of programs that the Work Safety Commissioner and Health recently put out in terms of health at work through to particularly targeted interventions within individual directorates who are dealing with particular risks in their own workplace.

For us in CMCD, most of those risks are a relatively contained set, given the nature of our business, in terms of things like manual handling and those kinds of things. There are programs being run under the auspices of the improvement plan to ensure that, to the extent that we can, we can prevent our people getting injured in the first place.

I think it is fair to say that there is a significant effort that goes on between my division and Comcare in terms of management of our interaction and the case management, intervening in particular matters where we are able to see that that would be a productive approach to take. The other thing that has been a feature of the last 12 months at that kind of overview level has been the change to the legislation that started on 1 January in terms of the new Work Health and Safety Act and the removal of the shield of the crown as part of that. There was a very significant program of education and awareness-raising around work safety. The other end of that was workers compensation that was part of that, making sure that the service and those of us in the service that qualify as people carrying on a business or undertaking are aware of our responsibilities to our own staff.

We are also taking measures in terms of the training for new managers and training of the case managers to ensure that our people are appropriately equipped to do what we can in terms of prevention, and also improve our management performance. I think it is fair to say that the initial indication in terms of injuries through the course of this financial year about to end—we are seeing some improvement in the injury numbers in terms of our performance this year.

**MRS DUNNE:** Is that across the board in all sorts of occupations or are there sort of particular standout occupations?

**Mr Kefford:** That is the kind of aggregate. If you look at the whole of the territory as an employer, there is a reduction in the cost of our workers compensation as a result of better improvement there. We could probably take on notice the extent to which there is movement within particular categories. I suppose I was just speaking of that overall scheme performance.

**MRS DUNNE:** So if we could take that on notice.

**THE CHAIR:** So you are looking for that information. You are going to take that on notice.

**MRS DUNNE:** Yes, that would be very helpful.

**THE CHAIR:** Yes.

**MR COE:** Minister, are you a member of a union?

**Dr Bourke:** That is a personal question. I am here as Minister for Industrial Relations.

**MR COE:** It is actually—

**MR HARGREAVES:** It is irrelevant.

**MR COE:** In terms of professional conflicts of interest, are you a member of a union?

**Dr Bourke:** As I said, I am here as a Minister for Industrial Relations. I am not here to answer personal questions.

**MR COE:** So you are not willing to disclose whether you have a conflict of interest in your portfolio?

**Dr Bourke:** As I have said, I am here as Minister for Industrial Relations. If you wish to look at my publicly declared interests, you can go to the Assembly website, as I am sure you are capable of doing.

**MR COE:** I do not know why you are being so coy about answering a question about whether you have a conflict of interest in your portfolio area.

**Dr Bourke:** I am being clear about a principle. I am here to answer questions as Minister for Industrial Relations. I am not here to answer questions about myself.

**MR COE:** As Minister for Industrial Relations, I think it would be appropriate if you were able to disclose to the estimates committee whether you have a conflict of interest by being a member of a union. It is quite a reasonable question.

**MR HARGREAVES:** What?

**THE CHAIR:** I am a member of a union. A number of people are members of unions, I imagine.

**MR SMYTH:** And you are quite willing to admit that.

**MR HARGREAVES:** That is outrageous.

**MR SMYTH:** I am shocked the minister is not able to do so.

**THE CHAIR:** I am sorry, I think that is a very strange question to ask.

**MR HARGREAVES:** It is outrageous.

**MR COE:** If you are the Minister for Industrial Relations and you are also a member of a union, I think you could declare it, because if you have had dealings with a union and you are a member of that union, there could be a conflict or a perception of a conflict. Are you not able to tell us whether you are—

**Dr Bourke:** I think the question is out of order.

**MR HARGREAVES:** It is.

**MR COE:** It is not for you declare it is out of order.

**Dr Bourke:** I am asking the Chair whether the question is in order.

**THE CHAIR:** Anyone can ask a question, but I do not think it is an appropriate question to ask.

**MR COE:** The point I am getting at is this: I would like to know whether the minister has had dealings with any union of which he is a member. I think that is quite a reasonable question.

**THE CHAIR:** I do not see it is a relevant question, to be honest. We are all members of all sorts of groups. It does not mean you do have conflicts of interest.

**MR SMYTH:** What, unions have no role in industrial relations?

**MR COE:** How can we determine—

**MR HARGREAVES:** So you deny a freedom of association?

**THE CHAIR:** It is up to the minister.

**MR COE:** I am not denying freedom of association, but we have to declare whether we are—

**MR HARGREAVES:** You are outrageous and disgraceful.

**MR COE:** We have to declare whether we have a potential conflict and I would like you to advise whether you are a member of a union with which, as minister, you have had to deal.

**Dr Bourke:** All my conflicts have been appropriately disclosed.

**THE CHAIR:** Appropriately, okay.

**MR COE:** Have you, as Minister for Industrial Relations, had any dealings with a union of which you are a member?

**MR HARGREAVES:** If you are a minister, you cannot be a member of a union?

**MR COE:** That is not the point. The point is making sure everything is transparent.

**THE CHAIR:** Members, please, can you direct questions through me. The minister has answered the question. If you are not happy with the answer, then—

**MR COE:** He did not actually answer the last question.

**MR HARGREAVES:** He did. You were not listening.

**MR COE:** The last question was: have you, as Minister for Industrial Relations, had any dealings with a union of which you are a member?

**MR HARGREAVES:** Outrageous!

**THE CHAIR:** It is up to you, minister.

**Dr Bourke:** Okay. No.

**THE CHAIR:** Mr Smyth, a question of the Long Service Leave Authority.

**MR SMYTH:** There has been a long-running issue, minister, about the transfer of staff entitlements from a public service position to the Long Service Leave Authority. Have they all been resolved?

**Dr Bourke:** I appreciate your interest in long service leave, given your party's opposition to the concept, but with regard to the transfer of entitlements, I will defer to—

**MRS DUNNE:** He has been waiting for three-quarters of an hour to get that line.

**THE CHAIR:** Thank you, Mrs Dunne.

**MR HARGREAVES:** You could have done it earlier and saved us the time.

**THE CHAIR:** Members, can we let Mr Barnes answer the question. Mr Barnes, thank you.

**Mr Barnes:** It is my understanding that the issue regarding the transfer of staff into the Long Service Leave Authority and the carriage of their entitlements has been resolved with agreement across the ACT government.

**MR SMYTH:** On page 3 of your statement of intent where you are talking about risk, there is an information technology risk. How critical is your IT system to the operation of the authority?

**Mr Barnes:** The IT system is very critical to the operation of the authority.

**MR SMYTH:** You say in that paragraph that you do backups. But what checks are made of the actual security of the system to ensure that, one, it cannot be hacked and, two, it is robust enough to survive?

**Mr Barnes:** I might ask Mr Goran Josipovic to answer that question, but it has been recently checked.

**THE CHAIR:** Just a supplementary to Mr Smyth's question, have there been any issues with backing up data, and what was the outcome?

**Mr Barnes:** It has been recently checked. There were no issues detected with the backup, and it was found to be entirely satisfactory.

**MR SMYTH:** So you have got a risk plan in place for the system? And has it been checked and—

**Mr Barnes:** I might hand over to my chief operations officer.

**Mr Josipovic:** We do perform daily backups and we have done a full system restore in the last week or so. The checks have indicated that everything has been backed up appropriately, and we are able to restore all our files within a 12-hour period.

**MR SMYTH:** Do you have a security plan to protect the system?

**Mr Josipovic:** We do, as part of our risk management.

**THE CHAIR:** Just on that too, I am wondering why the authority has not utilised Shared Services ICT to undertake backups, which I imagine would ensure greater security.

**Mr Josipovic:** I have been with the authority since 2009 and the legacy has been, because we have been a statutory authority and we have always been separate from the ACT government, we have always used our own IT services.

**MR HARGREAVES:** Minister, in relation to the long service leave provisions, did you receive any comment from the Real Estate Institute that you can recall?

**Dr Bourke:** I do not recall any comment from the Real Estate Institute.

**MR HARGREAVES:** In that case—

**Dr Bourke:** Was there any, Mr Barnes? No?

**MR HARGREAVES:** Would you think, therefore, then if a member of this Assembly was to receive a benefit from earnings from real estate holdings they may have a vested interest in opposing the long service leave provisions as they apply to employees within the Real Estate Institute and, therefore, they should declare a conflict of interest?

**Dr Bourke:** I think all conflicts of interest should be declared where they become apparent. And we obviously have an integrity adviser here in the Assembly to provide advice about that. If people feel that that is something that they should do, then that is what that process is for, but there is an obligation upon members to advise of conflicts of interest where those may occur.

**MR HARGREAVES:** I do not recall people advising of that potential conflict of interest in the past.

**MR SMYTH:** On page 10 of your consolidated financials, the contributions were \$9.3 million and you have ended up with \$12 million. And I note on page 14 it talks about the increase of registered employers and employees. What directly leads to that?

**Mr Barnes:** Sorry, I did not quite follow the question.

**MR SMYTH:** On page 10 of your financials you expected to receive \$9.3 million in contributions this year. You received \$12 million. In the notes it just simply refers to the increase of registered employers and employees. What is that the result of?

**Mr Barnes:** I have to say, it is a bit hard to define. It is probably a reaction to the economic situation where people are more enthusiastic about putting something aside and ensuring that they have all their entitlements. But we cannot really determine exactly what has caused that increase. We have been vigilant in trying to ensure compliance with the legislation, and that may have proved beneficial also.

**MR SMYTH:** A 30 per cent increase?

**Mr Josipovic:** If I could just add to that, since, I think it was, 1 January of the year, the Shared Services team has put in a compliance measure where IRE certificates are issued to employers for work or tender on government sites. And we have seen an increase of interstate employers coming to the ACT to work and we have captured them efficiently.

**MR SMYTH:** Is that the reason for the whole of the \$3 million increase?

**Mr Josipovic:** Not for the whole of the \$3 million.

**MR SMYTH:** Could we perhaps have some analysis done and delivered to the committee?

**Mr Josipovic:** We can take that on notice.

**THE CHAIR:** That is taken on notice.

**MR SMYTH:** In the same chart on page 10, you expected to pay out \$11 million worth of long service leave benefits for the year 2011-12. You actually paid out \$17.6 million. What is the reason for that?

**Mr Josipovic:** I think it is the increase in claims in the construction industry. As organisations are running down the work or the work is very limited at the moment, employees, if they are being laid off or if they are moving to another company, would take their leave entitlements. We have seen an increase in the claims, especially in construction. As well, every other state and territory has seen a significant increase in claims for the construction industry.

**MR SMYTH:** On page 14 in terms of the long service leave benefit, it talks about the impact of the discount rate on the leave liability. What is the impact and what are the factors that cause that?

**Mr Josipovic:** If you do not mind, I will call Catherine Shih, our chief financial officer. She has probably some more updated data in relation to the actuarial advice that we receive.

**Ms Shih:** You were comparing the \$17.6 million estimated outcome in the long service leave benefit versus last year's budget of \$11.3 million. In our financial report, just for your information, we will disclose when the actual outcome is finalised and what is the movement from this year and last year. My understanding for the two years difference is that, first of all, the budget for 2011, the original budget, the first

column on page 10, was prepared in around April 2011. That was the best estimate at the time. The main difference would be the increase from the construction industry. Each year as the scheme goes by it grows. That is just a fact.

The second thing is that, as you mentioned, the present value factor applying to the provision will change the outcome as well. The long service leave appointed actuary has always used the average long-term government bond rate to work out the present value. As you know, from April 2011 to today, the interest rate has dropped significantly. When I was preparing the estimated outcome, the bond rate was around 4.5, but now it is even lower. That is the main reason there is such a big shift. The active workers also grew as well in the three schemes.

**MR SMYTH:** Okay. It then decreases next year to \$15 million.

**Ms Shih:** Yes, it goes down.

**MR SMYTH:** But then it bounces—it is minus 15 per cent and then it bounces up to \$16.7 million. What is driving that fluctuation? In the outyears you have got it increasing. So why would you expect it to dip in the 2012-13 year?

**Ms Shih:** This line item in the operating statement is accrued long service leave benefits. This account will be impacted by how much cash we expect to pay. If you could look at the cash flow statement on page 13. Each year we expect there will be about \$8 million, \$9 million or so cash to pay out. Therefore, when the actuaries factor all these in, versus that year's interest rate, it may be a slight increase from 2011-12. Therefore, that result is a slight decrease from the 2011-12 estimated outcome.

**MR SMYTH:** While we are on the cash flow statement, I notice your proceeds on the sale of investments; you expected to gain \$7 million but you only got \$2.3 million, and in the coming year it is \$2.4 million. What were the investments and why the change?

**Ms Shih:** If you look at the balance sheet also we have the investment currently with our appointed investment manager. The cash flow statement that you are looking at on proceeds from sale of investment is to redeem from this investment portfolio for our operational expenditures.

**MR SMYTH:** On the balance sheet, why are almost 80 per cent of your holdings held as current liabilities? "Current" implies they will be paid within the next 12 months. Are they genuinely current liabilities? Do you expect to pay that much out in the coming 12 months?

**Ms Shih:** No. The current and non-current liability split is based on AASB101, which says anything that you could not defer within the first 12 months after the end of the financial year should be categorised as current. But in our financial report, again, we will disclose what we are expecting to pay within the first 12 months, which is substantially lower than this \$16-something million.

**MR SMYTH:** So is that just a flaw in the standard?



**Ms Shih:** Yes. As you can see from all the other jurisdictions' long service leave scheme statements, you have a substantially higher current liability for the construction scheme, mainly because it has been established a long time ago, versus the community sector. You will see the non-current portion is much larger than the current. That is just an accounting standard—

**MR SMYTH:** What was the standard you quoted?

**Ms Shih:** AASB101, presentation of financial statements.

**THE CHAIR:** We will need to move on. Thank you, Minister for Industrial Relations, and officials from the directorate.

Appearances:

Burch, Ms Joy, Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing

Community Services Directorate

Howson, Ms Natalie, Acting Director-General

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

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

Collett, Mr David, Executive Director, Housing and Community Services

Hubbard, Mr Ian, Senior Director, Finance and Budget, Policy and Organisational Services

Power, Ms Leanne, Director, Policy, Data and Research, Office for Children, Youth and Family Support

Gotts, Mr Robert, Director, Community Sector Project, Policy and Organisational Services

Pappas, Ms Helen, Director, Care and Protection Services, Office for Children, Youth and Family Support

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

Stiff, Ms Danielle, Senior Manager, Early Intervention and Prevention Services, Office for Children, Youth and Family Support

Whitney, Mr David, Director, artsACT, Policy and Organisational Services

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

**THE CHAIR:** Welcome, Minister Burch, now in your capacity as Minister for the Arts. We will continue this public hearing of the 2012-13 Select Committee on Estimates with consideration of the expenditure proposals in revenue estimates for the arts portfolio, which includes output class 3, community development and policy, output class 3.3, arts policy, advice and programs, and output class 1, cultural facilities management, output 1.1, Cultural Facilities Corporation. We will probably spend most of our time on the arts, but we will try and get to questions for the Cultural Facilities Corporation.

The privilege statement is on the blue card in front of you. If you can just indicate you are aware of the implications and information in that? Thank you. Just so everyone is aware, the proceedings are being broadcast. Minister, I would like to invite you to make an opening statement, if you wish.

**Ms Burch:** Thank you, Ms Bresnan. As Minister for the Arts, I want to thank the committee for the opportunity to discuss the 2012-13 ACT budget and welcome the significant initiatives announced relevant to the arts portfolio and to the Cultural Facilities Corporation.

The arts are an intrinsic part of a lively and engaged community. Continuing engagement with the arts from early childhood is a fundamental part of social development and lifelong learning. Canberrans embrace the arts. The ABS 2012

cultural report indicates that 93 per cent of Canberra residents aged 15 years and over attended at least one cultural venue or event annually, 36 per cent attended popular music concerts, 46 per cent attended art galleries and 23 per cent attended theatre performances. These attendance rates are significantly higher than the national average.

The government is committed to the ongoing development of the arts sector. We released the draft arts policy for consultation in April, and anticipate the new framework incorporating much of the feedback will be released next month. The 2012-13 budget evidences the ACT government's continuing commitment to supporting our arts sector and there is the continuing commitment of over \$5 million annually to the arts fund, which provides investment across the spectrum of arts activity.

The committee will be aware of the review of arts in Canberra conducted by Peter Loxton and Associates. A year on, a significant number of recommendations from this review have been implemented, including the creation of arts hubs, the development of an artist-in-residence program and the implementation of an online grants systems for the ACT arts fund.

The government has allocated \$100,000 in 2011-12 for a scoping study to examine the economic and artistic benefit of arts hubs and how they might be implemented in the ACT. In addition, the government allocated \$3.2 million over the 2011-12 and 2012-13 financial years to extend the capacity of the Street Theatre as a performing arts hub. The 2012-13 budget also commits \$2 million for capital upgrades of the Tuggeranong Arts Centre and \$300,000 for a feasibility and forward design for the second stage of the Belconnen Arts Centre.

The government has also strengthened its broad arts support into the community by relocating the cultural inclusion officers to the Tuggeranong and Belconnen arts centres. Already the team of six officers are achieving fantastic outcomes—for example, supporting people with a disability who featured in the locally made film *Beautiful* to the other film festival in Melbourne later this year.

Turning now to the Cultural Facilities Corporation, perhaps the most significant item in the budget here is the \$3.1 million over three years to upgrade the Canberra Theatre Centre. The works in this package include new seating for the Playhouse and Courtyard studios, improved backstage amenities, new captioning screens and energy efficient improvements. In particular, the works carried out first will assist in ensuring the facility looks its best for the centenary of Canberra in which the Canberra's performing arts program will be a feature of the celebrations.

Community access to and use of the Lanyon heritage precinct will be supported through \$230,000 to deliver and promote community activities. This three-year program is based on the outcomes of recent community consultation. It will facilitate community use of the former Nolan Gallery building and participative garden activities in the Lanyon gardens, supporting community and sustainability outcomes in the southern region.

Because we often do not get time at the end, I want to thank the staff of artsACT and

CFC for the wonderful work that they do for our Canberra community. I am happy to take questions.

**THE CHAIR:** Thank you, minister. You mentioned in your opening statement the community cultural inclusion officers. That is listed as a priority in budget paper 4, page 339. These are the officers that have taken over those positions that were the specific arts officers, the disability—

**Ms Burch:** In essence, yes. We had a disability community arts officer, an Indigenous and a multicultural arts officer, plus a manager over those. Now we have relocated those resources to Belconnen and Tuggeranong. Mr Whitney can talk to some of the detail about that. That transition has been incredibly successful and welcomed by both Tuggeranong and Belconnen communities. They continue to have a very clear focus and engagement with the community around inclusive arts practice.

**THE CHAIR:** Just before we go to Mr Whitney, you mentioned the short film that has been done. It would be good to get an update of how the program is currently operating and how it is going. In particular, are the same people accessing the services as they did previously?

**Ms Burch:** I will go to Mr Whitney.

**THE CHAIR:** I just wanted those specific things—

**Ms Burch:** I have met a number of people who have been part of the programs, and they are still engaged in the programs. In fact, I have also spoken to people that were not engaged before that have welcomed the local opportunity engagement.

**THE CHAIR:** It would be good to know if the same people are accessing the services.

**Mr Whitney:** My understanding is that the same people, similar people, and new audiences are engaging with the community arts inclusion officers that are based north and south now. There were obviously programs that continued and the programs that were delivered out of the central office in the North Building are continuing to be delivered out of the areas at Tuggeranong and Belconnen.

The advantage of the offices being expanded to have not just a single focus but a broader focus is that they can pick up people within the community who might go into one of those centres that might have a project that extends past a particular area. A multicultural community might be looking for an activity or a project that can be delivered in one area or another; so the office can now move across.

I have not got detail here of the sorts of people that are working with those community arts officers, but certainly the minister talked about the short film *Beautiful* that is going down to Melbourne. There is also an example in the Tuggeranong area of a multicultural arts officer in the old model who has been relocated and clearly has taken that extension with the multicultural community down there with him.

**THE CHAIR:** Would it be possible to get some information on the sort of projects

that have been undertaken?

**Mr Whitney:** Of course, yes.

**Ms Burch:** We can get a current list of activities.

**THE CHAIR:** That would be good, to get that list. Also, although I appreciate that you will not have this information and it might be too hard, if we could have a breakdown of former clients that are now accessing the program—what percentage are former clients, what percentage are new clients; even an indication—that would be useful.

**Ms Burch:** But people would have moved in and out of the programs over time anyway.

**THE CHAIR:** Sure, but there were a number of people that did—

**Ms Burch:** We will bring back what we can.

**THE CHAIR:** Yes. I appreciate that has now gone to these two different areas and is broader, but it would be interesting to know if we are still getting a good spread across multicultural, disability and Aboriginal and Torres Strait Islander projects.

**Ms Burch:** Certainly, from what I have seen, there is.

**THE CHAIR:** If we can get that information provided to the committee that would be useful.

**Mr Whitney:** What we might try and do is look over a few years. These projects sometimes take a while to evolve, so to list all the people that these officers are talking to in itself might not be very useful but to see the sort of projects that are being worked on, perhaps over the last few years and then how that is continuing now, might be useful for you.

**THE CHAIR:** Sure. But it would be good to get an indication of the spread of the projects, the sort of people accessing them and that sort of thing.

**Ms Burch:** I know from talking to both the Tuggeranong and Belconnen arts centres that the managers of those arts centres have really embraced this additional resource and the opportunities to in many ways penetrate deeper within the community into this, because the focus very clearly is on inclusion.

**THE CHAIR:** I recognise that, but I am interested to know that we are still getting to those groups that use those arts officers.

**MR HARGREAVES:** I would like to talk about the Tuggeranong Arts Centre a little bit, if I may. On Tuesday night at the arts centre I attended a film from Argentina, which was put on by the very multicultural arts officer we have been talking about. In addition to watching the film, which was a dark and interesting one, the actual discussion that we had with that officer I think delivered what was being delivered

here, except I do not come into Civic; I stay out in Tuggeranong where God is.

**THE CHAIR:** Your question?

**MR HARGREAVES:** Can I talk about the arts centre's refurbishment. I also want to declare for the record, too, not a conflict of interest but a self-interest: my wife has recently been elected president of the Tuggeranong community arts and so I do not want people thinking that we have had conversations.

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

**MR HARGREAVES:** With respect to the refurbishment, you have got \$2 million in here. What I would like to know, and a bit for the record too, is exactly what that \$2 million entails, when it is going to start and how you are going to provide for the community workshops that ought to go on in the centre? How are we going to provide that for the length of time that the refurbishment is on?

**Ms Burch:** I will ask David Collett to talk to the detail about it, but certainly we put money in last year's budget that did the design work. It was very much a partnership with the Tuggeranong Arts Centre management board and broader community about what these upgrades or renovations could look like. The board is quite excited about the changes afoot. In a very non-building term, as you know there is that great open space between the lower level and the upper level. That will be filled in. There will be solid flooring or some such thing put in there and some minor access changes as well. But certainly over the time of the construction we will work with the arts centre. I might ask Mr Collett to talk to the building form.

**Mr Collett:** As the minister correctly states, we have the significant advantage that we have got some design work that was funded separately from the construction works. A number of options have been prepared and discussed with management of the Tuggeranong Arts Centre before determining the final scope of the works. So we have got a clear idea of what is involved.

The first step, of course, will be to develop a program for that. Quite a lot of our work, whether it is in the arts facilities or other parts of the portfolio, is in buildings which are occupied, so it is an area that we are experienced in. The issues revolve around not only maintaining operations but maintaining the occupational health and safety of both the visitors and staff in those buildings, fire egress and the rest. So that will be the first piece of work that will be done.

The works will be commencing later this calendar year after that program is in place. As the minister said, the works are largely in terms of improved circulation and better utilisation of some of the large but unfitted-out spaces that are in the centre at the moment. So whilst there is a modest increase in the accommodation, it is very much about improving the operations and the effectiveness of the utilisation of the building. As I said, we will be starting that work later this calendar year.

**MR HARGREAVES:** My understanding is that there is going to be a sort of conversion of what is essentially an atrium in the middle of the building into basically two floors?

**Ms Burch:** Yes.

**Mr Collett:** Yes.

**MR HARGREAVES:** When that happens, that is going to completely negate anything going on in the rest of the centre essentially. Everybody is going to have to decamp at about that time. Is it your intention to do it during a quiet time of the cultural calendar or are there arrangements in place to use, for example, the Calwell arts centre, the Erindale Theatre—those sorts of arrangements?

**Mr Collett:** We are hoping at this stage to avoid displacing actual program events, but we need to do that work that I described as being the first piece that we will do sitting down with the management of the arts centre and working through their program for the year. We have just done a very similar exercise with the Glassworks. The fire improvement works that we have done have been carefully programmed around events, commitments and bookings in order to minimise the impact on their operations. It will be that sort of technique and that experience we will be bringing to the Tuggeranong Arts Centre.

Whilst the works, as you correctly describe, Mr Hargreaves, are in the central area and therefore will have a significant impact, we are hoping that by staging the works we will be able to maximise the access to the other spaces, the major spaces, while that work is going on. There will be some interruption, but we will work that through with the management board.

**Ms Burch:** Some of the programs are calendared in, like an exhibition, but there are other activities like Fresh Funk and the other dance programs that happen in the studio pretty much each and every week, so we need to think about how we have an alternative access for those.

**MR HARGREAVES:** I was not thinking so much of the studios that are on the periphery of the building and have their own access; I was thinking more of the downstairs activity areas which would get disrupted.

**Ms Burch:** And the cafe upstairs is used as a comedy club and things like that as well.

**Mr Whitney:** There is provision in the budget to relocate for the core demolition, which is going to be remarkably intrusive. We do not know when that is. David was mentioning earlier that there is a need to actually set that program, but for that time there is an opportunity to move the administration out of the building to ensure that the program continues. Tuggeranong Arts Centre is talking to the Cultural Facilities Corporation about using the Nolan Gallery down at Lanyon as an exhibition space, because exhibitions are a very important part of the program and we do not want to lose that cycle for the time of construction. That is one of the discussions that are happening.

I am also aware that for the Fresh Funk dance program in particular they are talking to Erindale to use the space at Erindale theatre. So those discussions have started and the intention is to keep the program rolling, acknowledging there is going to be a

significant building project.

**MR HARGREAVES:** I notice that in the refurbishment the capacity of the auditorium will not increase; it has got only 120 seats in it. I think the Belconnen one has got more than that and most of the other ones in town have got more than that. In the refurbishment, has an expansion been allowed for at a later date?

**Ms Burch:** The theatre?

**Mr Whitney:** No.

**MR HARGREAVES:** Or are we going to condemn it to 120 seats forever?

**Ms Burch:** I do not think it is part of an active discussion at this stage. But you are also aware that CIT has a portion of that building down in the front lower section, so should any change happen to that tenancy in future years there is an opportunity to come back to the other.

**MRS DUNNE:** Perhaps you could have an annex of the theatre on the other side of the building.

**MR HARGREAVES:** I was thinking more of the size of the auditorium; whether it would be possible at some later stage to expand that to 250, for example.

**Mr Whitney:** That is not being discussed at the moment. Certainly the current director is very keen to turn what was the cafe upstairs—it is operating now as a comedy venue and also as a rehearsal space responding to the community need. That will be embellished. That size will be slightly increased and access will be made better. But the current theatre with 120 seats is to remain as a 120-seat theatre.

**MR HARGREAVES:** All right. I am just letting you know that there are conversations starting.

**MS HUNTER:** On page 339 of budget paper 4, the 2012-13 priorities, it talks about implementing a new artsACT policy linking with a new national cultural policy and delivering programs resulting from the Loxton review. You have covered some of those in your opening statement, so I do not want to go back to the arts hubs and so forth or the cultural inclusion officers. What I would like to know is: has this policy been completed or is it in the stages of development? How is it linking with this national cultural policy? Also, could you give some information about engaging with national arts, health and education strategies?

**Ms Burch:** I will go to Ms Overton-Clarke, but certainly our arts policy has been out for community consultation. We have worked very closely with the ACT Cultural Council in development of an arts policy. It is in its final stages now and I expect it to be released in the first half of next month. How does that fit in with the national cultural policy? We have made sure that it does not run against it; that it runs along the same themes as that. Bronwen Overton-Clarke has been quite close to the development and might be able to talk more.



**Ms Overton-Clarke:** I guess the biggest theme that has come through, which we are really thrilled about given in particular the rest of the directorate and also one ACT government, is a very strong theme about community participation. The Cultural Council tell us that they are really thrilled that that is the first principle. Community participation in and access to the arts is a very strong theme of the new policy. As the minister said, we have had a lot of feedback, particularly around that theme and the prominence of it, so the linkages with the broader education area, health, across the whole portfolio and across the whole of the ACT.

The other themes are more ones that I suppose are relatively traditional—artistic excellence and supporting artistic excellence and diversity and also ensuring that we sustain and support the arts community in the ACT. So certainly in that way we are threading through with the national priorities as well but, as the minister said, it has got a strong ACT flavour and one that reflects the work of artsACT, the Cultural Facilities Corporation, in terms of that very much feeding into the community sector and community organisations. If you want any more detail, David Whitney can give you some more detail on it.

**MS HUNTER:** I am just wondering when the policy will be out and completed. It is completed; is that what you are saying?

**Ms Burch:** It is. It is just having some final visual design component; it will be out in the first half of July.

**Mr Whitney:** You asked a question about the national initiatives with arts and health and arts and education. Yesterday at Parliament House Minister Crean and Minister Plibersek spoke to an arts health forum, which I attended with about 70 people from around the nation, beginning a discussion about how Arts and Health can work together. There is a working party meeting this morning that we have hosted at artsACT. It is a working party of officials to try and pull that together to take to the next meeting of the ministers. So we are well and truly in the middle of that. We are collaborating very closely with Mr Lee Martin from ACT Health on that project, so we are certainly stretching across government where we can.

Arts and education is the next one that we are going to be working with. We are sort of staging this process through but we have had very strong connections with ACT Education and Training and we will be working with them to get a nominee on to the working party for the national working party about arts and education.

**Ms Burch:** As far as how that plays out locally at a practical level, it is the artist in residence across the primary schools program here. It has been quite successful over the last number of years and we have just gone out again for that.

**Mr Whitney:** Yes. In fact, that is being assessed as we speak for the next round. In the last few years we have been working with very early education and now the education directorate has nominated some primary schools, so we will be putting artists into primary schools, with funding from the Australia Council for the Arts. The documentation we are collecting is very useful in terms of education skills but also from our side, from the arts side, to really argue the need for education to embrace arts in the way that it does.

We also work through some of our arts organisations to provide teacher training or professional development for teachers within schools. Recently we were involved with education in providing funding for four local organisations: Musica Viva, which is a local organisation, as part of the national presenting work for teachers; Quantum Leap dance program; Oz Dance Studio; and Kulture Break. These are activities that schools are very keenly embracing and this work at that classroom level and teacher level will provide a school's development into the future.

**MS HUNTER:** I believe Kulture Break is going very well at Kaleen.

**Ms Burch:** They have got a big, fancy opening event—over at the Courtyard Studio, is it?

**Mr Whitney:** The Playhouse.

**Ms Burch:** The Playhouse, yes, in July—a must go to.

**MR SMYTH:** You mentioned the Nolan Gallery in your opening remarks. What has happened to the Nolan works?

**Ms Burch:** They are within CFC, as I understand.

**MR SMYTH:** So they have all been retained in Australia to date?

**Mr Whitney:** This is probably more a Cultural Facilities Corporation one.

**Ms Elvin:** If you are talking about the collection—the gifted works, the donated works—those are now all at Canberra Museum and Gallery. The foundation collection is on permanent display there, with selections from the rest of the collection on display from time to time. At the moment we have an exhibition on display of works on paper in our upstairs gallery. All the loaned works have been returned to Lady Nolan in the UK.

**MR SMYTH:** How many was that?

**Ms Elvin:** I am sorry; I do not have the precise information with me on that. I think the loaned works—there were, I think, about 200.

**MR SMYTH:** So 200 have gone back to the UK?

**Ms Elvin:** We can supply you with the exact information.

**THE CHAIR:** So that is on notice.

**MR SMYTH:** If there is a list of what went back, can we have the list of what went back if that is not any trouble?

**Ms Elvin:** Sure; we can supply that list to you.

**THE CHAIR:** So that is taken on notice.

**MR SMYTH:** The reason I ask about the Nolans and the gallery is that you mentioned it being used as an exhibition space. How will that work?

**Ms Elvin:** I think we may be confusing two things here. The foundation collection is now on permanent display in the Nolan collection gallery within the Canberra Museum and Gallery. In talking about possibly relocating some of the Tuggeranong Arts Centre activities while they are having a major refurbishment, that would happen in the former Nolan gallery building at Lanyon. We see that as being an excellent community use of that building which is something that we are keen to encourage.

**Ms Burch:** And it is a short-term exhibition.

**Ms Elvin:** That is short term, yes.

**MR SMYTH:** That is the short term. In the long term, what is the future of the Nolan gallery?

**Ms Burch:** That has been part of the community consultation process that has gone on, which will inform the use and application of the funding in this budget around how we better enhance and support community programs through Lanyon. I think that the consultants have got a draft feedback report. Ms Elvin, have you got anything you can say?

**Ms Elvin:** They have, and I can give you some more detail on that. That consultation has taken place in two stages. The first stage was gaining ideas from the community about how they would like to increase community engagement with the whole of the Lanyon site, not just the former Nolan gallery building. So it was looking at gardening activities, for example, and possible access to parts of the site like the shearing shed precinct and even the cemetery that are not generally available for community access at the moment.

In terms of the former Nolan gallery building, the second stage of the report then looked at those ideas and assessed their feasibility: are these ideas feasible, what is the demand for them, what is the likely order of cost? In terms of the former Nolan gallery building, the options looked at included an artist-in-residence studio, which was found to be a highly feasible option for that building—an artist-in-residence scheme or indeed a scholar-in-residence scheme whereby you might have somebody doing historical, art historical or even archaeological research into the site.

In terms of an artist-in-residence program, I should say that we have recently completed a pilot program there. I would encourage you to visit CMAG and see a display of the outcomes of that residency, which show how successful a residency can be at Lanyon. The artist took inspiration from the patterns in the gravel on the driveway, for example, and has produced some really quite delightful artworks.

So an artist-in-residence scheme was seen to be a very feasible option for that building. Another option was for a permanent Indigenous artist studio and gallery option. That was seen as less feasible, more in terms of the demand for that and the

fact that that is probably catered for elsewhere. But I think one outcome would be to encourage Indigenous artists to get involved in any artist-in-residence program.

A third option looked at was a visitor orientation centre and interpretation centre for the Lanyon heritage precinct. Again, that was seen as a very feasible option and one that particularly responds to the conservation management plan for Lanyon. It is probably a longer term option in terms of the resources involved, but it is something that CFC is very keen to see happen a bit further down the track.

The study also looked at the option of using the building as a cafe or restaurant. Again, that would require quite a bit of money spent on it, and it is felt that we already have a cafe operating close to the homestead in a much more attractive site with beautiful views over the mountains and so forth. So I think that is a less feasible option.

Then the study looked at using the building as a small conference centre, a meeting space for community groups. The conference centre option is probably not so feasible. That is catered for in other respects in the area. But certainly usage by community groups as a meeting space, a workshop space or a studio is already happening. We have a men's group there under the Communities@Work program who have been there for about a year using the space, and we think that is a very viable option to continue.

Finally, the study commented that you would not necessarily need to have those different options happening in isolation; they would not be mutually exclusive. You could perhaps have a visitor centre, an artist-in-residence scheme and perhaps some community usage as well. You might even be able to accommodate some staff office accommodation so that you could open up additional areas of the homestead which are currently used for office accommodation and interpret those in a historical way.

**MR SMYTH:** Thanks for that; it was actually an aside.

**Ms Elvin:** Sorry.

**MR SMYTH:** The question I wanted to get to is the Fitters Workshop and the government's response to the Assembly resolution. What is happening there? Is the government now working to implement the recommendations of the committee's report?

**Ms Burch:** As I have indicated, we are seeking further advice on that.

**MR SMYTH:** Who are you seeking the advice from?

**Ms Burch:** I have written to the Speaker and we are seeking some further legal advice.

**MR SMYTH:** Concerning what?

**Ms Burch:** Concerning the resolution of the Assembly and the impact on the government.

**MR SMYTH:** When do you expect to get that advice?

**Ms Burch:** Hopefully in the not too distant future, Mr Smyth.

**MR SMYTH:** Do you intend to comply with the Assembly resolution or not?

**Ms Burch:** I am seeking advice, Mr Smyth.

**MR SMYTH:** What difficulty do you have in complying with the Assembly's resolution?

**Ms Burch:** I am seeking advice, Mr Smyth. What difficulty do you have in understanding my answer?

**MR SMYTH:** The difficulty is that you are being evasive, minister, as you so often are in this place.

**THE CHAIR:** Members!

**Ms Burch:** I am not. I am being very direct.

**MR SMYTH:** What are the issues that are in dispute where you have had to seek both advice from the Speaker and legal advice?

**Ms Burch:** I am seeking legal advice on the resolution.

**MR SMYTH:** Over what?

**MRS DUNNE:** About what?

**Ms Burch:** About the impact on the government and the government's decision making, Mr Smyth.

**MR SMYTH:** There are a number of precedents where the Assembly has directed governments to do various things. Why do you refuse to accept the primacy of the Assembly?

**Ms Burch:** Mr Smyth, I have answered your question.

**MR SMYTH:** No. This is a new question. Why do you refuse to accept the primacy of the Assembly?

**Ms Burch:** I have not said I have, Mr Smyth. You are putting words into my mouth.

**MR SMYTH:** When you are questioning it, your actions say that you are disputing the right of the Assembly to come to a decision.

**Ms Burch:** That is your interpretation, Mr Smyth.

**MR SMYTH:** Tell me what the dilemma is. You leave a vacuum. You will not tell us what the problem is; one can only assume that you refuse to accept the will of the

Assembly.

**Ms Burch:** Mr Smyth, I have been very open about this. I came to the Assembly—

**MR SMYTH:** You are not being very open now.

**Ms Burch:** Mr Smyth, I came to the Assembly, I tabled the government's response, I made comment in the space of the resolution and I have told you that I am seeking further advice.

**MR SMYTH:** Which part of the Assembly's resolution do you find contentious?

**Ms Burch:** Mr Smyth, you can try any which way you like about this. We can fill the time until 1 o'clock if you like.

**MR SMYTH:** We probably could. Why will you not implement the decision of the Assembly?

**Ms Burch:** Mr Smyth, as I have answered, I am seeking some legal advice on that.

**MR SMYTH:** Over which aspects of the resolution of the Assembly?

**Ms Burch:** The government had a view. The Assembly put forward another view. The community continued to be torn asunder about this. I have had many approaches—

**MR SMYTH:** That is the outcome of poor process.

**Ms Burch:** from community groups that are imploring me to hold the government's position. If you think that this is a win-win situation, this is not.

**MR SMYTH:** No; I am asking a fundamental question here.

**Ms Burch:** The minute the Canberra Liberals brought the original inquiry to the chamber and continued to politicise—

**MR SMYTH:** We are only one element of the Assembly.

**Ms Burch:** this was never, ever going to be a win-win situation, Mr Smyth.

**MR SMYTH:** What problem do you have with the decision of the Assembly? What is it that is causing you so much angst that you have had to seek advice from the Speaker and legal advice?

**Ms Burch:** I am seeking clarification on the Assembly directing the government—to appropriate funds, for example, Mr Smyth. When I get that legal advice and I refine my thinking—

**MR SMYTH:** So you are not aware of the precedents?

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

**Ms Burch:** I can share that with you. But it is not going to happen between now and 1 o'clock, Mr Smyth.

**THE CHAIR:** Mrs Dunne, you had a supplementary?

**MRS DUNNE:** Yes, if I could follow up on the Fitters Workshop?

**THE CHAIR:** Then I will go to Ms Le Couteur.

**MRS DUNNE:** What is the status of the development application for the—

**Ms Burch:** It is in ACAT.

**MRS DUNNE:** Could I finish the sentence, please?

**THE CHAIR:** Can I ask that members and the minister allow people to finish, please?

**MRS DUNNE:** The development application is in ACAT. What is the position in relation to the examination of the underground tanks and the possible contamination of the site?

**Ms Burch:** The DA is in ACAT.

**MRS DUNNE:** Yes, and I asked a supplementary question, which was: what is happening in relation to the examination of the underground tanks and the possible contamination of the site?

**Ms Burch:** I will go to David Collett. I think, as I have written to the committee on this, we were seeking to progress with removal and the remediation of the tanks, which is work that needs to be done regardless of what other work happens down there.

**MRS DUNNE:** That is why I am asking that question.

**Ms Burch:** Dearie me, Mrs Dunne, you are not in a good mood today.

**THE CHAIR:** Members, can we let Mr Collett answer, please?

**Ms Burch:** I might ask Mr Collett to talk to that. Bad start to the day, was it, Mrs Dunne?

**THE CHAIR:** Ms Burch, please, can we let Mr Collett answer the question and restrict comments?

**Mr Collett:** In relation to the tank there, in the course of our examination of the works when we took the project over from the Economic Development Directorate, we discovered a disused tank on the site. We strongly suspect that it was used for fuel but

the tank is empty at the moment and we are not able to determine the exact status of the tank in terms of its integrity or otherwise. The site as a whole is heavily contaminated. And there are pockets of different contamination across the site, as I think is well known from the press.

We have prepared some work with a consultant on the removal of those tanks. We provided that advice to the ACT planning authority in the ESDD. Their advice to us is that the matters are best handled by a development application. So a development application based on the work that has already been done by the LDA in terms of the contamination of the site is being prepared and will be lodged. And as soon as that is lodged, we will be removing the tanks. It is under the control of the project manager; so we will be moving straight through that process and taking the tank out.

**MRS DUNNE:** You have lodged a DA or you are about to lodge a DA?

**Mr Collett:** About to lodge a DA, yes.

**MRS DUNNE:** Roughly when?

**Mr Collett:** In a couple of weeks, in the next week or so, yes.

**MRS DUNNE:** Has there been any soil testing done in the area or will that be done after the tank is removed?

**Mr Collett:** There has been some soil testing in the area. The question of the contamination is not at issue. The question is: how is that contamination managed? That will depend upon the contamination that is found in the open vicinity. We would expect that—

**MRS DUNNE:** So the contamination is taken as a given but you do not exactly know what it is at this stage?

**Mr Collett:** That is right. There are a range of contaminants on the site, given the history of it and its industrial use in the past, and I think that is well known. The exact location of each of those contaminants is really subject to local investigation. We would anticipate, based on experience with our own facilities and with other facilities, that if there have been petrochemicals in the form of diesel or petrol stored in those tanks, there is a good chance that the tank has been breached and that some of those petrochemicals have leached into the soil.

The remediation for that would be simply to expose it, to allow it to evaporate over time, and then to reconsolidate it. As I say, until we have got the DA in place and we are able to get in and dig around the tanks and remove some of that material and test it, we are not sure what the exact response will be.

**MRS DUNNE:** That is a similar process to what you would use for remediating service stations and things like that?

**Mr Collett:** Yes; you see it around the town.



**MRS DUNNE:** And roughly what sort of time do you need to expose the soil to the air to allow it to evaporate and self-cleanse, essentially?

**Mr Collett:** Obviously that has to do with the extent of the contamination, how much soil is involved and how much material has leaked into the soil; so how much has—

**MRS DUNNE:** So it is a “how long is a piece of string” thing?

**Mr Collett:** Yes, to an extent. What happens is, again, as you may well observe from travelling around the suburbs and seeing service stations that are being remediated, the soil is exposed to the air, it is then tested, a judgement is made about whether the hydrocarbons have evaporated off from the soil, and when that has happened we are allowed to backfill the space. So it is really a question of monitoring a process.

**MS LE COUTEUR:** Is this what the money has been spent on so far for the Fitters Workshop? It appears that \$150,000 has been spent to date. Is that what it has been spent on?

**Mr Collett:** No, that is—

**MS LE COUTEUR:** What has it been spent on then?

**Mr Collett:** The money that has been spent to date has been on consultants work in preparing the DA and some minor remedial and other maintenance work with the facility.

**MS LE COUTEUR:** The DA, the one that is currently in ACAT, is the DA that money was spent on?

**Mr Collett:** Yes. The DA was prepared, as I said, with architectural, engineering and other drawings to support it.

**MS LE COUTEUR:** This remediation work, though, will come out of the money previously appropriated for the Fitters Workshop or is this another bucket of money?

**Mr Collett:** We have not asked for any additional funds for this work. We anticipate that the cost will be less than \$20,000 and we can manage it within the cost plan. But of course we need to get in there and have a look first.

**MS LE COUTEUR:** What disruption will there be to the general precinct with the soil exposed, to dry and evaporate?

**Mr Collett:** Whilst I have made comparisons to service stations, the tank is quite modest in terms of dimensions, so it would be much smaller than we would find in a service station. I would anticipate—it is just an anticipation at this stage, as I have already qualified, until we get into the ground—that we will have a relatively modest amount of soil which will not intrude into the spaces that are commonly used by the public. At the moment the area on the alternative side to the Fitters Workshop to the Glassworks is a somewhat secluded space. It is used for parking and for unloading. The bus depot markets do not open onto that space and there is not a lot of pedestrian

activity through there.

**MRS DUNNE:** Yes, they do, actually.

**Mr Collett:** Provided we do not find any unpleasant surprises, I would anticipate that this is a relatively straightforward exercise. It is a small tank. We will take that out. We will expose the soil to the air for four weeks. We will then backfill it and the implications and the impact of that will be quite modest, certainly much more modest than if we were to wait until later in the process when we are undertaking the building works or have completed the building works for whatever happens at the Fitters Workshop or, in fact, for any modifications we might make to the bus depot markets. So this is an ideal time, whilst we are waiting for an ACAT determination on the matter, to get in there and do this work which needs to be done anyway.

**MS LE COUTEUR:** On that subject of waiting for the ACAT determination, you have currently got listed a completion date of June 2013. Given that the ACAT determination has not yet been made—and I understand it is some months away, as the government asked for an extension and then the proponents also did—are you confident of a June 2013 completion date?

**Mr Collett:** It is a bit hard to be confident when the start date is not only not in my control but is not clear. The ACAT will work to its own time frame and there will be a process that we go through. At the moment it would be difficult to achieve that time frame but there is no point in setting another time frame until we find out from ACAT, firstly, when they are going to make a decision and, secondly, what that decision is. Clearly if their decision results in significant further work in terms of the design or any other aspects of the project, then we would need to recast the time frame, as we do the program. At the moment that is a figure. I have got no basis on which to form any other advice to the minister on when it might be completed.

**MS LE COUTEUR:** It sounds like basically you are saying that will be the earliest date?

**MS HUNTER:** You mentioned that there were—

**THE CHAIR:** Hang on, one person at a time.

**Mr Collett:** Yes.

**MS HUNTER:** You mentioned that there were other places on the site that may have contamination. Has that been tested and you know or are you making an assumption there because of the former use of the site?

**Mr Collett:** Both. The LDA have done some large-scale contamination studies and for such a site as this, given its history, it is necessary to work through those issues. Firstly, there was some work done by the LDA at a precinct level, if you would like to put it that way. Since we started work with the consultants on the actual design work associated with the Fitters Workshop we have done some more testing and we will continue to test that.

Given the small pockets of contamination that we have across the site, whilst we need to be as informed as we can, we cannot rule out the chances of finding a pocket of a particular contaminant on the site, and it is really a question of where the footings go, where the hydraulic services in particular go in terms of what contamination we find when we actually get in there.

We have got a good idea of the range of things that are there from the work that has been done by the LDA. We have done a fair amount of work in terms of the site itself. It is represented in the DA application but we need to have a plan for managing the contamination that we do uncover as we go forward, and that is being put in place at the moment.

**THE CHAIR:** Ms Le Couteur, I will go to you.

**MS LE COUTEUR:** That is it for the Fitters Workshop but have we got time for more on arts?

**THE CHAIR:** Just keep going.

**MS LE COUTEUR:** I would like to go to accountability on 353 and 354 of budget paper 4. In item m on page 354, you have got an amount of money. Is that basically saying that that is all the money that is being spent on arts in the ACT? It says:

Arts activities are supported through grants ... to individuals, groups and organisations ...

You say that is \$7½ million. Is that what that is actually trying to say or is it trying to say something where I do not understand what it is trying to say?

**Ms Burch:** I will go to Mr Whitney, but I know that artsACT has over \$8 million for 22 key arts organisations plus additional support through arts funds and the like. Have you got a breakdown of your core funding streams, David?

**Mr Whitney:** Not immediately here.

**Ms Howson:** I understand this is a new indicator that has been introduced. David, do you understand what that represents in particular?

**Mr Whitney:** That is the arts fund. From the arts fund we support the key arts organisations. We also support program-funded organisations and project-funded arts activity.

**MS LE COUTEUR:** So that is basically the entire arts budget?

**Mr Whitney:** That figure? There are two other figures that are separate line funded—the Canberra Glassworks, which is approximately \$600,000, and the Tuggeranong Arts Centre, which is approximately \$300,000.

**MS LE COUTEUR:** So it is the arts budget minus those two. I am just wondering if it is an appropriate indicator. It is an unusual indicator to be in the budget.

**Ms Howson:** Given that it is a new indicator, it would set a baseline.

**MRS DUNNE:** I am just wondering if, perhaps on notice, you might be able to explain what that indicator covers. You said, Mr Whitney, that the funding for the key arts organisations is \$8 million. What does the \$7½ million represent?

**Mr Whitney:** No; the \$7½ million is the key arts organisations and those other activities I mentioned—the project funding and the program-funded activity. Project funding is individual artists making application; program-funded—

**MRS DUNNE:** So that is the arts grants program and the key arts organisations?

**Mr Whitney:** Yes, correct—with the exception of the two I mentioned, the Canberra Glassworks and Belconnen Arts Centre.

**MRS DUNNE:** So why are they disaggregated from that?

**Mr Whitney:** They are direct line funded as opposed to this arts fund project.

**MRS DUNNE:** So the Belconnen Arts Centre is direct line funded but the Tuggeranong Arts Centre is not?

**Mr Whitney:** Because of history. With the Belconnen Arts Centre, when it came on stream, the funding for that was set up as a direct line funding arrangement.

**MRS DUNNE:** How much is the direct line funding for the Belconnen Arts Centre?

**Mr Whitney:** Approximately \$300,000.

**MRS DUNNE:** And the Glassworks is \$600,000?

**Mr Whitney:** Approximately 600,000.

**MS LE COUTEUR:** Why is it appropriate to have the budget as a performance indicator? In other areas the government do not basically have the budget equals the performance indicator.

**Ms Howson:** As I said, this is just a new indicator establishing a baseline, but you make a very good point and we should have a look at it.

**Ms Burch:** I think we are trying to capture investment in arts, but your point is that it is not particularly clear.

**MS LE COUTEUR:** It is not the normal—

**THE CHAIR:** It does not tell you how many arts organisations are funded or what is going on there.

**MS LE COUTEUR:** We have already got the budget. Indicators are supposed to be

what you do with the money, I thought.

**Ms Howson:** You make a good point and we will have a look at that.

**MS LE COUTEUR:** As we are talking about key arts organisations, is the government committed to retaining the same 18 key number—the same number and the same organisations in that task?

**Mr Whitney:** No. The arts organisations make application to be assessed. They are assessed and they receive funding for up to five years. If there are organisations that are not performing, those organisations can be defunded—and we have defunded organisations. This provides a dynamic relationship within those organisations. We monitor that on an annual basis. They report twice against their performance and they are required, on an annual basis, to provide us with a business case, which they then have to report against.

**MS LE COUTEUR:** So each year you might be changing organisations, potentially?

**Mr Whitney:** We are reviewing each organisation every year. If they are satisfying what they have proposed that they are going to be delivering then they remain. But if an organisation is not performing or not delivering, they are certainly vulnerable to being defunded, which would then provide an opportunity for another organisation to come on.

A couple of years ago we changed the funding arrangements because organisations such as the Canberra International Film Festival and the International Music Festival were primarily one event a year organisations, and the only category we had for them was as key arts organisations. We have created a new category called “program organisations”, and we have moved them away from the key arts organisations to a program kind of organisation. And we are looking at another couple of organisations that may go down that same path. So next year we may be reporting that we have less than the current number, and it could be either because they were defunded or because they were refunded—people retitled in their funding.

**MS LE COUTEUR:** I have been told that some of the facilities at Gorman House Arts Centre are pretty run down—that maintenance is not happening and this is due to bureaucratic issues. Can you comment on that?

**Ms Burch:** I will go to Mr Whitney in a moment, but with Gorman House the CEO has retired and there has been a significant changeover of staff there. I met with the board a couple of weeks ago now; the chair and a couple of the board members came in. We spoke about their new vision for the invigoration of Gorman and having Gorman reclaim some of the space that it had as a very important arts centre. It still is an important arts hub, but they themselves recognise the need to concentrate and to have a stronger vision for it. But as far as maintenance goes—Mr Whitney.

**MS LE COUTEUR:** The toilets have been reported.

**Ms Burch:** Yes, I have had correspondence, and we have worked through that.

**Mr Whitney:** Gorman House, like all of our arts facilities, receives maintenance on demand throughout the year. The activities of Gorman House that we have done just recently were to replace the floor and the seating in what was known as the Ralph Wilson theatre, currently being hired by an organisation called dna. We have also upgraded the electrical wiring in Canberra youth theatre, and have a DA in for upgrading the control room, the bio box, in that venue as well. There is work being conducted around the public toilet area, which is also used by Sage restaurant. We are investing money where we can to keep Gorman House as an open arts centre.

The appointment of a new general manager, who will take up his post on 16 July, will, I think, provide a new energy to the centre. We are also looking at arts activity with our arts hubs strategy. Gorman House currently provide management services for the AMC arts centre. I think that by combining the AMC arts centre and Gorman House, not only artistically but also in terms of management and maintenance, they will be able to provide a better response in terms of some of the maintenance needs for the Gorman House Arts Centre.

Over the years there has been a considerable amount of money spent at Gorman House on roof safety systems. During the dry season we had a very difficult process with the old earthenware sewer pipes; we had to replace the sewer pipes and services for Gorman House. Such is the nature of a heritage facility. So money has been spent through the Gorman House Arts Centre over the last number of years, particularly on the projects I just mentioned with the Ralph Wilson theatre and Canberra youth theatre.

**Mr Collett:** If I could add something on the specific question about the toilets, the scope of that work has been agreed with Gorman House, the funds are available and it is being costed. The works will start next month when there is a brief close-down in the Sage restaurant, which also relies on those toilets.

**THE CHAIR:** We have probably got time for one final question—a very quick one.

**MRS DUNNE:** Can I ask about the capital works budget and the rollovers in relation to the public arts scheme, which I have been variously advised was completed or there is money that is still rolling out into next financial year? What is uncompleted and what is still waiting for installation? And perhaps on notice, if I could, of the \$6.748 million that was spent in this current financial year—in previous years what was that spent on and what is it going to be spent on in the \$600,000 that is being rolled over into next financial year?

**Mr Whitney:** The works that you ask about, about where we have spent the \$6 million, will be reported in the annual report. That material will certainly be available in the annual report. In terms of the projects that we are still rolling out, there are three artworks that are delayed, for a variety of reasons. There is a work to be put in City Walk. At the moment there are major Civic repairs going on in that area. When the time is right for the landscaping process for the artwork to be installed, that will occur, which we anticipate will be toward the end of this year.

There is also work to be installed on Morshead Drive-Pialligo Avenue, from the airport. That work was held up for a couple of reasons. First, the funding of the

Majura parkway meant that we had to realign one of the works. The artist is locating some work in New York at the World Trade Centre; that is the scale of his art and his respect as an artist. So he is delayed in doing that work. And then his project manager is actually installing sculpture by the sea work in Denmark. So we have got a bit of a delay for those two to be available to come and install that work.

**Ms Burch:** Much to the disappointment of the Pialligo community, I understand.

**Mr Whitney:** With the Pialligo community, it was the first time that, as a community group, they had unanimously agreed on anything, and that was the artwork. So there is a victory. They were very clear. With the consultation we had with them, they were unanimous.

**MR SMYTH:** I am sure they have agreed on other things.

**Mr Whitney:** Unanimously. And then the third work—

**Ms Burch:** So they support public art.

**Mr Whitney:** The third work is to go down at Woden. The artist who is to install that work is on a study tour in Tibet at the moment.

**MRS DUNNE:** So these are installation costs rather than commissioning costs?

**Mr Whitney:** That is correct. The work has been commissioned, and in all cases the works have been made. And the final part of the payment is the commission costs to be installed.

**MRS DUNNE:** So that is three works that will be commissioned into the next financial year, for a variety of reasons?

**Mr Whitney:** That is correct, yes. And there is a fourth work, which is not funded out of our program but is funded out of the TAMS shopping centre upgrades, which is for the Scullin shops. That upgrade at the Scullin shops is happening at the moment; it is just the timing that will be going into that. So there will be a fourth piece installed there.

**MRS DUNNE:** What is the future of the owl? How long will it be before the owl's paint is fixed up?

**Ms Burch:** It is back, Mrs Dunne—a couple of days ago.

**MRS DUNNE:** A couple of days ago? So since the weekend?

**Ms Burch:** Chair, if I can make reference to this, there were questions from Caroline Le Couteur around different funding streams. I referred to question on notice 1909; if people want to go to *Hansard* and make reference to question on notice 1909, there is a list of—

**MR SMYTH:** Can you just table it?

**Ms Burch:** We have scribbled on it.

**Ms Overton-Clarke:** I have scribbled on it. It has an official's scribble.

**Ms Burch:** If you are happy to take it with an official scribble, that is fine.

**THE CHAIR:** So long as Ms Overton-Clarke is happy for the official scribble.

**Ms Overton-Clarke:** I am happy.

**THE CHAIR:** Thank you, minister. We will have to finish; we are out of time. Thank you, minister, for appearing in your capacity as Minister for the Arts, and thank you to officials also. I remind members that questions on notice for this morning's hearing should be lodged with the committee office within three business days of receipt of the uncorrected proof transcript, with day one being the first business day after the transcript is received. This afternoon the committee will consider the Community Services portfolio, specifically output class 2, early intervention—output 2.1, child and family centre program; and output 2.2, children's services—and output class 4, children, youth and family services—output 4.1, youth services; and output 4.2, care and protection services.

### **Meeting adjourned from 1.04 to 3.02 pm.**

**THE CHAIR:** We will start. Welcome, minister, once again to estimates this afternoon, the 10th public hearing of the Select Committee on Estimates 2012-2013. Thank you to officials also for joining us.

The Legislative Assembly has referred to the committee for examination the expenditure proposals in the 2012-2013 appropriation bill and the revenue estimates in the 2011-2012 budget. The committee is due to report to the Assembly on 14 August 2012.

The committee has resolved that all questions on notice will be lodged with the Committee Office within three business days of receipt of the uncorrected proof transcript, with day one being the first business day after the transcript is received. Answers to questions on notice will be lodged with the Committee Office within five business days of receipt of the question, with day one being the first business day after the transcript is received. Answers to questions taken on notice will be returned five business days after the hearing in which it was taken, with day one being the first business day after the question was taken.

The proceedings this afternoon will be an examination of the community services portfolio output class 2 early intervention, including output 2.1 child and family centres program, output 2.2 children services and output class 4, children, youth and family services, output 4.1 youth services and output 4.2 care and protection. I thought we would do output class 2 and output class 4 and not break up those two, if that is okay, because I think there will be overlapping.

**Ms Burch:** That is fine.



**THE CHAIR:** We will do output class 2 first and then output class 4.

**Ms Burch:** All the officials for both are here; so that is fine.

**THE CHAIR:** We will try to work that as best as we can.

**Ms Burch:** Yes.

**THE CHAIR:** I will go through the usual housekeeping. As I always say—you are probably all very familiar with it—I just draw your attention to the privilege statement particularly, which is on the blue card, so that you are aware of the implications in that.

**Ms Burch:** Thank you.

**THE CHAIR:** I remind everyone that proceedings are being broadcast. Minister, before we go to questions, I invite you to make an opening statement if you wish.

**Ms Burch:** I will make an opening statement. I want to thank the committee for a chance to talk about the Office for Children, Youth and Family Support in the Community Services Directorate. Can I start by acknowledging and thanking the directorate staff, the executive, the manager, right through to the front-line workers who do a fabulous job each and every day.

In a restrained budget climate, the government has continued to recognise the importance of supporting services for vulnerable children and young people. This year's budget sees more than \$20 million invested to strengthen the delivery of out-of-home care and protection services and over \$5 million to support services for young people in the youth justice system. This includes \$15.3 million to increase base funding for the out-of-home care program in recognition of the increasing demands being placed on that system and over five years, there has been an average increase of seven per cent in demand for out-of-home care placements.

An additional \$5.3 million over four years will provide for extra care workers and protection services. Some of these will be based in child and family centres, which will maximise the opportunities for early intervention. On top of this, \$550,000 over three years will fund improved practices and processes. The ACT has provided \$5 million over four years for programs and services supporting initiatives under the blueprint for youth justice and responses to the Human Rights Commission's report on an inquiry into Bimberi youth justice.

The important work of implementing early education care services under the national quality framework has also been recognised in this budget, with \$1.6 million over two years to embed the framework and ensure the sector is supported to meet the new standards.

I would like to take this opportunity to acknowledge the challenges we have responded to this year. Most recently, the Public Advocate's second stage review of the care and protection services identified a range of issues, and the government has

already embarked on a program of extensive change to address those issues. The Public Advocate noted in her report that work underway is already resulting in significant changes.

It should be noted that the ACT is not alone and that care and protection services around Australia struggle with the same issues in terms of attracting and retaining skilled staff, effective service delivery coordination across government and community agencies and balancing the front-end work of receiving and investigating reports of child abuse and neglect with a need to support children in care to the very best of our capabilities. Our own care and protection service leads the nation. In reporting on government services in 2012, it tops the list in a number of areas of performance, including the highest proportion of investigations commenced in seven days, at 92.4 per cent, and the highest proportion of investigations completed within 28 days, at 69.8 per cent.

I would also reiterate here the government's ongoing commitment to early intervention. The research and evidence base clearly indicates that the younger the child is, the earlier in the life of the problem that we intervene, the better it is for the child. The government has always been committed to early intervention and to the belief that child protection is everyone's responsibility.

In recent years, the government has significantly invested in early intervention in a number of ways, including the introduction of three child and family centres, the introduction of the Children and Young People Act in 2008, implementation of impact programs for families with mental health, drug or alcohol issues, the establishment of a case conferencing unit and the establishment of an Aboriginal and Torres Strait Islander services unit. There are many more examples.

Services are not static and they change, and much has been done in this area. I believe the recent announcement that a directors-general vulnerable families coordinating committee will be established will prove to be a landmark development in the provision of a whole-of-government response to families in need.

Early intervention is currently also important for the theme in youth justice. Following the release of the HRC report last year, the government committed to developing a blueprint to guide the development and delivery of services for up to the next 10 years. This blueprint will be released in August and has a strong focus on early intervention and diversion. I am pleased to announce a further \$5 million over four years to implement some blueprint-related initiatives.

Early childhood education and care services also play an important role in the lives of children and young people. Quality early childhood education and care services lay the foundation for a happy, productive life. And I am happy to say that over the past 10 years, the number of long day care places in the ACT has increased by 93 per cent, from 4,121 to over 8,000 and I think, from recent advice, it might be up to a 94 per cent increase. My government has also committed another \$1.6 million over two years in supporting the implementation of the national quality framework.

The work of the Office for Children, Youth and Family Support could not be achieved without the contributions of our important stakeholders, the community agencies and

their staff and other government agencies, kinship foster carers, volunteers, service organisations and peer groups, and I take the opportunity to thank them all. The Office for Children, Youth and Family Support is committed to transparent, accountable and responsive service delivery. We will continue to look for opportunities for open and robust dialogue and ongoing discussion with our stakeholders as we implement the initiatives announced in this budget.

I am happy for me and the officials to respond to questions.

**THE CHAIR:** My first question is in relation to the child and family centres. Considering the impact of trauma-related damage to children and the flow-on effects that can have throughout a child's life and the need for therapeutic assistance programs in relation to that and to assist parents, carers and everyone associated, are there any plans for the child and family centres to provide access to these sorts of services for the ACT community?

**Ms Burch:** I am happy to pass to Christine Nolan.

**Ms Nolan:** The child and family centres are universal service providers. So they provide a place where parents and children and families can come from the community and ask for assistance on a very wide range of matters. They are not specialist therapeutic providers in the sense that we would normally think about them when we start speaking about people who can respond to past experiences of trauma, but they would be able to link people that come into the centres to other providers who could provide that intensive therapeutic assistance.

**THE CHAIR:** Obviously, I recognise they are not specialists. There has not been any consideration about perhaps having that provided at particular times in those centres?

**Ms Nolan:** All sorts of things are provided from the centres, a wide array of services.

**THE CHAIR:** I know that, yes.

**Ms Nolan:** To my knowledge, we have not had an approach from anyone seeking to provide that kind of service from one of our child and family centres.

**THE CHAIR:** So you are saying that you would pass them on to another service, or would you keep them there but link them in with those services through the centre?

**Ms Burch:** I think there is a bit of both. We are certainly having a strong conversation through the Australian Childhood Foundation as well around how we respond and support trauma.

**THE CHAIR:** Obviously that person within the centre would then link them in through the centre or refer them on to other services?

**Ms Nolan:** They may be referred to a service provider at another location or it may be possible to arrange for a provider to come and see them at the centre, if that is most convenient for them. A number of providers do that.

**THE CHAIR:** What actually happens at the moment?

**Ms Burch:** If someone comes in as a standard referral or if someone is claiming there is a bit of a crisis moment?

**THE CHAIR:** Yes, and if there was that need to have that care provided?

**Ms Nolan:** If someone comes in off the street in distress, there is always a worker that is available to interview and counsel them, to provide an immediate, brief intervention for them. It would then become a question of what exact service they required and whether the provider that we were going to engage for them wanted to operate out of their own premises or would be willing to come to the centre. Therapies ACT, for example, will come and operate from our centres.

**THE CHAIR:** You mentioned people turning up to the centres. I am just wondering if you can provide a bit more information about how the drop-in component of the centres is going and what the numbers are in terms of that drop-in component of it.

**Ms Nolan:** I might have to ask for some assistance for that question or perhaps take it on notice. We do have data available in terms of the number of contacts more generally with families, but in terms of people coming in off the street in distress requiring immediate counselling—are you able to assist, Danielle?

**Ms Stiff:** No, I would need to take that on notice.

**Ms Nolan:** Take it on notice.

**THE CHAIR:** Okay. And also what sort of services. If people are dropping in, exactly what sort of services are they are mostly seeking—if it is possible to look into that.

**Ms Burch:** I do not know if they will be identified in the annual report, but general numbers that are accessing the centres are in the annual reports, and the range of services that they access are in there. But if you are talking around an individual coming in in a crisis moment—

**THE CHAIR:** Obviously, that is a component of the centres; but, as you said, if someone turns up, if that person is just turning up on the day requiring assistance, it is getting some numbers on that particular aspect.

**Ms Nolan:** Okay.

**Ms Burch:** Yes.

**THE CHAIR:** Are you able to tell us now how that component is going?

**Ms Howson:** I think Danielle would be able to describe for you the universal service offer—if somebody just walked in off the street, what experience they would have. You can talk through that, Danielle?

**Ms Stiff:** At each of the child and family centres, we have an intake worker who is there every day. That changes regularly, but there is always an intake worker who is available for any family that walks in off the street and needs some immediate support. Part of that process is that the intake worker sits down with the family members, talks to them, listens to them and finds out where they are currently at.

There is a range of programs that the intake worker can suggest that we currently have at the service that may be opportunities and support for them. If there is not a suitable program that we offer at the service, the family is given some clear directions about some support services. For example, we would have the intake worker make a direct phone call to ACT Health that could perhaps provide a link-up with that particular service. So families do not have to walk away and go away and make an appointment; the appointment is made then and there for them.

**THE CHAIR:** I think that is the key aspect I was wanting to find out—if they get that appointment made for them. In relation specifically to Aboriginal and Torres Strait Islander people, how many staff that work across the three centres identify as Aboriginal or Torres Strait Islander?

**Ms Stiff:** We do not specifically identify staff, but what we have done instead is ensure that all of our staff who work at child and family centres have a good understanding of working with Aboriginal and Torres Strait Islander families. We have engaged in a number of professional development opportunities to ensure that happens. For example, “Engaging our mob” is one of the professional development opportunities we have done. Another one is the Indigenous parenting program, triple P. Our approach is to ensure that all staff are able to support any family that walks in and identifies as being an Aboriginal and Torres Strait Islander family.

**THE CHAIR:** So you would not have specific staff from an ATSI background?

**Ms Howson:** I might just clarify. Ms Stiff was, I think, intending to say that we do not have any identified positions, but we do have staff who identify themselves as Aboriginal and Torres Strait Islander people. We probably need to take that on notice to give you a specific figure.

**THE CHAIR:** If you could, that would be great; thank you. I have one last one on that. Has there been any consideration or study done to look at the need for a fourth service—say one for people in the Civic area?

**Ms Burch:** One of the things in the budget is feasibility for the Woden community service, but also looking at that being a hub, so what other services could co-locate. As you know, Woden Community Services has been at its existing location for some time; it is certainly full and it needs to find another space. We are looking at what other service systems can wrap around a service with a bit of an anchor tenant, being Woden Community Services. We also know that, with the growth of Molonglo, we need to pay attention to the services that would service that Weston Creek-Molonglo area.

**THE CHAIR:** What about the Civic area?

**Ms Burch:** There are no active plans around a child and family centre being in Civic.

**THE CHAIR:** When you say that, if you have done any studies, you are primarily focused on Woden, you have not looked at what other areas might need to have a service?

**Ms Burch:** Not to my knowledge. Certainly not in my time.

**THE CHAIR:** Okay.

**Ms Burch:** I concentrated on looking at that Weston Creek-Woden-Molonglo area.

**Ms Howson:** It is something that we are looking to do in the future—a bit more comprehensive planning around where our population needs are. But we have not done that work at this point in time.

**THE CHAIR:** I was going to ask if that work has been done to see where the next place is. Obviously, as you said, Woden would be an obvious one because of the stuff that is going there. But looking at the central area? Woden is probably central, but the Civic area? So that is a plan, is it—to do that sort of work?

**Ms Howson:** Certainly, within our scope into the future to do a better assessment of the service needs by regional location.

**THE CHAIR:** Is that a formal plan to do that?

**Ms Howson:** It would be caught up in the context of the work that is being done generally around the Civic-Northbourne area.

**THE CHAIR:** So are you saying it would be included in there—not the authority or the body that has been established? Or would it actually be something that the department is doing?

**Ms Howson:** That would be a position that the department would take in that process, which is just kicking off.

**THE CHAIR:** In that process, you will also be looking at those sorts of services?

**Ms Burch:** We would certainly look at what are the demands, given that there is significant uplift in residential properties there—what does that result in? And then you would need to look at community services.

Chair, if I can go to the question on Aboriginal and Torres Strait Islander staff, there are four Aboriginal and Torres Strait Islander staff across the child and family centres. There is one at each—but my maths says that there must be two at one.

**THE CHAIR:** That is right. Thank you.

**MR HARGREAVES:** I have got a couple. Can I refer you to budget paper 3, page 128. Minister, you referred to it in your opening address—the national quality

agreement for early childhood education and care. They have allowed \$1.6 million over two years for that initiative. What I would like to know is: can you give us an idea of what we are getting for the \$1.6 million and how it is going to affect people on the ground.

**Ms Burch:** I am assuming you are aware that the national quality framework was agreed by COAG. The first piece of that work came into effect from January this year; we are looking at reduced carer to child ratios here in the ACT. We had already met the new requirements for the over-twos. We were well positioned to meet—and I think the majority of our services, in planning towards the framework, had already moved to—the lower requirement of moving from one to five to one to four.

Another part of that is a change in the assessment and rating system. The previous regulation or accreditation process is no longer in play and the new rating system needs to be implemented. That system is going through a validation process where each jurisdiction is going through a process with a number of its services. I will refer to Danielle Stiff and we will get the numbers there. What this budget will do will be enhance support through that transition and assessment process.

**Ms Stiff:** The actual budget provides for five additional staff in the Children's Policy and Regulation Unit. Those staff are in relation to supporting our new role in conducting assessment and ratings. We also have included in the budget to conduct a workforce study for \$150,000. This workforce study is, in particular, to help us to identify the ACT's specific needs. Nationally, there has been a national workforce census study conducted in 2010, but specific data about what is occurring in the ACT will need to occur.

We also have support for a media campaign for the ACT Children's Services Forum. They have actually come together with the community to identify that they want to do more awareness of what kind of work an actual person who works in the education and care sector would do. They would like to promote the sector; they would like to promote working in the sector. So \$50,000 over two years to support that has been committed there.

There is also a new national IT system for the national quality framework. In the ACT, like in other jurisdictions, we have some services that are out of scope of the national quality framework. There is further work that needs to be done, which will be \$100,000 to support those out-of-scope services to be able to use the one IT system in the ACT.

**MR HARGREAVES:** Thank you very much for that. What involvement has there been with the non-government sector providing services in this space with this agenda?

**Ms Burch:** The early childhood care providers are a mix between community organisations and non-community organisations. A number of the community organisations are housed within government facilities. I am not quite sure if that is where you are going. Also, there are a number of independent preschools that will also be captured within this.

As we have moved through, we have seen strong support and preparedness for these national reforms across the community and the non-community groups. I have not yet spoken to a provider that does not recognise the benefits of these reforms, which were all about quality. If you look at the ROGS data you will see that the ACT leads the nation in a number of those quality levels around health and wellbeing as well. The formation of the educators network; I am not quite sure if that is—

**Ms Stiff:** Yes, the Education and Care Network.

**Ms Burch:** The Education and Care Network, the professionals themselves coming together, was a result of one of the roundtables I held. It is the educators coming together to give each other a level of peer support and to make sure that they really do embrace the enhanced opportunity through this new quality framework.

**MR HARGREAVES:** I think you are the most qualified person in the Assembly to talk about early childhood services from your pre-Assembly days.

**Ms Burch:** We all have previous lives, Mr Hargreaves.

**MR HARGREAVES:** And we have all got skeletons in our closet. The conversations you have with the people who provide a service, the same as you did, are they excited about these changes? What is the reaction you are getting from those people actually on the ground?

**Ms Burch:** There is an excitability and an opportunity. People recognise the challenges that are afoot when you go through a level of reform such as this. There is no doubt a level of challenge, but I believe that the government has stepped in to meet the challenges. We have put significant investment into infrastructure to support a number of services with the physical change that accommodated some of the requirements in the national framework. We have also put a scholarship program in place to help the workforce.

I think the fact that over the last 12 months we have seen a 500-place increase, an expected 500-place increase, tells me that the sector is getting on with its business and has in many ways embraced the reforms. It certainly has not appeared to stall the community nor the non-community providers' interest in providing services. I was delighted when I got the stats to find that we are providing a 93 per cent increase—and I think it is now 94—in a decade of Labor governments, in childhood care places for Canberra families. That is a good result by anyone's terms.

**MRS DUNNE:** Just to follow up on that, Ms Stiff or someone, could you elaborate on the five new staff, what their job will be?

**Ms Stiff:** Yes, I can do that. One of the staff members is to be a team leader and that person will be at a SOGC position. They are there to support the fact that we would be having more advisers on board to do not just monitoring and compliance of services but also conducting assessments and ratings. The next position is that our sector development adviser came on board last year to continue in that position for another two years. The next position is for another adviser to support that team so that the number of advisers in the children's policy and regulation unit can increase due to the



changes in their jobs. The other two positions are for policy officers who will support the national quality framework. That role is twofold. One part is to support the work that is happening at a national level, to continue that work.

As we know, in 2013 there will be a workforce study review done and in 2014 the national quality framework will be reviewed. Obviously, data is starting to be collected for both of those now. As well, those policy people have a role in supporting the actual advisers in conducting the assessment and rating process. As I said, that is a new process for the children's policy and regulation unit to do. There will be further support provided to them to ensure that services are receiving a consistent and accurate assessment and rating for their service.

**Ms Burch:** And what is the pilot period, for want of a better word? It is the latter part of this year and—

**Ms Stiff:** The evaluation period will continue until the end of October. That will allow us to ensure that services are being rated at a nationally consistent level and that services will have clear data to support the service. The trials that we have already conducted in 2010 and 2011 will ensure that the further refinements that have been done to the assessment and rating process will ensure that before that data is made public the services can be reassured that that information is accurate and correct.

**MRS DUNNE:** Could I just follow up on that? I just wanted to clarify that none of this money is going to assist the sector itself to adjust. It is, rather, money that is going to assist the government to do its monitoring, compliance assessment and policy work?

**Ms Burch:** I would disagree with the interpretation. This team will be working hand in hand with the sector and supporting them to move to the transition. You cannot not have this team in place to provide guidance and advice on the assessment and the policies and the way it moves through.

**Ms Stiff:** Can I add to that? The assessment and rating process is about continuous quality improvement. We have already had some providers write back to my team and say that they found it quite a privilege to have our staff in there, that they found the process was beneficial in assisting them to continually improve and refine the work that they are doing for education and care.

While the process is called an assessment and rating, it is a two-way process about services—producing a quality improvement plan and receiving feedback on how that quality improvement plan can be implemented and how they can improve. Continuous improvement is an important part of this. The advisers are not going out just to conduct assessment. They are going out in a supportive role as well to give feedback. So far, we have had some providers actually write back to us and say that they really enjoyed that process and that their staff have felt well supported during the assessment and rating.

**MRS DUNNE:** The \$50,000 per year or \$50,000 over two years for a publicity campaign—which was it?

**Ms Stiff:** It is \$25,000 in this first year and \$25,000 in the second year.

**MRS DUNNE:** What is the publicity campaign aimed at?

**Ms Stiff:** This is a campaign that is being driven by the sector. The sector have worked in partnership and have raised amongst their own community over \$70,000. The purpose of the campaign for them was to promote working in the education and care sector. They have decided that they want to use real people that are already working in the education and care sector to talk about their experiences. They also want to talk about the career pathways that people can have in the education and care sector.

The Children's Services Forum have also decided that part of that media awareness is that they would like people to have the opportunity to go to one particular spot to look for careers that are coming up in the ACT. They believe that through their campaign and through their webpage they will be able to do that far more easily, effectively and cost efficiently than perhaps some of the ways they are spending their money at the moment in recruitment.

**Ms Burch:** We have recently launched an ACT workforce strategy for the sector. Again, that was developed in partnership with the sector. Every bit of activity and investment that we have put into early education and care has been in partnership with the sector, either through the Children's Services Forum or as a result of the roundtables that we held. I think that is in stark contrast to a single waiting list that no-one seems to want, Mrs Dunne.

**MRS DUNNE:** We were just talking about a single entry point. I just wanted to clarify that, apart from that \$50,000 over two years, there is money from the sector as well going into that campaign.

**Ms Stiff:** Yes, there is.

**MRS DUNNE:** So how much is the campaign overall?

**Ms Stiff:** It was decided that they needed approximately \$100,000 to start it but, in saying that, they raised over \$70,000 from the sector themselves. They have decided, with the advertising company that they are working with, that they will deliver a campaign based upon the amount of money they have. They also expect that some services will continue to add more money in future years. When the campaign is closer to being launched at the end of August, there will be other services that may not have decided where they want to put their support and there could be further funding coming from the sector.

**MRS DUNNE:** If it works, they would expect that there would be more money forthcoming in the subsequent year.

**MS HUNTER:** I think I understood that the government has put in \$50,000.

**Ms Stiff:** Yes.

**MS HUNTER:** Having spoken with United Voice on a number of occasions, I know that was something that they were very keen to get up, so it is good to see that has been funded. I just wanted to pick up on a couple of things there. My understanding is that the centres are going to be struggling with the new reforms in the area of attracting preschool teachers and that, in discussions with the sector and the industry, the CIT scholarship program is not really what is needed. There is concern that it has not been a good use of money.

What I wanted to know was: how many people who have been through the CIT program have actually ended up in the sector working for what would be considered a reasonable amount of time—I would say at least two years? Do we keep that data? The minister for education does not know about it and says that they do not keep it at their end. Do we actually have any figures?

**Ms Burch:** I do not know what figures we have but, again, I would disagree with saying that the scholarship money was not useful. I am sure that the 53 people who were benefiting from that scholarship would disagree with you, Ms Hunter, with all due regard. The diploma was supported through a fee waiver. Certainly, there was a HECS-HELP arrangement for tertiary education and there was limited support for vocational training. Given that that was the entry level, that was our investment, but we also wanted to have a mind about supporting those workers that have been in the system for many years, often working in family day care, to provide them with an opportunity to get base training as well.

**MS HUNTER:** I totally understand that, but they have said that they have access to other funds. Most of them who have been in the sector a long time are not accessing this particular program. I am quite sure that the 53 people are extremely pleased, because CIT does a good job. But that is not the purpose of why their scholarships are put in place. The purpose of the scholarships was to ensure that we had numbers of people going to work in the industry. It is not about their personal satisfaction. It is about: is the money that the government is spending to ensure a flow of workers into the industry actually achieving the purpose that it was appropriated for? That is the key question, not whether people are personally satisfied.

**Ms Burch:** The purpose was to support those in the industry, or new in the industry, to gain a certificate III so they can be part of the national reforms, so they can continue to work.

**MS HUNTER:** Let us get back to the actual data collected then. How many of the people who have been through the program to get the scholarship have been in the industry? Do you collect that information? And how many who have not been in the industry, but have been seeing this as a way to get trained up to work in the industry, are working in the industry? It is just about getting those figures.

**Ms Burch:** I think there is a mix.

**Ms Stiff:** Yes, I have that data; 56 people have been formally approved for the scholarship. Of those, 28 work in the long day care sector, nine work in family day care services, four work in independent preschools and 18 are currently not working in the sector but have got intentions to join the education and care sector, which is a

part of what the program was designed for. The program was designed to support an increase in the number of people actually working in the sector, as well as to train up people that were already working in the sector.

**MS HUNTER:** That is right. It did have dual aims, I agree. How can you follow up the 18?

**Ms Howson:** Sorry, Ms Hunter; if I could just come in there, in terms of the scholarship program, part of the evaluation too will be to track where these scholarship holders end up staying; whether they stay in the sector, whether or not they enter the sector.

**MS HUNTER:** Thank you. That is what I wanted to know, if it was about a tracking thing. That is good.

**MRS DUNNE:** So you are tracking that. When will the first of that tracking data become available?

**Ms Stiff:** It will become available when people have actually completed their course; then we will continue to review from there.

**Ms Burch:** There are two providers for those scholarships, new skills and CIT.

**MS HUNTER:** The other thing that has been raised is a bit of an issue. I understand that under the reforms there will have to be an identified person within each centre who is an educator leader or something—

**Ms Stiff:** An educational leader.

**MS HUNTER:** Educational leader. That was another area that centres had raised with me; they were concerned about how they were going to identify, because people are pretty busy in these centres. Have you heard that? Have you been looking at how you might assist centres to either look at a cluster model or at some other way to be able to address it?

**Ms Stiff:** I will start by telling you about the educational leader. There is no formal qualification required in that position, but what it does require is that a person who can be accessible to staff and also to parents is available regularly to be able to support the service to implement the national quality framework and meet the seven standards that are required in that. In March we conducted six workshops across the ACT—some in the morning, some in the afternoon and some in the evening—to capture all the different parts of the sector. We had over 120 people attend those workshops, and one of the key areas that we spoke about was the role of an educational leader.

One of the initiatives that we found with the national quality framework that is working quite well is, rather than having a prescriptive role to say, “This is what this person must look like; this is how this person must act and perform,” to get the sector to develop what they would like their person to look like and to give each other ideas and feedback of how that role can be attributed and how that person can interact. The

example that you provided, which was around an education leader who can perhaps work across a couple of services, is certainly one of the ideas that was raised by the sector that they felt they could do.

Some services are choosing a person that may not be the most highly qualified of all their staff but a person who has a lot of experience and who understands the early years learning framework, the curriculum, or my time, our place, which is the school age care curriculum. Other services have chosen to take their director on as that particular role. As I said, there is no specification that this person must spend so many hours in this service.

Where you will see the benefits for children is when that service has its assessment and rating conducted. Then you will be able to see what is the role of the educational leader and how does that person support. So the educational leader is not looked upon as a regulation requirement, that each service must do this. It is actually a clear reflection that is better in their assessment and rating of how that service provides quality education and care to the service, and that will be a clearer reflection of how that person's role is actually working, efficiently or not.

**THE CHAIR:** Okay. That was a follow-up. Did you have a substantive question?

**MS HUNTER:** That was my follow-up, yes. I will go to a substantive one.

**MRS DUNNE:** Sorry, if you are going to change the subject substantially, I have one follow-up—

**THE CHAIR:** Yes.

**MRS DUNNE:** in relation to the implementation. How many exemptions, if any, have been given for centres that do not have appropriately qualified staff at the ratios required?

**Ms Nolan:** We refer to these as waivers under the national regulations and I think it has been a very lower number considering the quantum of the change that is before the sector. Danielle, do you have details of that?

**Ms Stiff:** [A total of 16 waivers have been put in place, and specifically two of those have been for staff qualifications for preschool age and under; so that would apply to long day care services.](#) There have been nine staff qualifications and they relate to children for services above the preschool age, which is the school age care sector. There has been one temporary waiver for the staff ratios for preschool age and under, and four permanent waivers that have been issued.

I must clarify for you that temporary waivers are for a maximum of 12 months. There have been four permanent waivers, which were for prescribed space requirements, and they were all for school age care services and they are all specifically for vacation care programs that have not been able to meet the space requirements over the school age care. So in short the answer for services, in particular long day care, is two staff qualifications.

**MRS DUNNE:** And that is since the commencement on 1 January?

**Ms Stiff:** That is correct.

**MRS DUNNE:** They used to be called exemptions. They are no longer called—

**Ms Stiff:** They used to be called temporary standard exemptions.

**MRS DUNNE:** Yes, and what are they called these days?

**Ms Stiff:** Now they are called temporary waivers or permanent waivers. Because it is a national law, they do have a slightly different focus, but they are very similar.

**MRS DUNNE:** And do they appear in the notifiable instruments?

**Ms Stiff:** No, they do not appear in the notifiable instruments.

**MRS DUNNE:** That is why we could not find them. Where do we find them?

**Ms Stiff:** Services must produce that information; it is part of their licence. It is on display at the service.

**MRS DUNNE:** Who provides those waivers now?

**Ms Stiff:** The Children's Policy and Regulation Unit, as the—

**MRS DUNNE:** Your unit?

**Ms Stiff:** Yes, which is part of the Office for Children, Youth and Family Support and obviously part of the Community Services Directorate. It is the regulatory authority and that is the service that actually approves those waivers for the—

**MRS DUNNE:** But hitherto they were notifiable instruments? Until 31 December last year, they were notifiable instruments and they went on the legislation register. But they do not go on the legislation register anymore?

**Ms Stiff:** That is correct. Part of being part of a national law is that we had to get agreement with all states and jurisdictions about how we would notify; in the other jurisdictions it was quite common for services to have this information. The people that really need to know this are families. They are the ones that want to be able to do it. So the decision was made that that information would be clearly articulated at the service on their licence, which must be on display at every service.

**MRS DUNNE:** Could I ask on notice for a list and a description of the waivers? They are not exemptions anymore; they are called waivers?

**Ms Howson:** Temporary or permanent waivers.

**MRS DUNNE:** So could I have a list and description of the temporary and permanent waivers, and could I also receive advice about how members of the Legislative

Assembly might be regularly updated on temporary or permanent waivers, seeing that they are now no longer on the legislation register.

**Ms Burch:** [They will be held in the annual report.](#)

**MRS DUNNE:** But that means you will hear about it once a year. At the moment, up until the end of last calendar year, one could go to the legislation register at any time of the individual's choosing and see what the exemptions were.

**Ms Burch:** It is important for the families to have on site in the centres the right thing to do.

**MRS DUNNE:** I do not disagree with that.

**Ms Burch:** They are in the annual reports, but I am quite happy to see if we can provide that information regularly through the CPRU or the CSD website over time. I am quite happy to take that on.

**MRS DUNNE:** Some advice about an appropriate way of doing that would be useful.

**THE CHAIR:** Has that been taken on notice? I am just getting clarification.

**Ms Burch:** Yes. I am quite happy to take that on notice.

**MRS DUNNE:** Thank you.

**MS HUNTER:** By the way, I did want to say that many childcare providers have also said that the unit has been very helpful with these changes, so it is important to give that feedback. Quite a lot of money has been put aside for the Holder childcare centre. I think it is something like \$7 million. I want to get an idea of why it is so costly and also why this project has been slipping in time. What has been happening with this project as far as design and so forth? There are a couple of questions in there.

**Mr Collett:** The point that you raise about the cost, Ms Hunter, has been raised previously with us; it has been raised with us in terms of comparison between the childcare centres that we have constructed recently and the ones that we have in the budget moving forward and the childcare centres that are being produced by non-government organisations or by the private sector.

In order to respond to that and make sure that we were providing good value for money for the territory, we have undertaken an assessment with some of the architectural drawings and specifications that were provided kindly by the non-government sector and by the private sector in terms of the childcare.

We have not formalised that review, but I have gone through the figures and they refer almost entirely to the issues of building standards, fitness for purpose and the longevity of the fittings. If I can take an example, we provide a commercial kitchen in terms of complying with commercial kitchen regulations. It not only helps us to ensure that the food standards being provided for the young people, children and babies at the childcare are adequate; it also means that the long-term operations at that

kitchen are secure.

We have provided ceiling heights of three metres in order to maximise the flexibility of the space in terms of moving equipment in, allowing for a range of indoor activities for some of the larger children and the rest. These compare to a normal domestic kitchen, in the case of some of the non-government providers, and a 2.4-metre ceiling height, a normal, minimum, domestic standard ceiling height.

We have also introduced a range of design provisions, borrowed from our public housing portfolio, which we call designing out maintenance. So we use throughout our buildings impact-resistant plasterboard, which means that we have got fewer ongoing costs in repairing damage to walls and ceilings.

**MS HUNTER:** So a lot of the cost is in the standard of materials and so forth—the specifications of the building?

**Mr Collett:** All of the cost difference is in that.

**MS HUNTER:** And what is the amount of that cost difference?

**Mr Collett:** It ranges up to about 30 per cent or, in some cases, slightly more. We have not formalised that study, as I said, but we have done that comparison work with architectural drawings and specifications from the other facilities. We are building a long-term asset for the government, with an eye to minimising the maintenance costs that come back to the directorate.

**MS HUNTER:** The time line seems to have slipped. What has happened with the design and so forth? Have there been redesigns that have gone on?

**Mr Collett:** There has been some redesign work. We have also gone through that costing exercise. The project is ready to be committed this financial year, and I do not see any further delays in the project.

**MRS DUNNE:** Could I clarify what “ready to be committed” means?

**Mr Collett:** The reworking of the design and the clarification and specifications have been completed.

**MRS DUNNE:** Is there a DA?

**Mr Collett:** The DA has not been approved by the planning authority.

**MRS DUNNE:** Is it in?

**Mr Collett:** Yes.

**MRS DUNNE:** Over the past financial year, what changes have been made to the design and has that impacted on the price?

**Mr Collett:** There has not been a significant impact on the price. The design has been



mainly around the siting and the configuration of the external works and car parking.

**MRS DUNNE:** That was because of the problem with the battleaxe block and that access?

**Mr Collett:** Yes.

**MRS DUNNE:** By your estimation—I use it as a very vague term—you are saying that there is something like 30 per cent above cost for the commercial sector in this building. Is the government expecting to recoup that in rent? If the service is going out to a provider to provide a service and the government is not going to be providing this service, will the government be expecting a return on investment which is 30 per cent above the market rate?

**Mr Collett:** In answer to your question, no to the first part and yes to the second part, and I will explain that answer. We will not increase the rents in relation to the quality of construction but given that our rents are cost recovery rents, set on the basis of our costs to operate, the savings that we will make through improved energy use, reductions in maintenance and reductions in our long-term cost of owning the building, will reflect a benefit for the territory over the lifecycle of the facility.

**MRS DUNNE:** What you are saying is that the government's rents will be based on the cost to operate the site, excluding the capital investment?

**Mr Collett:** We are always looking at our rents, making sure that we are setting those appropriately, given the relationship that exists between the community sector and the territory in providing childcare places. But you can say in the broad that our costs are based on cost recovery, not on a rate of return that the private sector would expect on an investment in property nor on a market rent that is set against other market users of the space.

**MRS DUNNE:** You would not be attempting to recover the capital cost?

**Mr Collett:** We do not attempt to recover the capital costs, and that is why it is so important to us that the original construction is building a long-term asset for the territory that will serve us for generations to come.

**MRS DUNNE:** And you are not looking to recover the opportunity costs?

**Ms Howson:** Such as?

**MRS DUNNE:** If you do not spend \$7½ million on this venture, you might spend \$7½ million somewhere else. You are not freeing up the money for something else. You are not seeking a return on capital. You are not seeking a return on opportunity costs. I do recall from last year's budget that there is \$600,000 a year in recurrent costs. I have not got it readily available but there is something like \$600,000 a year. Is that just depreciation or are there costs associated with that?

**Mr Collett:** No, there would be energy and maintenance costs in those.

**MRS DUNNE:** And there was no revenue line in last year's budget? If you are renting it out, there will be some income. Last year's budget had \$7½ million in capital and I think this year and next year it has \$600,000-odd a year in recurrent expenditure. Could you tell the committee what the recurrent expenditure is broken down into and what you envisage the income from the childcare centre would be?

**Ms Burch:** We have not gone out to tender on what the provider will be. It is certainly a preference to have a community provider and for that to be considered the same as our other community providers in other assets, but it is the government's policy to build to a standard that lasts, as David eloquently put, for generations to come, and it is on top of the other investment that we have put in in childcare.

If there is a problem that you have with investment in childcare, given that the last time the Liberal Party was in power there was no investment and we have got a record investment that has seen a 94 per cent increase in childcare places, it is this level of investment that sees that result.

**MS HUNTER:** Could I just ask—

**MRS DUNNE:** Sorry, Madam Chair, I just want to clarify.

**THE CHAIR:** Just one minute, Ms Hunter. Let her finish her question.

**MRS DUNNE:** Sorry, my memory was slightly faulty. It is cumulative, the \$600,000. It is two lots of \$188,000 in depreciation and \$275,000 in 2013-14 and 2014-15 in expenses, which I presume are maintenance, or what would that be, Mr Collett?

**Mr Collett:** I will take that question on notice and give you a comprehensive response.

**MRS DUNNE:** I would also like an answer on notice about how much of that depreciation and expenses on maintenance or whatever is expected to be recouped from income on rental.

**Ms Howson:** Would you mind referring to the page number in last year's budget statement?

**MRS DUNNE:** Sorry, this is BP3 page 181.

**Ms Howson:** And that is last year's?

**MRS DUNNE:** That is last year's.

**THE CHAIR:** That previous bit was taken on notice, but you have got an answer to last year's budget, I think.

**MR SMYTH:** Mr Hubbard may have the answer.

**MRS DUNNE:** Mr Hubbard may have the answer. He may not have to take it on notice. Thanks for that, Brendan.

**THE CHAIR:** Yes, but there were two things taken on notice.

**Mr Hubbard:** I will have to have a look at the detail of that in last year's budget papers, but the way that you have presented them, Mrs Dunne, is that what that will be will be expenditure related to R&M, factored in at a certain percentage of—

**MRS DUNNE:** R&M?

**Mr Hubbard:** Repairs and maintenance. That line will be totally for repairs and maintenance. That is how we usually represent it in BP3. That will be all R&M for the future, once the building is actually built. We do it on a percentage basis going forward, so that—

**MR SMYTH:** The children of Holder cannot be that rowdy—\$275,000 worth of repairs and maintenance every year?

**Mr Hubbard:** It is based on a percentage going forward. We do an estimate of the life of the building, and that will be a set number of years, and then we just pro-rata it over the life of the building.

**MRS DUNNE:** What is the estimate of the life of the building?

**Mr Hubbard:** I am not sure of that one. Maybe 40 years? It might be 40 years. So we could do a division.

**MRS DUNNE:** You can do a division on notice.

**Ms Howson:** Would you like that answer?

**Mr Hubbard:** Yes, it is about 40 years or 50 years.

**Mr Collett:** The alternative to a programmed maintenance expenditure, which is representative of a percentage of the building's value, is a fix-when-fail method of maintaining buildings, which is probably not the best model for childcare centres.

**MRS DUNNE:** I do not have a problem with the method. I am just trying to drill down into what the components of the costs are.

**MS HUNTER:** I want to go back to the redesign. You mentioned, Mr Collett, that there was redesign of this childcare centre. What was the cost of having to go and redesign it to take into account, I think you said, access and car parking?

**Mr Collett:** There were modest costs in terms of the architectural fees. The cost of the building itself has not changed significantly. Its location on the site and the configuration of the landscaping and car parking have changed.

**MS HUNTER:** Do you have the amount that the redesign was?

**Mr Collett:** I will take it on notice.

**THE CHAIR:** That is taken on notice.

**MS HUNTER:** And did it delay the project by much? How many months did we lose because of the redesign?

**Mr Collett:** Because we had gone through the whole of the DA process around the original design and then had needed to make changes to the site and to the building, negotiate those changes with the approving agencies, which has included tree protection people as well as the roads and traffic people and TAMS assets acceptance group, it has been a fairly substantial delay. We have lost in excess of six months through going through that process because the problems did not surface until after the DA was ready for approval by the planning authority.

**MS HUNTER:** In that design and DA process no-one picked up that there was not parking?

**Mr Collett:** I can only give a long answer to the question. The site had previously been used for development. It had a level of car parking already on the site. The site was too deep to be effectively utilised as a whole site and in identifying the site as being appropriate for childcare, it was clear that we needed only a portion of the site. Working closely with EDD, we then determined a configuration of the original block into a battleaxe block at the rear and a block at the front to take the childcare centre. The battleaxe block used, as its access, part of the car parking that had been provided for the original use.

**MRS DUNNE:** When it was a church?

**Mr Collett:** We had discussions with one of the community organisations who were interested in taking the land either at auction or by direct grant and determined an arrangement which we thought had been agreed in which we would share the car parking and instead of providing funds to build a new car park, we would provide funds to upgrade the existing car parking as part of the access arrangements to the rear of the battleaxe block.

The requirements of the other party changed. They changed very late in the day. It was no longer appropriate for us to share that car parking. It would have impacted on their utilisation of the rear of the site. So it was necessary for us to accommodate all of the car parking on our own block at the front of the site and it was necessary, therefore, to resubmit the DA. There was a level of discussion with the planning authority about whether we could vary the original DA. There was an objection that was raised to the DA process by one of the neighbouring commercial users.

We talked to the planning authority about whether there was a way of accommodating both of the changes that were necessary under the original DA, whether we could notify a variation to the DA or whether it required a full DA. The planning authority said that they would not make a decision in isolation of what the consent authorities in TAMS and our other agencies of government were.

It is one of those circumstances where we had an arrangement, it would have been cost effective, we thought it was going to deliver some good results for the territory.

Unfortunately it fell over at the last minute and did result in quite significant delays to the project. It is probably worth noting, as the Director-General has just reminded me, that neither the delays nor the changes have taken us outside the original cost plan and we are still expecting to complete the works on budget.

**MRS DUNNE:** And on time? What is the expected completion? It says here that you expect to complete at the end of next financial year. That is what it said this time last year. Are you going to complete it by the end of the financial year?

**Mr Collett:** I believe so. I have not got a DA but I believe all the issues have been addressed. We have got the support of all of the agencies, as we were required to do. I do not see that there are any further delays. The DA should be processed in July. We have the builder ready to go, the documentation ready to go with the builder, and it should be able to be finished in 12 months. That is not a stretch in terms of construction.

**THE CHAIR:** We will need to break now.

**Ms Burch:** Can I just take the opportunity to provide to the committee a copy of our early childhood education and care strategy, which outlines our investment? It has a graph that clearly shows the significant increase in childcare, plus the workforce strategy.

**THE CHAIR:** Thank you, minister.

**Meeting adjourned from 4.04 to 4.21 pm.**

**Ms Burch:** Chair, can I just go back to the temporary exemptions on childcare. Danielle Stiff can give some additional information on that?

**THE CHAIR:** Yes.

**Ms Stiff:** The temporary standard exemptions are a requirement under the Children and Young People Act 2008. There are services that are not part of the national quality framework, that are considered out of scope of the national quality framework. Those services will continue to be licensed and regulated under the Children and Young People Act 2008. So the temporary standard exemptions are still current. They are still currently published and displayed on the website that Mrs Dunne was talking about. There are currently two services that have a temporary standard exemption enforced. That is in place at the moment.

**MS HUNTER:** I want to raise the issue around non-government playgroup programs. I understand that a number are struggling to find suitable venues to run these programs. What is the government doing to support playgroups to find space, particularly in the inner north?

**Ms Burch:** We work very closely with playgroups, recognising that they are an important place for mums and kids to come together and to have a learning and positive experience. I know that some time ago we were active in securing additional accommodation, such as Cook. I am trying to think of the name of it. That is a play

school at Cook. I might hand over to Danielle Stiff, given that I am mixing my play schools and playgroups.

**Ms Stiff:** We do work closely with the sector to support them. For example, out at west Belconnen child and family centre we could have provided another playgroup there, but there was already one being run by the UnitingCare Kippax community, so instead of creating another one we work in partnership with that organisation to support families to go to that particular playgroup.

One of the particular things that people have really liked is the paint and play style playgroup. We run four of those from the child and family centres. That particular style of paint and play has been taken up by the community as a very positive one. As you know, paint and play is regularly held outdoors as an environment. There are another eight that are being run by the community that are not being run by the child and family centres, so that is 12 in any given week that would be occurring there.

**MS HUNTER:** My question was more around those non-government playgroup programs. They are struggling to find accommodation. Has this come to your attention?

**Ms Stiff:** No, there have not been any specific services that have contacted us saying that they need extra support to find that. But I am certainly happy for those services to be referred to early intervention and prevention services to find some support for them if they specifically need that.

**MS HUNTER:** Thank you. The other one is this: there have been a few parents who have called or emailed who have had complaints about their childcare services. When they have been given the information about complaints mechanisms, including the use of children's services and the role that you play in licensing and regulation, they do not know about it. I am wondering how children's services promote their role.

**Ms Stiff:** All the services have on display contact information about the children's policy and regulation unit, what our purpose is and how we can support families in that. We also have quite a bit of information on our website. And we have a general phone number and also email address where families, when they get onto the Community Services Directorate website, can find out specific information about how to contact us. We take particular care in ensuring that, if parents do contact us, we get in and investigate their complaint quite promptly and then return calls to parents so they know exactly what has occurred by our unit and they get some feedback in a very timely manner.

**MS HUNTER:** On budget paper 4, page 349, we have the early intervention accountability indicators for the child and family centre program. I note that indicator e describes the "schools as communities" program as being combined into indicator a. It describes the number of group sessions for the centres and that this represents a net increase in group sessions of 20. That is welcomed. But I have a concern about indicators a and d. Am I right in assuming that indicator d, which describes the number of children receiving targeted intervention services, has been combined into indicator b, which describes the number of community development programs?

**Ms Stiff:** No, that number has not been integrated into number b; that number has been integrated into a. It is not a number of group sessions.

**MS HUNTER:** So has there been any net reduction or is it an increase?

**Ms Stiff:** It is a change in numbers in the way that they are counted; there will not be a reduction in the services that we are actually offering. Schools as communities, as a service, will continue to offer outreach to children in settings such as the school and home.

**MS HUNTER:** So, we will still get the same level of service?

**Ms Stiff:** Yes. We are actually expecting that we can increase the quality of our service. At the moment schools as communities is specifically targeted at specific schools, whereas we will now be able to offer this service to schools within the Tuggeranong, Belconnen and Gungahlin region. So we will be able to more specifically target vulnerable children at any of those schools, rather than just children that were in this particular targeted school under the previous model.

We have also been able to identify that we can provide better support to our staff who work at those services. Whilst they will be based at the child and family centres, the expertise that we have at the child and family centres will be able to better support those people. We will also be able to use all of our staff in the particular model to specifically target support that is needed in a particular area. So, as I said, things like cool kids, which is an anxiety management program, and seasons for growth, which is a grief program that we run—those services that are specifically delivered at schools will continue.

**MS HUNTER:** I want to go back to probably the first question that I asked around how to attract preschool teachers under the new framework. What work are you doing in that area? I understand from the sector that there are concerns about whether they are going to be able to attract the preschool teachers. I think there has been work done with institutions such as the Australian Catholic University—to go up and say, “Hey, come and work in the industry; it’s a great industry”—and that there has been very little interest shown by those about to graduate. What is the plan?

**Ms Stiff:** There are a number of initiatives that we have been progressing with the sector. One of them is the quality institute of teachers that has been introduced here in the ACT. They have a requirement that professional development that is offered in the education sector can be acknowledged and attributed by them and put on the CV of each of their registered teachers through being a registered teacher. So we have been working with the sector to ensure that, where they do offer professional development, those courses are recognised as part of the quality being acknowledged by the Teacher Quality Institute.

What we are talking about here is raising the profile. If you actually work in a long day care service or you work in a family day care centralised system, you would be able to have better supported acknowledgement of your professionalism. We have been talking with the sector about actually registering as teachers. While that is not a legal requirement, again it is another thing towards becoming part of the profession.

The other part is that the University of Canberra have partnered quite strongly with CIT to have a pathway. We have identified that the sector are very keen to have pathways where, if you start as an unqualified person or as a person with a certificate III or a diploma, there is an opportunity for you to more clearly get through to completing a degree and working there. There are a lot of people that work in the long day care sector that would like to specifically stay there; we are working with the sector to develop clear pamphlets that identify pathways that will help people to understand what their career movements are. That is one of the things the sector have asked for. They want to know, besides becoming a director, what else can happen in this career in early childhood education and care.

**Ms Burch:** There is also some work that will come out under our workforce strategy. Both UC and ANU are on the Children's Services Forum group, so there is certainly strong recognition and partnership across the sector about we recruit and also how we retain them in the early childhood sector.

**MS HUNTER:** And part of it, of course, is wages. Is that an issue the government is taking up?

**Ms Burch:** The big steps campaign is certainly an important campaign. I am very supportive of United Voice and the big steps campaign and they work they do. I was personally very pleased to see the Prime Minister, a couple of weeks ago, sit down with a significant number of the sector and start that dialogue about what happens with that.

**THE CHAIR:** Mr Smyth?

**MR SMYTH:** I will defer to Mrs Dunne.

**MRS DUNNE:** I have a couple of things on the capital rollovers and new capital works. The early childhood facilities upgrade was supposed to be, last financial year, \$4.5 million for two years, but this year's budget shows that only \$1.67 million was spent in this current financial year and that the rest of it is being rolled over to a whopping \$7.33 million. What is the cause of the substantial rollover?

**Ms Burch:** David Collett can give you the details on that, but you also note that in this budget there is a further investment by this government to support the early childhood care sector.

**MRS DUNNE:** Mr Collett, what is the cause of the underspend—slightly less than a \$3 million underspend in this financial year?

**Mr Collett:** The underspend reflects entirely the delays in making payments against the works that have been done. We have committed the projects that we intended to commit. It is just that commitment came later in the financial year. It was a combination of actions in the ACAT in response to objections that were raised after comments had been made at the DA process and also a longer period than was anticipated in working with the childcare centres about how to effect the building works whilst the childcare centres were in operation or, in some cases, arranging



alternative accommodation for them.

**MRS DUNNE:** Could you provide the committee with a list of the works that are envisaged for this financial year and all of those works that have commenced?

**Mr Collett:** Yes. Our program works have commenced but they have not met the expenditure levels that we anticipated when the budget was put together.

**THE CHAIR:** So that is taken on notice.

**MRS DUNNE:** Following up on that, do you know what you are going to spend the remaining money on, the remaining \$4½ million in the next financial year, or is that still being worked out?

**Mr Collett:** No, the program was prepared in support of the business case for the \$9 million that the government has provided for the support of the—

**MRS DUNNE:** And the full program is prepared?

**Mr Collett:** Yes.

**MRS DUNNE:** Could we get a rundown of the full program over both financial years?

**Mr Collett:** I believe it was in the annual report, but I will get those figures broken down by financial year.

**THE CHAIR:** That is taken on notice.

**MRS DUNNE:** And what will this year's \$2½ million cover?

**Mr Collett:** That will cover more minor works. When we made the presentation on the \$9 million spend, we explained that we were focusing on maximising the additional number of places to support the government's commitment to increase childcare places in the ACT and to—

**Ms Burch:** And we have been very successful in that.

**Mr Collett:** —and to make it more cost effective for operators to meet the new operating standards by increasing the size of their centres. There will be a number of centres, though, that will not, because of the site, because of the nature of the construction or because of their stage of maturity as organisations, be getting those larger scale improvements. So there will be a range of secondary improvements that upgrade wet areas, make structural changes to support more flexible use of the space. I could describe it as a second order of improvements to smaller childcare centres to help them with the challenges of the new quality standards.

**Ms Burch:** If I may, I think you are asking around the services that would benefit from the investment over last year and this year, and if you go—

**MRS DUNNE:** I think Mr Collett was going to give us a rundown.

**Ms Burch:** Those centres are on page 6 of the publication that I circulated before.

**MRS DUNNE:** Have you fixed the leaks at Totom?

**Mr Collett:** I will wait for a major storm event before I tempt fate by saying that they are completely fixed.

**MRS DUNNE:** And have we fixed the toilet in the toddlers room at Totom?

**Mr Collett:** I do not know.

**MRS DUNNE:** I would like to know that, because it was a particular problem for the childcare centre.

**Mr Collett:** Okay.

**THE CHAIR:** That is something that has been taken on notice.

**Mr Collett:** I will take the question on the toilet at Totom on notice.

**Ms Burch:** It is certainly an investment that we have put in. It is significant in comparison to previous governments. It is really quite extraordinary.

**MRS DUNNE:** Could I ask about the capital initiative of \$350,000 for a feasibility study to determine whether the Civic childcare centre should shift to a different location or remain on site. It seems a large amount of money for whether we move or whether we do not. What is the process that is going into the decision making that warrants a \$350,000 spend?

**Mr Collett:** We would like, as a result of this initial commitment, to be in a position to have some certainty about an alternative location and rebuild or rebuild on the existing site. It is a maximum amount of money that is available, but working closely with Northside Community Services, a process that we have started already, we will be looking at whether it is feasible to reconfigure the childcare centre in its current location, which is surrounded now by fairly tall buildings, although it is an area of high convenience for people who are coming to Civic for business or other use. And it includes a significant number of occasional childcare places as well.

**MRS DUNNE:** How many these days?

**Mr Collett:** I could not, off the top of my head, break down the occasional places against the permanent places, and I am not sure that that is set in stone. I think it varies from day to day.

**MRS DUNNE:** It varies a bit, does it not?

**Mr Collett:** But we need to look at other sites. There are not a lot of community facility sites in the inner north within easy commute to Civic. We are anticipating that

we will need to do some engineering studies to make sure that the services to the site are adequate to take the development. We would also like to use some of that money to do geotechnical assessments so that we can be quite confident about a budget that is finally set and a time frame so that we can be sure of sticking to the program for a future budget commitment.

**MRS DUNNE:** Who owns the building and who owns the land that it currently occupies?

**Mr Collett:** The facility is under the control of the Community Services Directorate and is currently leased to Northside Community Services, who operate the facility.

**MRS DUNNE:** And how much land is there? Is it classified community use land?

**Mr Collett:** I believe so, although it is included in the area which comes under the planning arrangements that have been negotiated in the exchange between the ANU and the ACT government.

**MRS DUNNE:** It is a desirable block of land?

**Mr Collett:** It is a desirable block of land for other uses as well as a desirable block of land for a childcare centre. The question is: can we get a childcare centre that appropriately responds to the changed environment within which it is operating or, if we cannot, can we find a childcare centre location which has the same utility so far as people using the service whilst they are accessing services in the city are concerned, particularly in the western part of the city, where there is a concentration of—

**MRS DUNNE:** And would this feasibility study look at a full redevelopment of the site, which could end up with another big building, which included a childcare centre, like the one near the boulevard?

**Mr Collett:** Including a childcare centre within an existing building, whilst it represents significant challenges to us, is not off the table at this stage. The issue, as I keep coming back to, is finding another location that is as convenient for people who need to access a childcare centre when they are accessing legal, health or other services, particularly in west Civic.

**MRS DUNNE:** It is a very desirable location. There is no doubt about it.

**THE CHAIR:** We might move on to output class 4.

**MS HUNTER:** I want to start with the children and youth family support program. First of all, have all the contracts been signed?

**Ms Burch:** Yes is my understanding.

**MS HUNTER:** When were they all signed off? When was the last one signed off?

**Ms Nolan:** It was about a week ago, I think. I would have to check the exact date, but quite recently, perhaps a week ago.

**Ms Howson:** I believe that was 15 June.

**MRS DUNNE:** Does that mean that there is now a definitive list of the programs and providers?

**Ms Howson:** That is correct.

**MRS DUNNE:** Can we have a copy of the definitive list of the programs and providers?

**Ms Howson:** Yes, certainly.

**THE CHAIR:** So that is taken on notice.

**MS HUNTER:** There was, as I understand it, a letter that was sent by the Youth Coalition and Families ACT to the ACT government, raising some issues about gaps in service delivery that had come about because of the changes. What is being done to address the issues raised in the letter?

**Ms Burch:** As I understand it, certainly there is a letter on my desk—I am not quite sure whether it is off my desk or not—in response to that. But let us be clear: with the youth and family support program—and I am quite happy to go to Christine Nolan in a moment—there has been no loss of investment. The \$8 million-plus has stayed within the program. There is no doubt that there has been a change of delivery.

The focus has been about moving towards outreach and early intervention. No-one is disagreeing that this is the way to do youth and family support work. There have been changes. I am on record that the implementation has been less than ideal, and that has been, I think, an unfortunate way of introducing such new reform. I do not think any of the officials here would disagree that the implementation could have been done a little better.

There are two things around the letter. It is not unusual for organisations to put claims for funds within a budget week, but what I find disappointing about that letter is that I spoke with the Youth Coalition the afternoon before that, and it was at the prompting of my office about whether there needs to be more money in the pie or just how you divvy the pie up. None of the issues raised explicitly within that letter was raised with me less than 24 hours before the letter was sent out.

I find it personally disappointing that you meet regularly with these peak bodies and they do not raise these matters. Certainly what was discussed was implementation and youth drop-in centres, but I can go through a list of the activities that are happening at youth centres. I recognise that some of these youth centres had three people coming through a day, and I do not think that that is an ideal use of a resource as well. I do not know whether Christine Nolan wants to add to that.

**Ms Nolan:** Probably just to say that I think we have to acknowledge it was a very large-scale change that had occurred through this redevelopment of the service delivery framework for this sector. And it has been difficult. In actually rolling that

out, I think there have been some unforeseen consequences for some agencies in particular. While there has been no loss of service or of the dollar investment in the programs, there has certainly been in the revamped program a strong emphasis on developing a systematic approach to the delivery of services. We ultimately believe we will be in a much better position to assist the ACT community as that program beds down and we start to see the benefits of the centralised coordination and the regional coordination networks. But I do acknowledge that it has been a period of change and some turbulence for the sector.

**MS HUNTER:** Can you explain the role of Housing ACT and what role they are playing in the implementation of the reforms? I understand that there is some engagement there.

**Ms Howson:** I might just come in here. This is really a part of a thematic push across the directorate to improve integration and working collaboratively across the directorate. What we recognised was that the relationship capital, if you like, and the expertise that we have developed with the youth homelessness sector, would very much benefit the transition and successful implementation of the work that we are doing in the child, youth and family support area.

Housing ACT has come into the frame in order to ensure better integration of youth homelessness services with what we are doing through the youth and family support program. They also have an enormous amount of expertise to offer in terms of the establishment of a gateway service and a central intake service, which has moved through transition and is proving to be a successful feature of the youth homelessness service model—taking learnings from that experience into establishing a similar model.

**MS HUNTER:** So that is first point learnings?

**Ms Howson:** That is correct.

**MS HUNTER:** How is it going with implementing that central intake service?

**Ms Howson:** I beg your pardon?

**MS HUNTER:** How is it going in the CYFSP with the central intake service? I understand it is going quite well in the families area but that the youth area is lagging.

**Ms Howson:** I might defer to my colleague for specifics around the details of the implementation but, as with all big change, it does take time to make new connections and to garner the trust of the whole range of service providers that make up this service system, to be able to work collaboratively within the process. I think it would be fair to say that we have still got a way to go before we are completely confident that it is delivering what is expected in terms of a central intake service, but it is progressing and we are addressing issues. We are working very closely—I think almost on a weekly basis, if not a fortnightly basis—with the provider to work through the implementation issues as they present.

**MS HUNTER:** I guess allocating housing is slightly different from someone calling

up and having issues or needs or wanting to pursue certain options and opportunities.

**Ms Howson:** That is true, but there are a lot of similarities in terms of the features around how you gain the confidence of other providers in a system and work through those collaborative mechanisms as well as promotion and communication through the sector. I think there are some parallels.

**Ms Nolan:** I was just going to add something about the marketing. There is certainly some more work to be done in the marketing area in relation to youth and family connect; that is ramping up as we speak.

**MS HUNTER:** When will the results-based accountability indicators reporting requirements be finalised and be out there with services?

**Ms Nolan:** With our output reporting, the outputs to be reported on have already been negotiated as part of the contracts. There is an evaluation framework, a wider evaluation framework, to be developed over the coming months. You may be aware—you probably are aware, Ms Hunter—that ACU has been working with the sector, with the services, trying to get everyone onto the same page in terms of a shared understanding of where we might go with that evaluation program. That is going to be absolutely critical for us, because of some of the ups and downs we have had in this early period.

We are certainly wanting to be communicating to the services involved and the wider sector that we are a responsive listening organisation, that we are going to keep our fingers on the pulse and very much monitor it as the program beds down, and look, if we have to, to make any adjustments that are necessary once we have got a solid data set and information about how things are going.

**MS HUNTER:** That data set will be based on outputs. I understood we were moving from outputs to this results-based outcome. I am just wondering about the time line on developing that and where that is up to.

**Ms Howson:** Again, we are recognising that these things are not easy, and we want to make sure that they are meaningful. As Christine has already indicated, our focus initially is on outputs, but we are determined to deliver a set of outcomes measures. Leanne might be able to talk a bit more about the process of taking us towards that position.

**Ms Power:** We had quite a number of discussions with the sector providers earlier in the year and undertook to work with them within a time frame that took us to the end of the year to come together around the outcome indicators. As Ms Nolan said, there were some output indicators within the contracts, but we are working collaboratively with the sector to work out the outcome indicators.

**MS HUNTER:** And that will be by the end of the year?

**Ms Power:** That is right. That was the time frame that we undertook.

**MR SMYTH:** Minister, there are a number of initiatives in the budget. There is

\$15 million over three years for out-of home-care, though I note there is nothing in the fourth year. There is \$5 million for additional care and protection staff. There is \$550,000 over three years, and again nothing in the fourth year, for strengthening care and protection services. How will that money be used effectively if the culture has not changed, given that just at the end of May the Public Advocate found that front-line staff are battling against systems that fail to support them, that there is a lack of case supervision and that changing what seems to be a reactive and defensive environment and workplace needs to occur. The money is well and good. If the attitude does not change and the system is not fixed, how can we have any notion that this will make a change out there in the field?

**Ms Burch:** You will also note, Mr Smyth, that the Public Advocate herself is on record as saying that she already sees significant change, and she sees that we are going in the right direction with the changes that we have looked to put in place. We have taken on board the Public Advocate's first and second reports; we have already implemented significant change and we will continue to do that. You are right: you can throw money at it. But we are about changing the culture, and the Public Advocate has recognised that. We have also committed to external review over the first 12 months, making sure that we stay on task and deliver those changes.

**MRS DUNNE:** What are the strategies and programs that you propose to put in place to fix this?

**Ms Burch:** To implement this change, Mrs Dunne?

**MRS DUNNE:** Yes.

**Ms Burch:** I will ask Ms Nolan to look at that, but they are certainly around strong supervision, a focus on quality, a focus on reflective practice, an increased workforce and an integrated management system—and very close partnerships, and we have in fact had these partnerships, with the sector providers as well.

**Ms Nolan:** Would you like me to comment further, Mrs Dunne?

**MRS DUNNE:** Yes, please.

**Ms Nolan:** We have a whole array of change management processes going on currently in relation to care and protection. We are organising them through a CPS change management steering committee, and we have trained 30 champions for change amongst the staff. That committee is meeting regularly every week or two, and it is overseeing the coordination and sequencing of a range of projects, as I said.

Very important is the creation of an integrated management system, so every single policy and procedure is being reviewed. They are being workshopped in conjunction with operational staff. Process flows are being mapped in quite a detailed way. A whole range of tools are being developed around the different modules. That is a 12-month project; it is a very intensive project. We have started with the intake and assessment modules, which are just coming to completion now.

Another important project is the supervision project. We have someone on

secondment for 12 months who is working with the supervisors around improving their ability to provide quality supervision and support people in reflective practice.

**MRS DUNNE:** Sorry; could I just interrupt there? When you say “supervision”, do you mean in the classic sense of people who work in social work, psychology and sociology sorts of areas who take their case load to a more senior practitioner and work through those issues?

**Ms Nolan:** Yes.

**MRS DUNNE:** That is the sort of supervision we are talking about?

**Ms Nolan:** That is the sort of supervision. Also it is talking about what people’s skills are and where they feel they need development. We have introduced an organisation-wide system of performance management plans in the last 12 months. Everyone is having those individualised ongoing discussions with their supervisors about what their performance level is, where they might need to expand their skills and so forth.

**MRS DUNNE:** When you say “supervisors” there, are they the same supervisors who are supervising their practice?

**Ms Nolan:** They are line managers.

**MRS DUNNE:** Or they are the line managers?

**Ms Nolan:** Yes. There are some other mechanisms as well. We have had, for example, Professor Peter Camilleri coming in and running some group supervision sessions to support people as well. There are a variety of things happening in that space.

But they are just two small projects. We are working, for example, on improving our cultural planning capabilities for our Indigenous children that are in care and making sure that we reach the target I set earlier in the year of having, at a minimum, 90 per cent of all children in care having quality cultural care plans in place. We have had an organisational realignment that has meant that we have a much stronger focus on quality practice and compliance. We have a new senior director leading a quality management initiative across OCYFS and concentrating heavily on care and protection.

We have created a fourth senior manager role in care and protection heading up a quality practice and compliance branch. We have integrated out-of-home care service purchasing with the care orders team and the placement officers to provide a very tight nexus between the needs of the clients and what we are actually going to be purchasing for them with that additional \$5 million a year that we got. We have brought together the centralised intake and the response intervention teams and renamed the response intervention teams family work. That will allow the person that takes the report over the phone, the child concern report, potentially to be the same person that is going out and knocking on the door as much as possible—and undertaking the appraisal.

**MRS DUNNE:** So a lot more vertical integration?



**Ms Nolan:** Yes, so you are not losing the nuances and we are having fewer individual workers involved with the same family. So there is a wide array of things going on and we are trying to pull it all together, through the change management steering committee, and with the support of our change champions, who are a cross-cutting group of people, at every level of care and protection.

**MRS DUNNE:** There are two major swags of money where there is nothing in the outyears. With the out-of-home-care costs, there is no additional money in 2015-16. And with strengthening care and protection services, it starts high at \$250,000 next year and peters out so there is no money in 2015-16. What is the thinking behind that?

**Ms Nolan:** The strengthening of care and protection services is very much one-off expenditures to support the work that I have been talking about—systems development, additional training for people, policy and procedure development, the tool kit development. It is happening at the moment. We have got \$550,000 over three years. I would be very concerned if we have not delivered and consolidated those change processes in the three-year period.

In relation to the out-of-home care money, one of the other major projects that I have not mentioned so far is the development of a five-year strategy for out-of-home care which is going to occur over the next 12 months. We will be looking very hard at the quantum of out-of-home care that we are going to need in the future. How can we try and manage that in terms of keeping children out of care through earlier intervention and also getting children back to families as quickly as possible through ramping up restoration. And what are the new service models that we might need to deal with some of the increasingly very complex kids in care that care and protection services all around Australia are seeing.

So there will be a whole lot of planning work. The project officers started a few weeks ago. We have had the first of the planning workshops with the out-of-home care sector. The next 12 months is going to be a very important period of analysis and strategy development, trying to look at our future needs and projections.

**MRS DUNNE:** Thank you.

**MR COE:** I have a question about supervised transport services. Would you please advise what the total cost is of the service.

**Ms Nolan:** I might have to take that on notice; I cannot off the top of my head.

**MR COE:** I am not surprised.

**Ms Nolan:** I am sorry, Mr Coe.

**THE CHAIR:** So that is taken on notice.

**MR COE:** Have the amounts owing to the Northern Bridging service been paid?

**Ms Nolan:** The amounts that were the subject of controversy last year, you are

referring to?

**MR COE:** They are the ones.

**Ms Nolan:** Yes, they definitely have been. They were resolved quite quickly at the time, and yes.

**MR COE:** And what about in terms of other providers? Have there been any other concerns about the slow payment of invoices?

**Ms Nolan:** Not to my knowledge. To my knowledge, there are not invoices that are outstanding or in dispute at the moment. We had a meeting quite recently with out-of-home care providers, not long before the end of the financial year, to try and sort out anything that was outstanding and just move that forward quickly, where there were any clarifications to occur. To my understanding, that work was successfully completed.

**MR COE:** Are they paid through Shared Services or through the directorate?

**Ms Nolan:** We authorise payment and then it goes to Shared Services.

**MR COE:** Do you get reports back from Shared Services about how long it takes for payments to go through?

**Ms Burch:** We might. Are we happy to bounce it to Mr Hubbard?

**Ms Nolan:** Yes, please bounce it to Mr Hubbard on those technical issues.

**Mr Hubbard:** We get reporting regularly on overdues for any invoices. One thing I can say is that in the area of the office it is very rare that we get any delays, unreasonable delays, in the payment of invoices.

**MR COE:** Are you able to get reports from Shared Services about how long it takes for invoices to be repaid? Do you get a monthly or quarterly summary of services that Shared Services have provided and how their performance is?

**Mr Hubbard:** We can generate reports ourselves, and we can look down to a particular invoice through our IT system, but we also get regular ageing of invoices, which is standard business practice. If there is anything that is irregular or that over a certain period looks unreasonable, we can just pull those invoices out, dive into the organisation and say: "What's the issue here? Is there a dispute? Did we receive the invoice late?" I do that on a regular basis.

**MS HUNTER:** I had a supplementary on this too, because I am getting some reports from organisations who are saying there is quite a delay in payments to them. This is not just around supervised transport; this is across the board. I will probably put in a question on notice, because it is a little bit more detailed, about looking at that particular issue.

**Mr Hubbard:** I am happy to take any detailed questions on that now because we do a

lot of work in ensuring that the payments are made.

**Ms Burch:** What would be the percentage of our payments that are predetermined and part of existing contracts and arrangements?

**Mr Hubbard:** When it comes to actually paying non-government agencies for their services, a very large percentage—I think it is about 75 per cent at the moment—are paid quarterly in advance. So not only do they not have to wait for payment but also they are paid up to 90 days in advance for services in the future. A few years ago we did not have that arrangement. We are trying to ensure that our service delivery partners do not have any cash flow issues at all. You will not find many businesses or individuals who are prepared to pay 90 days in advance for the receipt of a service.

**MS HUNTER:** I understand about contracts that you get quarterly payments up-front; I understand that very well.

**Mr Hubbard:** All of our SFAs are done on that basis.

**MS HUNTER:** I think the fee for service is where the issues are coming in.

**Mr Hubbard:** I am not saying that we have got to name a name, but if there are areas in particular where you think that you are getting reports from people of delays; I do look at those on a regular basis, as I say. In some areas there are delays. They are usually a combination of factors. We do have some in concessions, some of the concessions areas. When I had a close look at those we found that it was the particular style of the organisations themselves and how they bill. They might have their head office in Sydney and they do what is called batch billing. The services themselves may be low value; they may be \$5 to \$100. What they do is batch up all their bills through the month and send them in a bulk load.

The benefit of that for them is that it significantly reduces their transaction costs. At the same time, when I get my ageing report, because I have received that invoice 30 days after the service was actually generated and our clock starts at the date on the invoice, I can be 30 days late already. When I get my ageing report it says, “Mr Hubbard, you’ve taken 80 days to pay this invoice.” I know with some of the providers—I know their names already—that that is their style. That is the style I choose to use to work with the businesses to do that.

The bulk of the delays are caused by particular billing systems and how they operate the billing systems. Delays occur when there is quite a distance and a few hands that the actual invoice has to go through before they get to the payment system.

**MS HUNTER:** That was something that was raised by Shared Services.

**Mr Hubbard:** Yes, I think it has been raised by a lot of people. When we sign off an invoice that the service has been delivered, the actual person who is closest to the service delivery has to sign it off. One of the ones that I get quite often is where a community facility has a security issue—for instance, a call-out where the alarms have gone off. It might be Corroboree Park in Ainslie, which is a community group. It might be a possum that has triggered the alarm. MSS go out there and register a cost

for that service delivery. The bill comes in 30 days later. We have to send it to Corroboree Park and the community group who are running that. We rely on a person who may have a full-time job somewhere else to actually say that the service was received. They sign it off. It then goes to the community facilities group. They sign it off. It then goes into the financial system and gets paid. It might take 90 days to make sure that the service has been appropriately signed off.

As much as we can say that we would like that to happen a lot faster, sometimes you just cannot get it properly delegated and signed off for the expenditure of public money and not avoid those people who actually receive the service. We try. As hard as we try, sometimes it may take 90 days. We have devolved responsibility for these facilities to the community because it is the best way to do it. With that come some issues around ensuring that public moneys are spent appropriately. As CFO, I am not going to say I am sorry for that; I want to make sure that the public money is spent appropriately.

**MRS DUNNE:** I actually have specific instances and they relate to supervised transport services. I understand that there was a meeting in the last couple of months with some of the big providers in the ACT, some of whom were complaining to me about \$100,000-plus outstanding. I am not sure whether they met with you, Ms Howson, or you, Ms Nolan. There was an undertaking to fix those issues, but I heard from a couple of providers about their particular concerns. They had outstanding amounts that were up to two years old. Collectively, between, I think, four providers, there was something in excess of \$2 million of supervised transport fee-for-service money that was outstanding. Is that the case?

**MS HUNTER:** I have heard a similar thing, and it is up to about 600 days.

**MRS DUNNE:** Is that the case? Who did they meet with? I was told that they met with somebody in the department and that they undertook to fix it.

**Ms Howson:** I can certainly say that when I meet with representatives of community organisations and they raise issues with me, particularly of that material level, I would act immediately to have them addressed. I have no recollection of those specific matters being raised with me. I have only been in the director-general's position for a short number of months, however, so it may be that they met with my predecessor.

**MRS DUNNE:** I do not think so; I think it was more recently. I actually asked the minister questions about this on notice during the last Assembly sitting.

**Ms Howson:** It seems that some of my officials here might have some recollection of these issues.

**Mr Hubbard:** I have some recollection of a few of these, a couple of the issues that were raised. I think, Mrs Dunne, you put out a press release that described a few of the invoices that were overdue and by how—

**MRS DUNNE:** No, I have not put out a press release about this.

**Mr Hubbard:** This was a few months ago, and about—

**MRS DUNNE:** No. This is something that has come to my attention in the past month.

**Mr Hubbard:** Just recently?

**MRS DUNNE:** Yes.

**Mr Hubbard:** In the past month. I actually have not heard of any amounts. I can assure you there is no amount for \$2 million outstanding cumulatively for any organisation—

**MRS DUNNE:** No, a group of organisations. My understanding was that at least four organisations met with you.

**Mr Hubbard:** This is transport, supervised transport?

**MRS DUNNE:** Supervised transport services. One of the organisations that met you had—

**Ms Burch:** There was a meeting, but I think your interpretation is slightly different. I understand it was out-of-home care providers.

**Ms Nolan:** It was out-of-home care providers, but three of them were transport providers as well. Issues were raised about the debts, I guess, they were having to carry over a period of time. Some of the concern related to foster care placements, for example, that are purchased over and above under contract. The under contract ones are paid quarterly in advance and then adjustments are made for the ones that they take over and above what they were contracted for. Some of the delay was around those. My understanding is that, at the meeting that I referred to—

**Ms Howson:** Which I was at.

**Ms Nolan:** You were at the initial meeting, but then at my request, Ian's staff and some of my staff involved in managing out-of-home care were at a second meeting a week or so later to try and resolve the issues that had been raised. I believe that we have come to a different cycle. From memory, it is a monthly cycle where we are going to reconcile those above contract purchases, rather than only a couple of times a year, so that we are not having those agencies carrying large amounts of money for a period of time. There were some delays raised, I think, Mrs Dunne, in relation to transport and supervision payments, but nothing like the very large sum of money that you mentioned.

**MRS DUNNE:** It was not just transport and supervision; it was foster care as well?

**Ms Nolan:** It was a broader meeting. The transport supervision thing was almost incidental, which is perhaps where Ms Howson was getting confused about what meeting it might have been. That is the only meeting that I am aware of that it could be.

In the case of transport and supervision delays, I know that in the past some of the

causes have been things like organisations invoicing us for supervision reports and supervision reports have not been provided or, in some cases, have not been of adequate quality and have been sent back for further work—those kinds of issues. Of course, we cannot pay people until we can authorise that we have received the quality service that we require.

I cannot comment in any more detail because I was not at the second meeting, but can I say that there was a very active attempt after those issues were raised by the out-of-home care providers to get that second meeting together quickly, to try to not only get any outstanding matters paid before the end of the financial year but to make sure that we are trying to set in place any assistance we could that would mitigate any further problems for them.

**Ms Burch:** So that we can move to monthly.

**Ms Nolan:** Yes. We do not want them carrying those burdens when it is not necessary, when we are ultimately going to pay them. And if we can change the timing of those payments to assist them, we will.

**MRS DUNNE:** When you had that meeting, what was the quantum of money that was outstanding to the organisations?

**Ms Nolan:** I do not think any specific quantum was provided. I was not at the second meeting; so I could—

**MRS DUNNE:** You might take that on notice. And how old were those debts?

**Ms Nolan:** I might take that on notice and try to get some more detail for you

**THE CHAIR:** That is taken on notice.

**Ms Burch:** But I think also, in the response, it could be whether they have been raised with us or whether before we have moved to a monthly review and payment system, if they have been traditionally invoiced once, twice or three times a year, that would impact on it.

**Mr Hubbard:** But usually the reconciliations were done quarterly and we try to work our hardest with our NGO partners to make sure that their cash flows and their viability are maintained, because we rely on them so heavily for service delivery and the door is always open to discuss those things if any organisations get into any trouble.

The contracts, of course, contain the payment terms. If we have changed the payment terms to make it easier for organisations to manage their cash flows, because for some of the big foster care and out-of-home care providers that can be substantial money if they are getting a lot of pressure on the number of people they have got in, that could be an area which has not come out because we have changed the payment terms.

**MRS DUNNE:** On the subject of the cash flow for community sector organisations, I would like to go to the initiative about implementation of equal remuneration case

outcomes in relation to ACT community sector reforms, which is a 0.34 per cent tax on the community sector.

**Ms Burch:** It is not a tax.

**MRS DUNNE:** I want to ask: why is the community sector being singled out for this levy, tax—whatever you would like to call it—contribution, co-payment with a half-nelson applied when, if I recall the questioning of the Treasurer last week, there was money in the budget for red tape initiatives for the business sector to the tune of—Mr Smyth, do you recall what that was?

**MR SMYTH:** \$150,000 a year.

**MRS DUNNE:** It is \$150,000 a year or something like that. Why is the business sector being subsidised in one area and in this area the community sector is actually being penalised and has to make the contribution to—

**Ms Burch:** The community sector is not being penalised. And before I hand over to Mr Gotts, let us be clear that this has been a long time coming. We have committed to fully fund our contribution to Fair Work Australia. Part of that negotiation was about how the sector can go through some reform. I am sure you were not there, because I do not recall you being there, Mrs Dunne, at the ACTCOSS post-budget forum, where the CEO of ACTCOSS referred to this as a once-in-a-lifetime, once-in-a-generation, opportunity for sector reform.

You may or may not know that the community sector has tried to embark on various reforms. There were projects around Shared Services and other activities, and it has had very little traction. We know, the sector knows, that the benefits from this work will be significant and the gain they have will be tenfold any of those contributions.

I also note that you probably woke up four months after the event, but it was always, from the word go, that the 0.34 per cent was part of this contribution. There was always the contribution from the community sector to go towards sector reform, and this was part of that.

**MRS DUNNE:** That was a decision made by you and imposed upon the community sector without consultation with them?

**Ms Burch:** That is an absolutely prop.

**MRS DUNNE:** But my question is: why, if it is good enough for the Treasury or the Economic Development Directorate to subsidise the red tape reduction initiatives for the business sector, is it not appropriate, even more appropriate, for the Community Services Directorate to subsidise rather than to levy the community sector in these same areas?

**Ms Burch:** Firstly let me say that this was not done without consultation with the sector. It was done in consultation with the sector. They are absolutely committed to sector reform. They are part of the community service sector reform advisory group that Robert Gotts is part of. In the main, the membership is from the community

sector. They now see the benefit, and Mr Gotts can talk in quite detail about some of the projects and the very early benefits that we are looking at delivering. This is more than red tape; this is of significant benefit to community services.

**MR SMYTH:** Before Mr Gotts speaks, can you detail the consultation that you are so aware of that occurred?

**Ms Burch:** I do recall when I put out the media release back in February, when we committed to fully fund our contribution to Fair Work Australia, which I think you were hesitant to commit to—I do not know where the Liberal Party stands—

**MR SMYTH:** No, that is not true.

**Ms Burch:** Put your money where your mouth is.

**MR SMYTH:** The 0.34 per cent—

**THE CHAIR:** One person speaking at a time, members.

**Ms Burch:** We have not seen that commitment from you. But certainly I was at a media release, standing shoulder to shoulder with Ros Dundas from ACTCOSS; so I do not know how you construe that as not having a conversation with the community sector.

**MRS DUNNE:** The announcement was in that press release. Was there consultation with the community sector that you were going to levy them 0.34 per cent of their contributions before you put out that press release?

**Ms Burch:** Yes. I do not know how many times I need to tell you.

**MRS DUNNE:** Mr Smyth asked what was the consultation. Before that press release, what was the consultation? Can you tell the committee what you did?

**Mr Gotts:** There was a discussion with the head of ACTCOSS before the press release.

**MRS DUNNE:** That is considered consultation with the community sector?

**Ms Burch:** No. There has been a long conversation on the census work, through the joint—I always trip up on this. What is it, Bronwen?

**Ms Overton-Clarke:** The Joint Community Government Reference Group. We have certainly been having a discussion with the community sector through the JCGRG for a number of years about workforce capability, red tape reduction, efficiencies that can happen through administrative change. So it would certainly be fair enough to say that we have had discussions over the last eight years or so, particularly in the areas of workforce capability, across the whole of the community sector. So the areas that we have come up with with the community sector in terms of the reforms that are necessary are very much agreed between both the community sector and the government sector.



In the context of the reforms, it is important to note that while red tape within ACT government is one small part of the whole, really what is as and more important is issues such as the reform measures that have been brought in by the commonwealth government and issues such as workforce capabilities. So the issues are really much broader than just red tape reduction.

The thing to note with this whole project is that all the savings that are garnered will be going back directly to the non-government organisations who will benefit from reductions in costs that they already make across this whole area. Certainly Mr Gotts can talk about some detailed examples, but we know there to be—

**MRS DUNNE:** With respect, Madam Chair, this is not an answer to Mr Smyth's question or my question. My question and I think Mr Smyth's question was: what consultation was there with the community sector about the 0.34 per cent levy before the announcement was made in late January or February, apart from a conversation with the head of ACTCOSS?

**Ms Burch:** Again, I will refer to Bronwen Overton-Clarke or Robert Gotts. We have been in conversation around the Fair Work Australia decision for some time. We did work through the HPA and we have brought on a number of initiatives around sector reform. At the end of the day, the sector understands it needs to change and it needs, in many ways, to move into strong corporate governance, business modelling, and is looking at how we can make those gains. Some of the work that fell out of the HBA was industrial, the—

**MRS DUNNE:** Madam Chair, I am sorry, I still have not got an answer to my question.

**THE CHAIR:** Just let the minister finish.

**Ms Burch:** Thank you.

**THE CHAIR:** But if we can get to Mrs Dunne's question and provide her with the answer about the consultation.

**Ms Burch:** Thank you, but it is part of a long conversation about how we in partnership have worked with the community services sector on this. When we went through the process of Fair Work Australia, we worked with the services through an extensive census, which is why we were able to quantify quite extensively the investment that would be required to fund the Fair Work Australia decision. We have not done what Queensland has done, which has separated a front-line service from a back-line service. We have said across the community sector, for those that are within the scope of the Fair Work Australia decision, a decision will be made.

Part of that conversation would be: what do we need to do, both the government and the community sector, to benefit from the Fair Work Australia decision? We have been very up-front to say that we think this is the opportunity for sector reform. The sector themselves have recognised that this is the opportunity for that. Through various groups, through ACTCOSS and other discussions—

**MR SMYTH:** That is very interesting. My question was: what consultation—

**Ms Burch:** Through other discussions, we have said—

**MR SMYTH:** You said, “We had lots of consultation.” I am asking you, specifically: what consultation occurred about the cut of \$344,000?

**Ms Burch:** Are you finished?

**MR SMYTH:** Sorry, the 0.34 per cent.

**Ms Burch:** The 0.34 per cent as a co-contribution.

**THE CHAIR:** If you could answer the question.

**Ms Burch:** If you want all of the officials to go back through their diaries and note every conversation that they have had with the community sector—

**MRS DUNNE:** Can I put on the record, Madam Chair, that what Mr Smyth and I would like to know is this: when was the co-contribution levy, whatever you want to call it, first raised with the community sector? Where was it discussed with the community sector? What feedback was there received from the community sector before the announcement that was made? That is what I want to know. If you cannot answer it now specifically—Mr Gotts said there was a discussion with the head of ACTCOSS. Was there anything more than a discussion with the head of ACTCOSS? ACTCOSS is in support of it, but most of the member organisations of ACTCOSS are not in support of it.

**Ms Burch:** That is not quite right, Mrs Dunne.

**MRS DUNNE:** When did the member organisations of ACTCOSS find out? When was it? I put on notice that that is what I would like to know.

**THE CHAIR:** If we take that on notice, we can get an answer to that question.

**MRS DUNNE:** And then I would like to go back to my other question.

**Ms Burch:** Just further on the 0.34 per cent, not every organisation will make that co-contribution. Organisations that have a total of—

**Mr Gotts:** Less than \$150,000.

**Ms Burch:** Mr Gotts, you may want to talk about the exemptions.

**MRS DUNNE:** I think we are aware of the exemptions. We know that it does not cover—

**MR SMYTH:** What we are not aware of is the process.

**MRS DUNNE:** Yes; what we are not aware of is the process. I go back to my original question. Mr Barr is prepared to offer \$360,000 over two fiscal years for the business community for reform. Mr Smyth, you asked the question: is that \$180,000 a year? Mr Barr said it was \$180,000 a year for two years. Why is it all right for the government to provide that subsidy to the business sector when a sector like the community sector, which is less able to pay, is being levied out of its own grants? Why are you taking a slice off the top of the grants to do this?

**Mr Gotts:** There are two things that I need to clarify about how this process works. First of all, the reform program contains several elements. One of those elements is a red tape review, but it is only one element. The effort required for the red tape review is not part of the 0.34 per cent. In other words, yes, there is a levy of 0.34 per cent that raises an amount of money; but the money that raises is not to do the red tape component. So in that sense there is not a comparison between what is happening in other portfolios and what is happening here.

**MRS DUNNE:** So the money that you are going to raise, slightly less than \$1.5 million over three years—what is that going to be used for?

**Mr Gotts:** It gets spent on a few things. One is that it forms a pool of money that can be used to provide assistance for governance arrangements. One of the things we are very conscious of is the pressure that is coming on the community sector from change that is coming down from the commonwealth. I have a very long table of reforms that the commonwealth is introducing that we know will impact on the sector here. We are also conscious that while the ACT government is providing support for the equal remuneration case there are employees that are not covered by either commonwealth or ACT government payments; therefore, there is pressure from that. So in looking to support the sector one area of support is to help them through their governance. Some of the money that is raised from the co-contribution is being pooled to provide assistance on governance arrangements.

Another component of the money is being pooled to go straight back to the sector to assist with capability development across the sector. In that sense, a large proportion of the money is being brought together so that it can go back into the sector in a pool to deliver things that they would otherwise not be able to deliver by themselves.

Other components of the reform go to helping them to get benefits out of the way that they do business. If there is any way the government can assist the way that they do business to get improvements, then we will do that. Let me give some examples there. We looked at the workers compensation costs for the sector right across the sector as part of our census. We believe that there are ways that the government could work as a catalyst to assist in reducing some of those workers compensation costs. Since workers compensation costs are expressed as a percentage of salaries. They can be quite significant. A reduction in that percentage of half a per cent or one per cent is quite a significant amount of money across a sector where the salaries equate to around \$100 million a year. Other elements of the reform—

**THE CHAIR:** Sorry; we are going to have to move on shortly. Can you wrap up.

**Ms Howson:** He is enthusiastic about the benefits to the community sector.

**THE CHAIR:** I am sure, but we are running out of time and I know there are other questions.

**Mr Gotts:** I guess the last sector is the red tape review. We are looking at how we can improve the relationship between the sector and the government so that it reduces the cost of that relationship—smooth out meetings, make reporting—

**MRS DUNNE:** So that the people who are pre-qualified do not have to provide the same documents over and over again even if they are pre-qualified?

**Mr Gotts:** That is a very good example, and that is exactly the sort of thing that we are doing to make sure that reporting is done as simply as possible and as infrequently as it needs to be—that only the information required to inform decisions is provided. There is no point in collecting information that does not contribute to a decision. And so on. So yes, that is the red tape side. Most of the effort for that is coming from inside the public service.

A good example of that is this. We have recently discovered that the threshold under the incorporated associations act for a higher level of auditing starts at half a million dollars. That is not this portfolio's legislation, but that figure has not been changed since 1994. A change to that figure to bring it in line with inflation would lift the reporting burden on employers in the sector that would then fall below the new threshold, saving them \$15,000 to \$20,000 each. They are the sorts of red tape elements that we are looking for and finding.

**THE CHAIR:** I am going to move on.

**MS HUNTER:** I want to go to page 354, to the accountability indicators there under 4.1, youth services. Indicator b, the number of community youth justice clients, shows an increase from 280. The target for 2011-12 was 280. The estimated outcome is 315. Then there is a 315 target for 2012-13. If you go down to the note, it says that the increase is due to the increased number of young people remanded into police custody and then released by the court at the first appearance. I am just trying to understand how this could be happening at a time when we have new programs such as the after-hours bail support service and after we have had so much focus on the issues of bail and remand for young people. We have had a diversionary framework paper out there. We have had the investigation into the whole youth justice system and so on. Why is this occurring? What is being done to stop this?

On my way home last night when I was listening to the news, I heard that the new ACT Policing purchase agreement has included, I guess, a KPI. I have not got the detail of it. It will be about diverting more young people through those diversionary programs. I think that is a good thing. It probably makes me understand more why there was not support from the government about changes to the Bail Act. But what are we doing—because our numbers are going up, and they are predicted to go up next year?

**Dr Collis:** The area of remand and release from remand, bail supervision, is critical. With the targets which are predicted there, I note that the targets include both those

who have community service supervision orders and young people who are assisted by the community youth justice clients—

**MS HUNTER:** They are on supervised community-based justice orders?

**Dr Collis:** Yes, that is right. So there is another group in there. So it is a target, and I guess that with its estimated outcome we cannot be confident that the outcome will be achieved in reality. The diversionary program—

**MS HUNTER:** We hope it is not.

**Dr Collis:** Yes, that is true; we hope it is not. We are working very strongly not to meet that target. But of course you would appreciate that we want to be cautious in this area in terms of how we adjust our effort in here. In terms of the diversionary program, yes, we have invested quite strongly in that area—as you mentioned, the after-hours bail service, for example. The after-hours bail service has been now six months in operation. We are embarking on a significant evaluation of that program.

**MS HUNTER:** Is that also going to look at the scope of it? It is based on a New South Wales model, the difference being that the New South Wales model has accommodation attached, whereas we are just basically plonking a telephone service—well, it is more than a telephone service, I know, but a gateway, if you like—that goes to our crisis accommodation without increasing any beds.

**Dr Collis:** It certainly will, but we do not want to pre-empt the more aligned and full service that will come out of the blueprint as we move forward here. The evaluation at the moment is to find out how our program has operated over the first six months and how effective that has been, why it has been effective and how we might develop that. The early indications from that are that we are making a significant reduction in remand events for short-term remands—somewhere of the order of a 20 per cent reduction.

We are finding out where the work is being effective. There are a number of points in the diversionary process where the after-hours bail service might be effective. It might be effective because a young person phones the after-hours bail service and works with them to meet the conditions of their order, in which case they do not come to the attention of police. Or it might be that a service provider contacts the after-hours bail service, aware that a young person is potentially in breach of a condition, and they work with that service provider. As you pointed out, one of the services that the after-hours bail service offers is to broker accommodation for some young people, drive them home to places and provide very practical support in order that they do not breach their bail orders or the conditions of the orders that they have.

The evaluation of that program is that early results indicate some degree of success. However, we will look for the fuller report to find out where that success is coming from and whether there are other parts of the system that might be able to be tweaked to improve its success.

**MS HUNTER:** When will that evaluation be completed?

**Mr Collis:** We are expecting that the full evaluation report will be completed in July.

**MS HUNTER:** July?

**Dr Collis:** The end of July.

**MS HUNTER:** Will that be made available, minister?

**Ms Burch:** I do not see why it would not be. We can do that. I think there are about 25 young folk that have gone through the after-hours bail service, some of them a couple of times.

**Ms Nolan:** There are more than 25.

**MS HUNTER:** I have a question on notice on that one. Dr Collis, are you aware of the New South Wales law commission's report on bail? I just draw your attention to the fact that the New South Wales law commission has done a report on bail, and it is around these issues. It was released within the last fortnight.

**Dr Collis:** That is correct. There are also a number of national bail studies happening at the moment. We are taking that information into account; we are keeping our eye on the results.

**MS HUNTER:** I want to know how many therapeutic protection orders have been made in the last year.

**Ms Nolan:** None.

**MS HUNTER:** How many therapeutic protection orders have been made since the act came in in 2008?

**Ms Nolan:** None, Ms Hunter.

**MS HUNTER:** I understand a property was identified a number of years ago; it was refurbished; it had about four beds or so. It did go out to tender. I understand there was only one tender that came in that basically said, "We can do it but we're going to have to bill you for each person coming in because it's not enough money." It was withdrawn, and it was taken away to re-scope or to think about it. What has happened in the last 18 months to two years on that matter?

**Ms Nolan:** We have not had call to use the service, essentially. There have been no temporary protection orders, and my own personal view is that that is a good thing. I think we have to be very careful about locking up children who have not committed an offence. I believe it is a question of their human rights, so I am personally somewhat relieved that we have not had orders made and needed to use that facility. We have been able to find solutions for children with complex support needs without having to resort to the force of law to restrain them against their will. I believe that is the better way to go, to be looking for therapeutic and accommodation and support responses that do not deprive them of their liberty.

**MS HUNTER:** We deprive children of their liberty every day through the courts, through criminal matters, I guess. But you are saying these are children in need of therapeutic services. Have you spoken with the courts? I have spoken with the courts and there is a concern that they are not issuing them because there is not a facility. They have got a real concern about it. They are saying: “We need a facility. We need somewhere, because what’s happening is these children are then ending up in our youth justice system because there isn’t another option.” What discussion has there been between the directorate and the courts?

**Ms Nolan:** I am in contact with the Chief Magistrate at the moment, setting up a meeting between her, me and the Children’s Court magistrate. It will be very interesting to hear what they have to say. But it has not been a question of the courts even having the opportunity to reject or support applications; there have been no applications.

**MRS DUNNE:** I have a question on one of my perennial subjects, and that is the services provided to grandparent and kinship carers. I want to receive advice about what sort of services are provided to kinship carers and what access to support, including financial support, is available to kinship carers. I have had a case, which I will write to you about, minister, brought to my attention in the last couple of days of a family where grandparents have received into care three children because their mother is not able to look after them, and they are receiving no financial support for these children. They have come to my office because they are finding it difficult to make ends meet. Do kinship carers receive an allowance of the same sort that foster carers receive?

**Ms Howson:** I might just say that certainly in terms of any specific family that is in need we would welcome that detail.

**MRS DUNNE:** I will make those representations on behalf of the specific family, but I want to ask in general.

**Ms Howson:** Certainly we will act to address that. We do appreciate the very important role and difficult task that grandparents and kinship carers play. A number of measures are being taken at the moment to improve our focus on that particular group of carers and the level of service and support that we are providing. That is certainly part of the overall refresh program that Christine has been talking about that is occurring in care and protection and the office space in general. Christine, would you like to outline—

**Ms Nolan:** Where children are the parental responsibility of the territory parent, certainly we should be paying kinship care allowances, which are equivalent to foster care allowances, and in some instances we might pay additional moneys, contingency expenses, if there were particular needs or costs that we felt it was appropriate to meet in terms of providing the best possible outcomes for those children and young people. I am not sure, Mrs Dunne, whether the family in question might be a case of an informal arrangement in the community, which would be a different matter.

**Ms Howson:** Perhaps I could also say that there are also opportunities to connect people to income support that is available to them through the Australian government.

So, while we—

**MRS DUNNE:** Just to summarise: if the child is in the care of the chief executive, the grandparent or kinship carer would receive the same allowance as if the child were in foster care?

**Ms Nolan:** Yes, absolutely.

**MRS DUNNE:** And if they made some other sort of informal arrangement—you would know about that?

**Ms Nolan:** Not necessarily. There are hundreds of families in that situation, if not thousands, in the ACT.

**MRS DUNNE:** But is there a service for children who are not formally in the care of the chief executive—to assist families who are stepping into the breach to access income support?

**Ms Nolan:** There would be an array of community services, as well as places like our own child and family centres or child protection workers, if they are in touch with these families, who can direct them in the right direction. Obviously Centrelink would be their first port of call; depending on the family's income, they might be eligible for family benefits A and B for childcare benefits. They could also potentially try and pursue payments from the birth parents through the Child Support Agency to assist them to support the child. They have the option to go to the Family Court as well and get orders there.

**MRS DUNNE:** But getting orders in the Family Court effectively limits their capacity to receive financial support? There is a financial disincentive to get Family Court orders.

**Ms Nolan:** I am not sure. I think it would be the opposite.

**MS HUNTER:** I thought it was the opposite; that the issue was that you actually had to do the legal action in order to be eligible.

**Ms Nolan:** Yes.

**MRS DUNNE:** So there is no central place where families in need might go for advice within the ACT—

**Ms Nolan:** There is no specific agency targeting that group of people, but a wide array of service providers should have that information to hand; certainly my own staff do and certainly the director of care and protection does. We were speaking about this matter recently and she was outlining for me the full array of potential other income support that they could get. People's preference might be to come to us and get a foster care allowance. That is very simple; it is a one-stop shop. If we took that on as a proposition, we would become an income support agency and we could be paying thousands of people for—



**MRS DUNNE:** I understand that.

**Ms Howson:** I think the point about access to information is a really well made point. I am certainly aware that Centrelink, Department of Human Services in the federal government, have worked very hard at making it easier for grandparents. It was a particular target group that they focused on improving information provision for, particularly information around income support. Within our own services I think we could get a little better at making those access points easily accessible to families that we are dealing with as well.

**Ms Burch:** Through the targeted assistance, we created that assistance website portal, so perhaps we will just clarify and check if this information is there. If it is not we can make that simple link and make information available through that portal. Danielle Stiff has come back just to clarify one of her earlier comments.

**Ms Stiff:** Ms Hunter asked me about output class 2.1 and we were talking about the schools as communities programs and where they were moving. I would like to correct some things that were incorrect. The question was around output 2.1d, the number of children and young people receiving targeted intervention, and you had asked where that had moved to. That has actually moved in with strategy 3.1, which is on page 341. The second part was in relation to output 2.1e, the number of group sessions delivered through the schools as communities programs. That number has merged with output 2.1a, the number of group sessions.

**MS HUNTER:** Okay. I will look through *Hansard* and work that out again. Thank you very much. Stepping back to youth justice, how is the work going on the blueprint and when will that be complete?

**Ms Nolan:** I might respond to that, Ms Hunter.

**MS HUNTER:** It is more about the data.

**Ms Nolan:** We are expecting it to go to cabinet at the end of the month, end of July, and it will be released in August. So a draft is on cabinet circulation as we speak.

**Ms Burch:** It has been through a lot of community forums and there has been a lot of input into the structure of that blueprint, both through the task force and also through—

**Ms Nolan:** Community and other consultations.

**MS HUNTER:** And what input has the expert advisory panel had?

**Ms Nolan:** The expert advisory panel has had one meeting—or a number of members of it have; not everyone was able to be present—with the task force about a month ago. There is another workshop session planned for next week between the task force and the advisory panel. The advisory panel's view is that one of the ways in which they will best be able to assist with the blueprint is in the evaluation of the blueprint and associated projects.

**MS HUNTER:** Okay. I look forward to seeing that in August.

**Ms Burch:** We have progressed a number of the recommendations. I am not quite sure whether Ms Nolan or Mr Collis can make any comment about the progress against the HRC report and those recommendations.

**MS HUNTER:** Just before we get there, you are saying that it has gone to be circulated. If so, did the expert group see the blueprint before it was circulated and is it going through the cabinet process—

**Ms Nolan:** They have not seen this latest final version—that was just finalised in the last few days—but they have seen an earlier version.

**MS HUNTER:** And provided comment on that?

**Ms Nolan:** Yes.

**MS HUNTER:** Okay. So will they get to see this in next week's workshop?

**Ms Nolan:** Yes, they will. It is still in circulation. There is still the opportunity to make changes to it.

**MS HUNTER:** And then they will come on board to set up some sort of evaluation framework.

**Ms Nolan:** They will, and I think that is going to be really helpful having those experts. That is going to be very important, because we are seeing the blueprint as a living document with a 10-year horizon and we will need to learn and adjust actions as we go along, depending on whether something turns out to be an effective response or not so effective.

**MS HUNTER:** I think Mr Collis is going to give an update on the human rights report. I think that is what the minister said.

**Ms Nolan:** I was going to give an update on that, Ms Hunter, if that is okay.

**MS HUNTER:** Sorry. I thought the minister said Mr Collis.

**Ms Nolan:** Of the 219 recommendations that were agreed by the government, 128, which is 59 per cent, have been completed, 29 recommendations have been substantially completed and 62 have been commenced and are underway. We have written to the Human Rights Commission in the last few days and are meeting with them to brief them—I think it may be next week; it is quite soon—in some detail about where we are up to.

**MS HUNTER:** And will that be available too? Will members be able to get a copy of the progress reports?

**Ms Burch:** I am happy to bring back what we can about where we are.

**MS HUNTER:** Yes, sure.

**THE CHAIR:** The education committee is meant to be kept informed through that process.

**Ms Burch:** I do not remember an update.

**Ms Nolan:** I just do not recall.

**Ms Burch:** I know that not long after, in the very short time after it was tabled, I provided comments through the Assembly, but I do not know that there has been a formal progress report.

**Ms Power:** The Human Rights Commission report had three milestone times for the department to respond to and provide an update. One of those was by 31 December, and we provided an update report to the commission at the end of last year. The next one is 30 June this year, and then again at the end of the calendar year. So we have been providing those updates to the commission, and advising the minister, of course.

**MS HUNTER:** I think there was some connection to the standing committee.

**THE CHAIR:** I think there was a connection with the standing committee on education.

**Ms Burch:** Yes. I know that one of the recommendations was to provide ongoing dialogue through the committee. We will check and certainly get that through.

**MS HUNTER:** One last question I have is: are you engaged with interpreter services? I have got a case that came to my office in regard to somebody who did not speak English and who had connection to some of the services in that office. In those cases, particularly in, say, the care and protection area where its primary client is the children, what do you do to ensure that any parents who might be involved have access to interpreter services? It sounded like it was an unfortunate thing where this person did not know what was going on.

**Ms Nolan:** That came to my attention too. I was concerned to hear it. I think we were reported to have been using one of the children as an interpreter for mum. And that is not appropriate, particularly around sensitive matters. I have certainly passed that matter on to the director of care and protection, with my view that we need to pay the money to engage interpreters where we need to use them. The Office of Multicultural Affairs is part of CSD and if anyone needs to be on the front foot about this we need to be, as an organisation.

**Ms Burch:** I would have thought it was a given.

**Ms Nolan:** Ms Pappas, is there anything you would like to add? I have certainly passed that matter on.

**Ms Pappas:** Other than to say that it is unfortunate when those things happen. It is certainly not what we would expect of staff. As a result of that situation we have

issued a reminder to staff that there are services available, both over the phone and through Companion House and other arrangements, and staff should access them. We have recently met with Companion House and they did note that there had been an increase in use of interpreters within care and protection services. But that is obviously something that we could get better at doing, and staff have been encouraged to use those services if possible.

**MS HUNTER:** I am glad to hear that, because I think an earlier one was that first interim report from the Public Advocate that raised another case. I was concerned to see that there might have been a more recent one. You are quite clear that will be a constant reminder that there are services available and they will make sure—

**Ms Pappas:** It will, yes, and as we ramp up our engagement with the CALD community that will come more and more to the fore really.

**THE CHAIR:** And one final correction?

**Ms Nolan:** If I could make one correction, I am the chair of the task force but I was not able to be at the meeting where the advisory panel and the task force met. I am advised by Ms Power that the advisory panel have not seen the draft blueprint. They have had a significant discussion with the task force about the detail of it, but they were not actually provided with a copy at that earlier joint meeting.

**MS HUNTER:** But they will be provided with a copy?

**Ms Nolan:** Yes.

**MS HUNTER:** And before next week's workshop so that they will have time to—

**Ms Nolan:** Yes.

**Ms Howson:** I think we need to be careful about having an in-confidence process here, and certainly what we will be doing is canvassing the issues and things within the report. And we are still in a position to make changes and adjustments. So there are some provisions around cabinet-in-confidence that would make it difficult for us.

**MS HUNTER:** So they will not be able to see the document because it is cabinet-in-confidence?

**Ms Howson:** We could share the content of the document with them, but the actual document itself is subject to cabinet-in-confidence.

**Ms Burch:** I know what you are thinking. We will have a look at this. I am keen to make sure that the advisory group have input into this as well as their ongoing connection with the evaluation. We will work through it.

**Ms Howson:** It is still in draft.

**MS HUNTER:** It is, as you say, in that cabinet process. I am just wondering why it went into that process without this group being able to see it. They did not run into

these issues.

**Ms Nolan:** It is just a question of time lines. It takes quite a number of weeks to get it through the cabinet circulation process and through the two rounds. In order to be able to release it in the August sittings, we are on a very constrained time line.

**Ms Burch:** We will have a look at it and work through it. Going back to the interpreters as well, I know it sits in tomorrow's Office for Multicultural Affairs, but we have provided some support to expand our Dinka interpreters, in recognising new communities coming through. Whilst there is an established interpreting service, we always need to respond to those new communities as they come through as well—not knowing whether this family spoke Dinka or not.

**MS HUNTER:** I will follow up about how the expert reference group might be able to engage in the process; I think it was part of the motion in the Assembly.

**THE CHAIR:** Yes, that was my understanding too. We are out of time. Thank you, minister and officials from the directorate. A reminder to members that questions on notice from this afternoon's hearing should be lodged with the Committee Office within three business days of receipt of the uncorrected proof transcript, with day one being the first business day after the transcript is received. As I said earlier, answers to questions on notice will be lodged with the committee office within five business days of receipt of the question, with day one being the first business day after the transcript has been received. That is for this afternoon's outputs, output class 2, early intervention; output 2.1, child and family program; output 2.2, children's services; and output class 4, children, youth and family services; output 4.1, new services; and output 4.2, care and protection services.

The committee will resume tomorrow morning at 9 am with Housing ACT. We will then go to output class 3, community development policy; output 3.1, community services; and output 3.2, community affairs, followed by the ACT Gaming and Racing Commission's statement of intent, the Office of the Legislative Assembly and the Auditor-General.

**The committee adjourned at 6.04 pm.**