



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON JUSTICE
AND COMMUNITY SAFETY**

(Reference: Annual and financial reports 2008-09)

Members:

**MRS V DUNNE (The Chair)
MR J HARGREAVES (The Deputy Chair)
MS M HUNTER**

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 25 NOVEMBER 2009

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**Secretary to the committee:
Dr H Jaireth (Ph: 6205 0137)**

By authority of the Legislative Assembly for the Australian Capital Territory

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

APPEARANCES

Department of Justice and Community Safety 41

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Amended 21 January 2009

The committee met at 8.33 am.

Appearances:

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

Department of Justice and Community Safety

Leigh, Ms Kathy, Chief Executive

Goggs, Mr Stephen, Deputy Chief Executive, Statutory Support

Ryan, Mr James, Acting Deputy Chief Executive, Operations

Crowhurst, Ms Moira, Chief Finance Officer, Strategic Finance

Inkpen, Dr Nova, Acting Manager, Restorative Justice Unit

Junakovic, Ms Lana, Acting Executive Director, Strategic Planning and Support

Child, Ms Helen, Courts Administrator, ACT Law Courts and Tribunals Administration

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

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

McMillan, Professor John, ACT Ombudsman

Green, Mr Phillip, Electoral Commissioner, ACT Electoral Commission

Phillips, Ms Anita, Public Advocate

Taylor, Mr Andrew, Public Trustee

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

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

Hinchey, Mr John, Acting Victims of Crime Coordinator, Victim Support ACT

Hill, Commander Bruce, Acting Chief Police Officer, ACT Policing

Williams, Mr Paul, Director, Corporate Services, ACT Policing

Foot, Mr David, Acting Commissioner, ACT Emergency Services Agency

Graham, Mr Tony, Deputy Chief Officer, ACT State Emergency Service

Kent, Mr Greg, Acting Chief Officer, ACT Fire Brigade

Woods, Mr Richard, Manager, Operations, ACT Rural Fire Service

Schreiner, Ms Shelley, Chief Executive Officer, Independent Competition and Regulatory Commission

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

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

Durkin, Ms Mary, Health Services Commissioner and Disability and Community Services Commissioner, ACT Human Rights Commission

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

THE CHAIR: Good morning, everyone. Welcome to the justice and community safety committee hearings and investigation of the annual report of the Department of Justice and Community Safety. I welcome the minister and officials.

Ms Leigh, this is your second day, but I think everyone is aware of the privilege arrangements. Ms Hunter, would you like to start?

MS HUNTER: Thank you. I want to start with page 10 and restorative justice. Now that the legislation governing the restorative justice program has been in place for four years, we have some good data on the number of referrals to the scheme. It appears that the number of referrals is growing slightly if we look at the number of monthly referrals—15 per month when the scheme began and now 18 per month. What factors do you think influence the slow rise in the number of referrals?

Mr Corbell: The restorative justice program is a very successful program in the justice portfolio and we have seen a good level of involvement of offenders and referrals from the police. A total of 133 conferences were conducted in the last financial year, which is slightly lower than the previous year of 142. However, we are seeing a good take-up rate and the victim take-up rate also remains strong. Compliance by offenders with restorative justice agreements remains high at 93 per cent. So the challenge now is to continue to maintain the involvement of offenders, and particularly the police in making referrals, and that is something that we continue to have a strong focus on. The government will be giving further consideration to whether or not there are both the resources and the capacity to potentially expand RJ into the adult offender area.

THE CHAIR: I think Ms Hunter's question was: what were the factors that resulted in a gradual increase in the number of presentations?

Mr Corbell: These are matters that are largely determined by the police. The police make an assessment as to whether or not an offender is suitable for referral to the restorative justice program. We are continuing to see a good level of involvement from the police in identifying offenders suitable for RJ.

MS HUNTER: On page 14 it talks about the type of agreements and commitments that are made and that they range from a letter of apology to financial reparation, community work and so forth. Is data kept on how many of each type of commitment is made?

Dr Inkpen: Yes, data is kept on the types of agreements that are entered into and we look at all the different possibilities that come forward as a result of a restorative justice process.

MS HUNTER: It seems from the data that among the offenders and the participating victims there is a high level of satisfaction with the process. I am wondering about the outcome. Is there any data that looks at the victim or offender any time after they leave the scheme—any over time information?

Dr Inkpen: We do have a look at the victim satisfaction. We go back and ask. There is research indicating where restorative justice agreements are not complied with, where the victim satisfaction with the process would be reduced, so we do go back and confirm that. But, given the high compliance rates, when we go back obviously the satisfaction level, if you like, is still high.

THE CHAIR: On the subject of the statistics kept and more generally the reporting in this annual report, I would like an explanation of the effective differences between the

graphs 1, 2 and 3. They seem to be providing substantially the same information in a slightly different way, especially 1 and 2. Why were those things decided to be presented graphically? Then I will ask some questions about other sorts of information that might be provided.

Dr Inkpen: Essentially, what becomes complicated with the referral process is that one case can consist of many offenders and many victims connected to many different offences, so it is the multiple nature of what one referral can look like that makes it a complex process within the justice system. We felt that showing the total number of offenders and victims across that time line was also important to indicate because we may look like we have done relatively few referrals but in fact we have engaged with a range of offenders and a range of victims that would be connected to those referrals.

THE CHAIR: One of the things that I would like to know about is whether you collect or are analysing information on recidivism—this program is now four years old—and, if so, would that be a good idea to put in the annual report?

Dr Inkpen: We have commenced looking into further recidivism. There was as part of the legislation a review of phase 1, 18 months after, and with respect to that a recidivism study was conducted. You need a reasonable time line, and four years is a reasonable time line in which to go back and look at things like recidivism, so we have commenced negotiations to conduct a further recidivism study.

THE CHAIR: Now that you have a reasonable time line, will there be the capacity for ongoing monitoring of recidivism?

Dr Inkpen: It is a difficult area to look at but, yes, we want to continue to look at the recidivism for the individuals involved, and obviously look at their involvement prior to a restorative justice process and then post that experience. You need to take a time line and then review it forwards and backwards to understand what impact you are having.

THE CHAIR: What are the difficulties in the area? You said it was difficult to study.

Dr Inkpen: It is a complicated type of analysis but it is something that we are working on with the AFP to extract the information, the criminal history data, and then to clean that data and analyse the results.

Mr Corbell: It does require the assessment of multiple data sets—the police record holdings, the record holdings of the courts and also potentially of other agencies as well, such as the DPP. We do not have a single, integrated database in terms of the criminal justice system and of offenders' progress or repeated progress through that system, so the data collection task is a complex one as a result.

MR HARGREAVES: I have a couple of questions. This is an eminently successful program for young people, to try and stop young people from becoming professional criminals. Can you give us—not now—a breakdown of, say, the age groupings which apply so that we can get a bit of a flavour as to whether or not there is a significant number in the age group of 12 to 15 or 17 to 18? It would be helpful to have an idea of that age breakdown.

Mr Corbell: We can certainly do that, Mr Hargreaves. My understanding, and I am sure I will be corrected if I am wrong, is that there are broad parameters. Obviously adults are not eligible for the program, and children, I think, under the age of 10 are not eligible either. But we are happy to provide a break-up within that age range.

MR HARGREAVES: For future reference, I am a bit interested to see the degree of success of the restorative justice program for young people to prevent people becoming guests of Mr Ryan's famous establishment. I would like to see if we are preventing that. A lot of these people, if my memory is correct, in, let us say, the 15 to 19 cohort, are known, and repeatedly known, to authorities and have a very good chance of becoming guests of the AMC. I would like to see over time how the restorative justice program is stopping that.

The other thing I noticed in here was that 76 per cent of the offences were property related. Do you have a better breakdown of the property-related ones—for example, whether it is burglary or car theft; that sort of detail.

Dr Inkpen: We can get a further breakdown but it would obviously include those things.

MR HARGREAVES: I am not in any hurry for it today.

MS HUNTER: Minister, you mentioned that you were looking at extending the scheme for adults. What is the time frame on that?

Mr Corbell: It is primarily subject to budget consideration. Personally, I feel there is considerable worth in expanding the application of the scheme to adults, but it is a resource-intensive task and I will be pursuing that matter through the normal budget processes. Obviously it is contingent on budget cabinet and the decisions that the government will have to take on a whole range of programs.

THE CHAIR: On the subject of resources, minister, as a rule of thumb what is the cost of a referral through to a conference through to the follow-up action in relation to an agreement? What is the per head average cost?

Mr Corbell: I could not tell you, Mrs Dunne. I do not know whether there is such a breakdown. I do not know whether you can characterise it on a per matter basis. You probably can statistically, but whether it is an appropriate measure I am not sure. I can give you some more advice about the costs of the program overall and how that breaks down into the various component parts.

THE CHAIR: How much of the \$7.6 million appropriation for output class 1 is for restorative justice?

Mr Goggs: That \$7.6 million figure relates to all of the justice components of that output class 1. We do not make a discrete breakdown between each business unit. In fact, the restorative justice unit is a part of a larger unit even within the justice portfolio. So, for example, all of the corporate overheads, all of the executive salaries—those sorts of things—are included within that figure and they are not apportioned

specifically to each business unit within the department.

THE CHAIR: When you say all the corporate—

Mr Corbell: Nevertheless, I think it will be possible to give you an answer as to how much we pay for the delivery of the program at an officer level—

THE CHAIR: That would be really good.

Mr Corbell: As Mr Goggs says, obviously a proportion of management costs, if you like, is spread across the whole of this part of the department and it is difficult to attribute to one particular program, but we could give you the number of officers that are employed in the program and how much that costs.

THE CHAIR: I cannot quite remember where in here, but somewhere there is a head count of the number of people involved in restorative justice, so you must have some idea—

Mr Corbell: Yes. I am confident we can give you that figure, Mrs Dunne. I will have to take it on notice.

Mr Goggs: In fact, I am informed, Mrs Dunne, that in relation to that head count, which I understand is a senior officer grade B, a senior grade C, three ASO6s, one ASO4, as well as the overheads of that business unit, the current allocation is approximately \$580,000. That is just for the staffing of that particular unit.

THE CHAIR: I also wanted to know what the costs were for actually running the program—the operating costs.

Mr Goggs: In the sense that it is the delivery of a service, it is a very human resource intensive service, so it is the salaries of the people that are the cost of the delivery of the service.

THE CHAIR: There are no other overheads?

Mr Goggs: We pay rent on the accommodation that the staff occupy.

THE CHAIR: But there are no other operational costs apart from the staff?

Mr Goggs: No significant costs.

THE CHAIR: If you could check those figures and get back to us on those, that would be fine.

Mr Corbell: We can clarify that for you.

THE CHAIR: That would be good.

MR HARGREAVES: Can I clarify something—a request that you guys took on notice. I do not want to overcomplicate it and put too much work out. I asked whether

I could have a breakdown by the age cohort. Because the numbers you give in here are by month, I do not want you to think that I want it by month at all. I am talking about the total number of 257 offenders last year, and getting a breakdown of that figure, and perhaps for the year before. Also, could you give me a gender breakdown for that figure?

Mr Corbell: Yes, sure.

THE CHAIR: In the agency profile on page 92, where you have got the head counts for the various parts of the department, where do the restorative justice people fit in?

Mr Goggs: It is part of the legislation and policy branch.

THE CHAIR: Okay; I thought that was the answer. Could we turn to page 15 and the engine immobiliser scheme. The minister has spoken about this initiative a lot. How much has been paid out in subsidies in the last financial year—the financial year of this reporting period—and what does it cost to monitor the scheme?

Mr Corbell: While officials are finding those figures, the engine immobiliser scheme was funded in a number of appropriations over the last 12 to 18 months. It was significantly expanded during one of the special appropriations earlier, in the last financial year, if I recall correctly. It is a scheme that makes available engine immobilisers at a discounted rate to low income earners, mostly pension cardholders. So \$965,000 has been provided, as part of the second appropriation in 2007, to expand the scheme.

With respect to the current take-up, we anticipated that we would be able to provide 3,775 immobilisers by way of a \$200 rebate to recipients of a Centrelink benefit. Part 2 of the scheme commenced on 1 July last year and provided an additional 1,100 immobiliser rebates by way of a \$100 subsidy to any ACT citizen who drives an older vehicle that does not have an immobiliser fitted. The Council on the Ageing has been contracted to administer the scheme because the major focus is older drivers with older vehicles.

THE CHAIR: What are the criteria for the vehicles?

Mr Corbell: Essentially, they are any vehicle without an immobiliser, which is most vehicles built before the year 2000, I am advised.

THE CHAIR: It was originally for people on some sort of benefit; now it is—

Mr Corbell: There are two elements.

THE CHAIR: There are still two elements?

Mr Corbell: There are still two elements. The largest number of rebates is available for holders of Centrelink benefits, and that is a \$200 rebate, and there are just over 1,000 with a \$100 subsidy.

THE CHAIR: What does it cost to install an immobiliser?

Mr Corbell: Approximately \$200, I think.

THE CHAIR: So it is a full rebate?

Mr Corbell: It is a full rebate for pension card or concession cardholders, and a 50 per cent rebate for others.

THE CHAIR: You said what was envisaged—the number of immobilisers fitted. How many have actually been fitted?

Mr Corbell: Just over 1,000 have been made available to Canberrans, out of the 4,800 rebates that are potentially available. We have been disappointed with the take-up but it is a very generous scheme and we think it is a very worthwhile initiative to help reduce motor vehicle theft.

THE CHAIR: Do you know how many vehicles in the ACT would qualify—the pre-2000 vehicles?

Mr Corbell: I think we do have that information. I do not know whether we have it to hand.

THE CHAIR: I am happy for you to take it on notice.

Mr Corbell: We will take that on notice. As a result of the lower than anticipated take-up rate, we are currently revising the communication strategy to communicate the availability of the rebates to potentially eligible people in the territory. A new communication plan is being developed. We are trying to ensure that promotional material is made available, for example, to all Housing ACT tenants.

THE CHAIR: Would it be possible to send it out with the rego papers?

Mr Corbell: The advice I have is that some of the measures we will be undertaking include sending out a promotional flyer in all Housing ACT invoices, so that tenants of public housing, who are more likely to be on those lower incomes, are made aware of the scheme. Another measure is the inclusion of the flyer in the congratulations pack which Roads ACT sends to all people who receive their P plates; also, information to universities, to areas where there are student populations, and information to driving schools. We know that for a lot of young people their first car can be an older vehicle; therefore there is the opportunity for them to be made aware of that. Also, there will be information through COTA's own programs for older residents.

THE CHAIR: Getting back to COTA, you said they are responsible for the rollout of the program. How does that work? What is it that COTA does?

Mr Corbell: They issue the voucher. They administer the scheme for the government. When someone is seeking a rebate, they contact COTA, and COTA issues the voucher that can then be presented to the auto electrician who installs the immobiliser.

THE CHAIR: If you are aiming it at elderly people and P platers, perhaps P platers may not want to go to COTA—to an old persons' organisation.

Mr Corbell: That has not been raised as a problem because it is a 50 per cent discount, and for some people it is a 100 per cent discount. So it is generous. I do not think that would be an obstacle to accessing the program. The issue is getting the knowledge out about the program. We are working actively to further promote it.

MS HUNTER: I want to move on to Indigenous justice policy on page 16. We know that Aboriginal and Torres Strait Islander people are over-represented in our justice system. It appears, through this policy development, that you are working on an agreement. How is that agreement going? You talk in the annual report about it commencing in 2010, so could you give me some sense of how that is tracking and where you have got to with respect to the direction of that policy, and what will be included in that agreement?

Mr Corbell: The government is working to establish an Aboriginal justice agreement. In October 2008, my department established a cross-government working group, chaired by Mr Goggs—is that right?

Mr Goggs: I cannot remember if I was the chair at the time, but I have been involved in it.

Mr Corbell: You are now. That body is developing an Aboriginal justice agreement. The objectives are to focus on how services can be better provided to young people and families, to address issues such as family violence, rehabilitation, transition and post-release programs from prison, access to legal services, mental health services, drug and alcohol programs. That work is ongoing. I expect that the final agreement will be ready by mid next year, and I anticipate that a draft of the agreement will be presented to the ACT Indigenous Elected Body for their comment and negotiation with them prior to it being finalised.

MS HUNTER: Is it envisaged that there will be an enhancement or increase in, say, Aboriginal and Torres Strait Islander specific legal service provision?

Mr Corbell: The government has entered into a major contract with the Aboriginal Justice Centre to assist Aboriginal and Torres Strait Islander people involved in the criminal justice system. The AJC does not provide legal advice directly, but it does provide significant liaison with and support for justice agencies for Indigenous people, including through ACT Corrective Services, victim support, policing and so on. They also manage a number of programs and projects, including the interview friends program, which provides assistance to police and Indigenous people who are engaged with the police. There is also a men's program, support for men in custody and links to supporting clients participating in circle sentencing and in the prison.

The government is also continuing to provide support to the women's legal centre. We have ensured that funding to the centre is maintained, in terms of the ACT government's contribution, for the next 12 months. That has been in response to the withdrawal of funding or the cessation of grants money from the commonwealth. I am advised, Ms Hunter, that the first draft of the agreement was considered at the meeting

of the working group in November, and the Indigenous Elected Body is represented on that working group.

MS HUNTER: Is this part of the plan to tackle the over-representation of Aboriginal and Torres Strait Islander people in our justice system? I am trying to get some sense of how the government intends to tackle that issue and to start moving towards some significant reductions in the numbers of Aboriginal and Torres Strait Islander people going into the justice system.

Mr Corbell: The Aboriginal justice agreement is the key document that will guide the delivery of program services and the policy around addressing the issues that we as a community face in terms of the representation and over-representation of Indigenous people in the justice system.

THE CHAIR: On the same page, can I ask about the legal policy advice in relation to government bills and private members' bills. There is a list—

Mr Corbell: Which page are you on?

THE CHAIR: It is page 16. I notice it says:

Assistance was provided to Government in responding to the following Private Members' Bills ...

It starts with the Civil Partnerships Amendment Bill. My recollection—correct me if I am wrong—is that bill was introduced in this current financial year, not the last financial year. I think it was in August. Is that right, Meredith?

MS HUNTER: I am trying to remember. It may well have been tabled in the last financial year.

THE CHAIR: My recollection is that it was in August. If it was in August, what advice was provided to the government on the Civil Partnerships Amendment Bill? You can take it on notice.

Mr Corbell: The advice related to the normal range of policy advice that would be anticipated in relation to that bill, advice to government on what the amendments did and interaction with the range of policy and political considerations that are relevant to that bill.

THE CHAIR: That bill was not introduced in the financial year on which we are reporting? Someone can correct me if I am wrong.

Mr Corbell: I have been reminded that this relates to the bill introduced by Dr Foskey in the last Assembly. Dr Foskey in the last Assembly introduced a bill which essentially proposed to do what the Civil Partnerships Amendment Act has just done.

The issues relating to that bill, I recall now, related to whether or not, if the Assembly was to pass that bill in 2008, that would potentially re-engage the commonwealth in terms of disallowance of the overall Civil Partnerships Act. The government reached

the view, following advice, that Dr Foskey's proposed amendments could invite the commonwealth to disallow not just those amendments but the substantive act that it was seeking to amend because the disallowance period had not, if I recall correctly, expired under the self-government act, which is a six-month period following passage of a bill in the Assembly within which the commonwealth can disallow that bill.

You will recall that the government negotiated a position with the commonwealth that allowed the Civil Partnerships Act to stand, albeit with considerable amendments, many of which we did not agree with as a matter of principle but which we, nevertheless, put in place to allow the Civil Partnerships Act to stand.

Dr Foskey then sought to introduce the ceremonial elements back into the act. We were concerned that agitating that issue would invite the commonwealth to disallow the whole act. That matter and other matters were the subject of advice to the government.

THE CHAIR: Thank you. In relation to "that matter and other matters", when did you order the department to commission the joint advice that was circulated a couple of weeks ago?

Mr Corbell: I would have to take that on notice but I think it was during 2008.

THE CHAIR: That was my recollection.

Mr Corbell: I would have to get the exact date for you.

THE CHAIR: What I wanted to know—and perhaps you ought to take this on notice—was: was that advice brought into play in relation to the amendments that were passed in 2008, the ones that you said you did not necessarily agree with, to comply with the commonwealth's desires or did that advice come into play in relation to the advice on Dr Foskey's bill?

Mr Corbell: I would have to check the exact chronology of when that advice was received.

THE CHAIR: Thanks. In passing, I notice also that the government did not receive advice from the department on the first FOI amendment bill this year. I would like to move on to the victims of crime area. There are a number of victims of crime support organisations. There is the area in the department. There are a couple of non-government organisations. Then there is a clearing house organisation called SupportLink. I wanted to get an exposition on the interaction between those organisations, if I could.

Mr Corbell: I will defer to Mr Hinchey shortly, who is the acting Victims of Crime Coordinator. What I would say in terms of a general overview is that policy on victims of crime is the responsibility of my department. Change to the relevant legislative framework is obviously a policy consideration for me and the department.

The services provided to victims of crime are primarily delivered through Victim Support ACT, which is a service delivery agency within my department and which is

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overseen by the Victims of Crime Coordinator in a dual role. The Victims of Crime Coordinator has specific roles under his legislation. He is also in a public service position, delivering support to victims through Victim Support ACT. So the Victims of Crime Coordinator has an advocacy role but also has a role as the coordinator of Victim Support ACT

There is another organisation that provides support to victims of crime, VOCAL, the Victims of Crime Assistance League. They are a non-government organisation that receives a level of funding from government. They provide general support to victims of crime. They have a contract with the government whereby they provide general support to victims of crime, assistance during court hearing, assistance immediately following crime in terms of cleaning up premises if there has been a burglary or those sorts of things, general moral support to victims of crime.

SupportLink is a service which is contracted to ACT Policing. SupportLink provides referral and immediate support to anyone involved in an incident which the police believe would warrant a referral to them. SupportLink can provide counselling, referral on to other more specialist bodies such as Victim Support ACT for victims of crime and, indeed, victims of other incidents, motor vehicle accidents, any other incident potentially warranting police attendance. So SupportLink provides a generalised level of service and really acts, if you like, as a clearing house or a referral body to point people in the right direction for services and support.

THE CHAIR: The “link” is the emphasis there. It does not actually provide services.

Mr Corbell: They will provide an immediate first response in most instances. The beauty of SupportLink is that they provide, if you like, the first contact and often the first point of contact and referral and support. So they will provide a general level of support to a person who has been referred to them by the police. Often that will be a victim of crime. They will provide that immediate, if you like, moral support-type role—it is difficult to characterise it—so that there is someone to talk to and someone to listen in the first instance and then someone to direct the victim to more specific services such as Victim Support ACT or, indeed, other services as appropriate.

THE CHAIR: When they provide that first line of contact, is that at the end of the phone or face to face, or a combination?

Mr Corbell: It could be either.

Mr Hinchey: That is correct.

THE CHAIR: Would it be fair to characterise it this way, minister: the first point of contact for someone who is a victim of crime or otherwise comes into contact with the police and needs support would be through SupportLink?

Mr Hinchey: SupportLink has a commercial relationship with police. Police can refer from their squad cars at jobs electronically. That is the benefit of SupportLink. But not all victims come into the system via that system. Police can refer directly and give the information to victims and those victims can take up the opportunity. If police wish to refer directly they do so through SupportLink. Victims are also given

information about other support services that are available and victims choose to take up those opportunities. Later in the system those cases are prosecuted. Agencies coordinate their response to victims and offer opportunities to victims.

THE CHAIR: Apart from the point of entry through SupportLink, the other services are provided through the victim support service or VOCAL. How are the services provided by those two organisations similar and how are they different?

Mr Hinchey: VOCAL are a non-government community-run organisation with volunteers providing practical-based support initially. I understand that they have expanded their services to include a level of counselling that is similar to Victim Support ACT. VOCAL would have a drop-in; they have a telephone service that is available. They offer court support, a presence at court each day, which Victim Support ACT does not do. It does not offer court support. Victim Support ACT offers more of a counselling role for victims. It runs the victim services scheme, which is the scheme under the victims of crime regulation, which provides therapeutic interventions to victims of crime. These are more professional interventions. There are a range of therapies and modalities.

THE CHAIR: Does that scheme cover, say, someone who might be injured in an assault or in the course of crime? Would that cover some or all of their medical expenses?

Mr Hinchey: It might cover their therapeutic expenses. As far as physical medical expenses, it would not cover those, although a medical benefits scheme does provide a service under mental health counselling that allows a victim to receive ongoing support from a psychologist.

THE CHAIR: So it does not cover physical injuries—say, financial assistance.

Mr Hinchey: The financial assistance scheme would cover that. That is a different scheme.

THE CHAIR: That is a different scheme. Tell us about that scheme as well, Mr Hinchey.

Mr Hinchey: The financial assistance scheme is a scheme whereby victims of crime that have suffered harm might apply for financial assistance to help them recover from that harm. The victims make application to the court and the court, after consideration by the Government Solicitor's Office and taking advice, makes a determination as to whether a victim is eligible for that scheme. That scheme is administered by the court. Certain amounts are given to victims as a way of recompensing for the harm they have suffered or to repay what they have had to outlay to overcome that harm.

THE CHAIR: Is that dependent upon a conviction of somebody if it is administered by the courts?

Mr Hinchey: No.

THE CHAIR: If somebody is randomly assaulted, for instance, and you never find

the person that did it, the person who is randomly assaulted could still go and make application?

Mr Hinchey: They can make application for financial assistance. They are eligible for services under the victim services scheme as well as Victim Support ACT. So it is all victims of crime.

Mr Corbell: The offences do not have to be proven. Mr Garrison is here and he can probably explain it a little better than I but, as I understand it, essentially there needs to be agreement amongst criminal justice agencies that there is a victim and an offence, even if the offence is not proven and even if the matter has not yet been finalised in the courts.

THE CHAIR: What is the funding for physical injury et cetera for? The scheme is administered by the courts.

Mr Corbell: It is the Victims of Crime (Financial Assistance) Act.

THE CHAIR: It is the Victims of Crime (Financial Assistance) Act. The counselling that you referred to earlier, Mr Hinchey, does not come under—

Mr Hinchey: Some of the costs that a victim might incur would be covered by the financial assistance scheme, if they have paid money and they request a reimbursement of that money via the financial assistance scheme, but the provision of counselling services is separate from the government via the victim services scheme. The victim services scheme provides counselling. That is sponsored by government funding. However, victims at times incur expenses on their own, independently of the victim services scheme, and they may make application under the financial assistance scheme to have those costs reimbursed.

Mr Corbell: Essentially, there is a common level of service that we endeavour to provide to as many victims as possible, which is not contingent on any payment of compensation through the courts. That is what is provided by Victim Support ACT. There is then, according to the various requirements of the financial assistance legislation, opportunity for victims of crime to seek recompense for certain costs. There are limits on that, depending on the nature of the crime or the nature of the occupation of the victim. For example, certain levels of assistance are only available to a limited number of occupations—police and emergency service workers. Victims of serious sexual crimes, for example, have a different threshold for assistance compared with other victims of crime.

THE CHAIR: In the normal course of events, could a person who was randomly assaulted and who may be off work for a period of time seek compensation for time off work?

Mr Corbell: There is a maximum payment that they are eligible to receive.

Mr Garrison: The victims of crime scheme imposes an absolute maximum of \$50,000, made up of compensation for out-of-pocket expenses and then special compensation depending on the class of the injuries that have been sustained. The

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issue of whether an offence has been proved or not or the nature of the injuries that have been suffered depends on being satisfied whether it is a serious, violent crime.

Ordinarily, if there is evidence that they have been injured and the injuries are serious, even if the offender cannot be identified, then there is an entitlement to compensation. If the offender is identified, unless there is a factual dispute about what occurred—for example, there may be issues of self-defence or there may be issues of who in fact was the instigator—we may occasionally have to wait until that offender's case has been dealt with. The fact that an offender is acquitted does not necessarily preclude the victim receiving compensation because there is obviously a different standard of proof that applies. If a person is convicted, then there is an entitlement for the territory to seek reimbursement in relation to amounts that have been paid out.

THE CHAIR: On notice, could we have an indication for the last year of how much money has been expended to how many victims?

Mr Corbell: Yes.

Mr Garrison: I can say that, under the financial assistance act, there is an amount—it does not cross my mind but it is in my report—

THE CHAIR: It is in your report?

Mr Garrison: Yes. In fact, there was a decline in previous years. I think it was about \$860,000.

THE CHAIR: You are referring to volume 2?

Mr Garrison: No. I am still on volume 1.

THE CHAIR: Sorry.

Mr Garrison: The precise figure is \$920,755 for the 2008-09 year. That represented a reimbursement of out-of-pocket expenses and damages.

THE CHAIR: I have a question on the human rights consultation. I notice that you participated in the human rights consultation. In doing so, minister, did you look at the experiences of other jurisdictions—I know we have our own experiences of human rights legislation—as well in formulating your views in relation to the human rights consultation, for instance, other commonwealth countries like New Zealand, Canada and the UK?

Mr Corbell: We have a good knowledge of the other human rights jurisdictions in Australia, Victoria, and internationally, UK, New Zealand, Canada, South Africa. Certainly those were all matters that we had regard to in putting forward our submission.

THE CHAIR: Do you draw any conclusions about the operation of various types of human rights legislation in those countries in your submission to the commonwealth consultation?

MR CORBELL: The submission is a public document. You can see what the government said in its submission. I think it has been authorised for publication by the consultative group. It is on the public record.

Generally speaking, the government's view is that the experience of other human rights jurisdictions confirms the desirability of a statutory framework for human rights protection through a model such as the ACT's Human Rights Act and, indeed, a potentially equivalent model at the commonwealth level, which is what the consultation has recommended, a dialogue model. We are very pleased that the national human rights consultation has recommended, effectively, the commonwealth's model and the model which is in place in the ACT and which was subsequently enacted by Victoria.

MS HUNTER: I want to move to CCTV. You mention that there has been an increase in the number of CCTV cameras, 12 more in Civic, four in Manuka and so forth. I am wondering, firstly in relation to the feasibility study for EPIC, what stage that is at.

Mr Corbell: The government has agreed to and has funded an expansion of the CCTV network. In relation to EPIC, six new cameras have been installed. That was expected to be completed in October. The cost of that project is just over half a million dollars, \$580,000.

MS HUNTER: Are all of those cameras being monitored through the same centre? I notice there is talk in the annual report about setting up a monitoring centre.

Mr Corbell: The government has provided funding for a dedicated monitoring centre, at a cost of \$1.3 million in capital. I was pleased to open that monitoring centre approximately a month or so ago. That is based at the Winchester police centre in Belconnen. It provides six monitoring stations, the necessary computer server equipment and accommodation, work stations, toilet and meal facilities for staff.

MS HUNTER: Are those cameras monitored 24/7? Is there dedicated staff to monitor those cameras?

Mr Corbell: No. The government has provided funding for the monitoring of the network in real time during peak periods. The peak periods that have been identified are Friday afternoons into the evenings and Saturday mornings. Obviously they continue into the corresponding mornings. Friday nights, Saturday nights, Sunday nights are the essential periods. We have provided funding for monitoring on that basis in real time.

We believe that is an appropriate scaling up of capacity because we know that is when there is the highest volume of people moving through our entertainment precincts in Civic, Kingston and Manuka. Therefore, that is where we will get best value for resources in monitoring real time.

The personnel who operate the monitoring centre are able to communicate directly with police on the ground through the police radio network from Winchester. They

physically have a radio console in the monitoring room so that they can speak directly to patrols on the ground from the monitoring room and assist police with what they are observing and direct them as necessary and assist police on the ground as necessary.

There is the capacity, though, obviously for police to go live in terms of real time monitoring at any other time that they believe is necessary. For example, I would anticipate that the centre will be used on New Year's Eve and for other large events, Summernats, major events at Canberra stadium, Manuka oval and so on. The facility can also be stood up and operational at those times as well.

MS HUNTER: What sort of technology is being used as far as recording the information is concerned? How long is that information kept for?

Mr Henry: The technology is being used, and we have developed a code of practice based on the national standards for closed-circuit TV. We have a 30-day standard for maintaining the information. The information is recorded to what amounts to a very large DVD recording system, which is the latest technology that we can use with these cameras.

MS HUNTER: Is there still an independent auditing committee in place?

Mr Henry: There is currently the audit committee that was created for the Civic system. We are currently working with that team to look at creating an enhanced audit committee to look at the entire system.

MS HUNTER: What is the composition of that committee? Is it made up of community members, business members? Who is going to be involved in it?

Mr Henry: The original committee?

MS HUNTER: Yes, or what you expect it to morph into.

Mr Henry: The current committee has a women's representative, a youth representative, and the chair of the committee is from a justice background.

Mr Corbell: There is also a business representative.

Mr Henry: And a business representative as well. We are hoping to maintain that representation and also have a think about further community input that could appear on that committee.

THE CHAIR: What is the role of the audit committee?

Mr Henry: The role of the audit committee as it stands at the moment is to look at the activities of the users of the system and to make sure they are applying the basic policy and procedures that are in place. What we hope to do with the new committee is that the audit committee will be the independent body that will answer to the minister to ensure that the code of practice on the use of this system that we have agreed to is being applied.

MS HUNTER: Those people coming in on Friday, Saturday and Sunday nights to monitor, are they employed through ACT Policing?

Mr Corbell: Yes, that is correct.

MS HUNTER: Therefore they are bound by the privacy and codes of conduct that—

Mr Henry: Yes.

Mr Corbell: They are largely civilian employees of ACT Policing, and there is supervision from uniform personnel in charge of the ACT Policing call centre operations.

MS HUNTER: Do you have any estimate of how that may have cut back on court costs by having this sort of information that can be used in cases?

Mr Corbell: I think it is too early to tell in that regard. The system has only just been upgraded in the last 12 months to digital technology. The previous system was older camera technology. It was unreliable, it was prone to breakdowns and it did not give the clarity of image that we would have ideally hoped for. So the government, as part of its upgrade, has replaced all the cameras in what was then the existing network with high-quality digital technology, as well as rolling that technology out in the expanded network to cover a larger area of Civic, for the first time Manuka and Kingston as well, and also Canberra Stadium, Manuka Oval and EPIC. The technology does provide a much clearer image, and that will be useful for evidentiary purposes, but it is too early to determine that.

MS HUNTER: But you will be collecting some information or data to get some sort of assessment as to—

Mr Corbell: We will certainly keep a record, and indeed it is a requirement under the storage of the data, of when it is downloaded and for what purposes. So we will have a clear record of what it is used for and we will be able to determine its use in court, for example, as part of that.

THE CHAIR: I have one other issue associated with security coordination and management. On page 18 you talk about the *Protective security awareness handbook*. What was the cost of developing the handbook?

Mr Corbell: The purpose of the *Protective security awareness handbook* was to establish a whole-of-government understanding of protective security, protection of documents and information, dealing with issues such as contact reporting and a range of other issues that are increasingly important to all governments. What was the cost of the handbook, Mr Henry?

Mr Henry: It was under \$10,000.

THE CHAIR: Who does it go to and how many copies are there?

Mr Corbell: All ACT government employees.

THE CHAIR: When you say “contact reporting”, what do you mean by that?

Mr Corbell: Contact reporting is a regime where officers employed by the ACT government and, indeed, I would say, members of the Assembly and other public officials, are encouraged to report any contact that they would believe to be unusual, either by—

THE CHAIR: Something that gives them concern?

Mr Corbell: For example, if you are suddenly approached by a representative of a foreign government and invited to go on a trip to a country, which you would consider to be unusual, that sort of contact reporting would be encouraged because it helps build up knowledge of whether or not there is perhaps a concerted attempt to obtain government information or commercial information that may be of advantage to foreign governments or private business organisations.

THE CHAIR: Could you also tell me something about the media discussion exercise “On Air”, which is referred to on page 18? What is its purpose and what were the results of the exercise?

Mr Henry: We have a rolling program of exercises. One of the capabilities that we practice and test is our media capability. This type of activity involved our senior media managers across ACT government and agencies, using a scenario designed to stimulate discussion and look at areas where they could possibly enhance their response to an incident. One of the measures in particular with the media capability is that we actually work with the local media in these types of exercises. So they are invited to these exercises as well. It enhances the cooperation if we ever have to—

THE CHAIR: So it is essentially media training for the face of the ACT public service?

Mr Henry: That is correct, and it is a discussion exercise.

THE CHAIR: What was the cost of the exercise?

Mr Henry: With the minister’s permission, I would have to take that on notice and report back.

THE CHAIR: Thank you. Mr Hargreaves?

MR HARGREAVES: Turning to 1.2, table 3 on page 20 talks about three items of interest: revenue recovered, revenue saved and contract values. The revenue recovered has an explanation of sorts in the last paragraph on the same page. Taking that one first, it says in that explanation:

A significant increase in the revenue recovered on behalf of the Territory reflects the successful outcome of a large and complex revenue matter in which the ACTGS acted on behalf of the Territory, the details of which cannot be provided

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by operation of the ACT Tax Laws.

Can you give me some further explanation? Clearly, you cannot go into the details of the issue or the people involved, but we do seem to be increasing it by \$105 million, which is a significant achievement in anybody's money.

Mr Garrison: It is actually an ongoing matter. Accordingly, under the provisions of the Taxation Administration Act, other than to say that there is a very large matter for ACT revenue, unfortunately, I cannot provide any more detail in relation to it.

THE CHAIR: So you anticipate more money next year?

Mr Garrison: One would hope so.

MR HARGREAVES: If you are successful, we can look forward to another entry of a size greater than \$2 million in the next annual report.

Mr Garrison: Hope springs eternal.

MR HARGREAVES: This may be just a guesstimate, but do you have any idea of how long this particular issue will take to resolve itself? I have left my piece of string upstairs, I am sorry!

Mr Garrison: Yes, it is a piece of string exercise. One would hope within the next 12 to 18 months, but that depends on a range of tribunal and court processes that may be taken up by the taxpayer. Of course, we are in the hands of those ultimate outcomes.

THE CHAIR: I asked some questions on notice about travel, to which I got some cryptic answers in relation to some substantial overseas travel. Are those two things related?

Mr Garrison: Yes.

MR HARGREAVES: When do you think we would be able to get some information on this massive lottery win?

Mr Garrison: When we determine that it is not in fact a lottery win, and the matter has been concluded. There is a series of objection and other processes that are in train at the moment.

THE CHAIR: This \$107 million, is that actual moneys recovered?

Mr Garrison: Money in the bank, yes.

THE CHAIR: That is banked money, not anticipated?

Mr Garrison: Correct.

THE CHAIR: In that table, you talk about work output, but there is nothing in there

that looks at damages paid by the territory or compensation made by the territory. Where is that information contained?

Mr Garrison: You will find that in table 5 on page 23, under “damages and settlements”. I should point out, Mrs Dunne, that what that does not include are the damages amounts that are met through the territory’s insurance arrangements. The reason for the spike in damages payments last year was what are called old matters—that is, matters that have been finalised in relation to claims that were prior to the territory’s insurance arrangements coming into effect. Of course, as they continue to decline, so the amount paid in compensation that will appear here, paid out of the territorial account, will decline.

THE CHAIR: You do mention, I think on page 19, that, as a result of the changed insurance arrangements, a lot of your insurance-type damages work has been taken over by the territory insurer.

Mr Garrison: That is only in relation to the bushfire litigation. What happened was that in January this year, shortly prior to the expiry of the limitation period, we went from 100 plaintiffs in the personal injury claims to 2,700. The reinsurers for the territory, understandably, were a little concerned at that development. Indeed, in terms of my office’s capacity to manage litigation of that magnitude, it was agreed that the insurer’s own solicitors would undertake the conduct of the defence of those proceedings. My office maintains a watching brief in relation to it. But it was that discrete set of proceedings.

Mr Corbell: Madam Chair, I need to correct the record on a couple of answers that have just been given. In relation to the CCTV monitoring, I indicated that it was occurring on Friday, Saturday and Sunday nights. In fact, it is Thursday, Friday and Saturday nights. I apologise for that. And the media exercise “On Air” cost \$1,100.

MR HARGREAVES: With respect to the “revenue saved” line, there was a bit of a spike there in 2007-08. It has gone from \$3.3 million to \$7.1 million, then down to \$1.8 million. Could you give us an indication of what is meant by “revenue saved” and what was the reason for the spike?

Mr Garrison: Revenue saved is a performance indicator recorded upon the conclusion of each piece of litigation that our office handles. It is a reflection of the estimate of liability that was placed on the file when it opened and the outcome that was achieved. It relates to our claims work and, if you will, reflects a notional saving in the sense of the outcome that we have achieved against what we thought might be the liability.

MR HARGREAVES: So, basically, if I can paraphrase it, you reckon it is going to cost you, or you are going to get, X dollars. This is a difference between your projection and what actually happened at the end of the day?

Mr Garrison: Correct.

MR HARGREAVES: Does this mean you are getting better at it?

Mr Garrison: It depends on particular claims. For example, we might settle a very large personal injury claim for \$3 million when the estimate was for \$9 million

THE CHAIR: That would be recorded as a saving of \$6 million?

Mr Garrison: Yes.

MR HARGREAVES: But this is not actual dollars in the bank, though, is it?

Mr Garrison: Correct.

MR HARGREAVES: In terms of that sort of approach, what number of claims are we talking about?

Mr Garrison: Several hundred every year.

MR HARGREAVES: That gives me an idea—a lot.

Mr Garrison: Yes.

MR HARGREAVES: Can you also give us another explanation for the line and also an explanation as to the gradual rise in the contract values line, which goes from \$52 million up to \$136 million. What is the background there?

Mr Garrison: It is the increase in the commercial work that my office does for the government. In particular, in the last 12 to 18 months there were obviously some very significant commercial projects that we have undertaken.

MR HARGREAVES: Could you give us a couple of examples or hypotheticals?

Mr Garrison: An example is the capital works at The Canberra Hospital, very large works there. Several projects are referred to in the detail of my report. We work very closely with ACT Procurement Solutions. Another reason for the increase is that I have outposted lawyers within Procurement Solutions and we are working very closely with them in relation to commercial and capital works projects.'

MR HARGREAVES: So these are just the value of the contracts that you have negotiated on behalf of the territory or signed off?

Mr Garrison: Correct.

THE CHAIR: And you have increased appropriation to have more involvement in capital works because you were not involved in the prison?

Mr Garrison: That is correct.

MR HARGREAVES: You are doing a good job.

Mr Garrison: Thank you, Mr Hargreaves.

THE CHAIR: I have a couple of litigation questions. In relation to the internal restructuring, Mr Garrisson, you say that you now have only a watching brief on the bushfire insurance matters and it says that this change, which is in some way related to the bushfires, has “broadened the skills base of lawyers across practice groups”? Can you explain how a limitation in one area has broadened the skill base?

Mr Garrisson: It is the redeployment of the lawyers that I had involved in bushfire into other work, because they are able to bring to that work the skills that they have developed in managing that litigation over a number of years, and in particular the logistics and planning issues which we have found to be of increasing utility in several of the larger matters that we are now handling.

THE CHAIR: Just going back to the 2003 bushfire litigation, if those matters go to court will there be somebody appearing on behalf of the territory or will they be appearing on behalf of the reinsurer?

Mr Garrisson: The insurer’s lawyers are in fact appearing for the territory. The insurers, exercising their rights of subrogation under their policy of insurance, appear for the insured party. That having been said—

THE CHAIR: But they are effectively agents of the territory in this regard?

Mr Garrisson: Yes.

THE CHAIR: So how much say does the territory have about the process or how the matter proceeds?

Mr Garrisson: That would be a matter for negotiation between the territory and the underwriters if there was any particular issue that required resolution. We have in fact worked closely with them now over a number of years. Those same lawyers and underwriters had a very significant watching brief of their own up until January this year.

THE CHAIR: On page 20, under employment and industrial relations, you say that “the centralisation of the provision of legal services through the ACTGS has resulted in a large increase in the volume of employment and industrial relations matters dealt with in the office”. Can you expand on that?

Mr Garrisson: The previous position, going back some years now, was that obtaining legal advice by departments in relation to employment and industrial relations matters was uneven. A number of different law firms were involved in providing that work. There was a lack of consistency in the advice that was provided. The centralisation of legal services through my office has enabled, first, consistency of advice provided across all agencies; and, secondly, a much greater interaction by my office with a range of agencies at a much earlier juncture in relation to employment and industrial relations issues. For example, we have been involved in the drafting of the new employment agreements that are being entered into, which is a task that previously my office had not been engaged in, and it has led to a steady increase in work.

THE CHAIR: These are advising on industrial relations matters in relation to wage

and salary conditions and perhaps disciplinary matters in agencies?

Mr Garrison: Yes, employment matters and the range of that nature.

THE CHAIR: So it is in relation to the employment of people by the ACT government in the public service?

Mr Garrison: Correct.

THE CHAIR: Looking at the agency profiles for your office, over the time what has been the increase in, say, the full-time equivalent or the head count? You have a head count of 62 and a full-time equivalent of 59½ this year. What did it increase from, or did it increase?

Mr Garrison: It fluctuates, Mrs Dunne. One of the problems between having an FTE count and an actual count is that, for example, I have had six staff away on maternity leave. Those positions have in part been backfilled. Sometimes I have chosen to backfill them with people at a less senior level, which means that I can afford to employ more people, and that can lead to that fluctuation over a period of time.

THE CHAIR: But you had an increase in appropriations. Did that result in an increase in staff?

Mr Garrison: That will in this current year.

THE CHAIR: Yes, I see. You refer to the Eastman matter.

Mr Garrison: The many.

THE CHAIR: Yes, the many. Do we have an idea of what these matters have cost the territory over the years?

Mr Garrison: I do recall at an earlier hearing a couple of years ago trying to formulate a figure in relation to that and it was quite difficult. There is no doubt that it is a seven-figure amount. It is very difficult to—

THE CHAIR: But not an eight-figure amount?

Mr Garrison: One would hope not. There are, of course, significant costs for the Director of Public Prosecutions over a period of time and the costs would be in excess of \$3 million.

THE CHAIR: That's for your office or overall?

Mr Garrison: For my office, but that is over an extended period of time.

THE CHAIR: And that would not include the costs incurred by the DPP?

Mr Garrison: Correct.

Mr Corbell: Or the courts.

THE CHAIR: Quite right, minister. On page 21 you refer to land and planning matters in relation to the EpiCentre litigation and procedures in relation to section 63. Are those matters resolved?

Mr Garrisson: They are all concluded.

THE CHAIR: What costs have been borne by the territory in those matters, or is that question for the Minister for Planning?

Mr Garrisson: I could certainly take it on notice and provide you with details of those figures. Some of that litigation was funded through the ACT's insurance arrangements as well. I can provide you with a total cost and what the reimbursement from the insurers was.

THE CHAIR: I would welcome that. Thanks, Mr Garrisson.

Mr Corbell: Mr Garrisson, can you advise the committee of the outcome in relation to the EpiCentre matter?

Mr Garrisson: Yes.

THE CHAIR: Thank you, and the other—

Mr Corbell: Can you give us a summary of the EpiCentre now?

Mr Garrisson: We were successful I suppose is the best way of putting it. The matter resolved some time ago and the obstacles that were put in the way of the progress of development were removed.

THE CHAIR: And section 63? That was the—

MS HUNTER: Was it the supermarket—

Mr Garrisson: It was the lacuna in the agreement as I recall.

THE CHAIR: I love that word—haven't used it for years. Thank you, Mr Garrisson. You have made my day. In relation to the matter?

Mr Garrisson: That has been resolved.

THE CHAIR: How has it been resolved?

Mr Garrisson: By settlement between the parties. I need to go back to it because it was a little while ago that it did resolve.

Mr Corbell: We will give you a summary.

THE CHAIR: Thank you. We do not have any questions for drafting services but I would like, minister, to take the opportunity to congratulate PCO on another successful year. I highly value their service and their professionalism.

Mr Corbell: Thank you, Mrs Dunne, and that is a sentiment shared by the government as well, and I know by all members. I echo those sentiments.

THE CHAIR: We will now move on to regulatory services. Ms Hunter?

MS HUNTER: Minister, you proposed the creation of a dedicated ACT Policing team in the liquor licensing area. Has there been any planning or discussions with ORS and ACT Policing about how this new system will work?

Mr Corbell: There has been discussion in terms of policy development as the government has considered its response to the discussion paper and the review of regulation of liquor in the ACT. ORS have been engaged in those policy discussions.

MS HUNTER: And will ORS still have a dedicated role in liquor inspections?

Mr Corbell: Yes, ORS will continue to have a role. The government has indicated that it believes the more administrative aspects of liquor licensing will need to continue to be undertaken by ORS. These are matters around, for example, occupancy loadings, consultations with the Fire Brigade, matters around obviously the actual issuing of licences. More of the back office administrative type functions will continue to be conducted by ORS. The change in the government's policy, as I announced earlier in the year, is that the active enforcement of liquor licences and the legislation itself will fall predominantly to the police and a stronger focus will be given in the legislation to the powers of the police to enforce the provisions of the act.

The key reason for this change is that, first of all, with any inspection during business hours, for example on a Friday night or Saturday night in Civic, Manuka or Kingston which has involved our ORS inspectors, they will not enter premises without the assistance of the police in any event because of the potential for problems. Civilian inspectors, for a range of reasons, are better empowered to do their work if they do so with the presence of police, particularly when the premises are operating, particularly later at night. Therefore, it has been very problematic to arrange for police and ORS to be present at the same time to conduct those inspections and so on.

We feel it is more desirable for the police to have the powers as part of their normal beat operations to enter premises and to undertake the inspections around the actual issues of service of alcohol and so on, which are the pointy end, if you like, of the regulatory effort. Therefore, that is why the government has said that we will give police powers to take action on the spot in relation to a range of matters around service of alcohol, the appropriateness of security arrangements in licensed premises and so on.

MS HUNTER: It is intended that they will be spot checks? They won't be ringing up and saying, "We're coming to visit you tonight"?

Mr Corbell: That is correct. The emphasis is on the police and that is why the

government is proposing the establishment of this dedicated police team in addition to what police would do as part of their normal duties to focus on the effective regulation of the liquor licensing laws.

THE CHAIR: You have always maintained, minister—and I have heard you use the phrase—that every policeman is a liquor licensing inspector—

Mr Corbell: And they are.

THE CHAIR: I agree with that. What do you envisage will be different about their powers, or is it just a matter of bringing to prominence those powers?

Mr Corbell: The government is proposing a range of new powers. The most obvious of those is the power to allow police to close a licensed premise in what they deem to be an emergency situation and to basically close a licensed premise for 24 hours. That is not a power that the police have previously had, so we are proposing to seek the Assembly's agreement for additional powers for police. We are also shifting the emphasis of regulation by, if you like, removing the arrangements that have been in place to date whereby we have dedicated inspectors in ORS and also powers that police have in relation to the Liquor Act and saying the emphasis will be on the police doing that work, both through their normal duties, with extra powers, and—this is an important point—running a dedicated team of police whose primary responsibility will be the enforcement of the Liquor Act.

THE CHAIR: So what we are going to see is a move back to a more traditional model of liquor licensing being a policing responsibility rather than a civilian responsibility, a regulatory responsibility?

Mr Corbell: You can characterise it that way, yes.

THE CHAIR: I am not whingeing about it.

Mr Corbell: No, it is not an unreasonable characterisation. That is right. It is about saying this is primarily a law enforcement task for the police. The reason we have taken that decision is that we believe we need the authority of the police and also the physical presence of police officers, particularly in our entertainment precincts, to deal with issues around alcohol-related violence and how that comes about, which is through issues around service of alcohol to intoxicated persons and so on.

THE CHAIR: On a slightly tangential matter, there was a recent matter in the High Court in relation to the responsibility of landlords and whether they have a duty of care. Does that have an influence in any way on you as you develop this legislation?

Mr Corbell: I have not received advice on that matter yet. I anticipate I will. It is unclear whether or not it has relevance to us, but I would expect advice on that in due course.

MS HUNTER: Page 32 refers to liquor licensing and states that 700 after-hours inspections of licensed premises were undertaken. I would like to get a slightly better understanding of the process that is used in deciding which venues are to be inspected.

What forms that decision?

Mr Corbell: I will ask Ms Krajina to answer that question.

Ms Krajina: As you have mentioned, there was a huge increase in the number of inspections we undertook in the last financial year. Predominantly they have been with the police. Our team works with the police to determine the areas of highest risk, but at the same time we try to ensure that we have coverage across all premises where there are liquor licences.

MS HUNTER: What would constitute high risk?

Ms Krajina: Those areas around Manuka and Civic where there are high density clubs and pubs and the like.

Mr Corbell: Large premises trading late at night, basically.

THE CHAIR: Do you have frequent flyers that you would attend routinely and others which have good records where you make a prudential judgement that they would be less likely—

Ms Krajina: That is correct.

Mr Corbell: Obviously premises that have been before the Liquor Licensing Board or the ACAT attract particular attention.

MS HUNTER: Were there certain things that you were looking at in those inspections? Following on from Mrs Dunne's comment, were there particular venues where you built up a bit of a profile so you would target irresponsible service of alcohol, overcrowding or whatever it might be?

Ms Krajina: When the inspectors go into any premise they are looking at a whole range of issues that we want to ensure compliance under the act. They are not targeting specific areas. As the minister mentioned previously, they are looking at occupancy loadings and overcrowding, the responsible service of alcohol and the age of people in the venue. They are certainly checking that the security guards are performing their duty. When we do the liquor inspections it also goes across the security industry.

THE CHAIR: On that page table 11, which is headed "Fair trading compliance disciplinary procedures", refers to underage cautions. Are they in relation to liquor or tobacco or both?

Ms Krajina: It is all liquor related.

THE CHAIR: It is all liquor. I am surprised there are only 63. Do those 63 relate to prosecutions? Is anyone who is found with an underage person on their premises buying drinks or consuming alcohol automatically breached under the liquor licensing act?

Ms Krajina: We would have to take that on notice, if that is okay, Mrs Dunne.

Mr Corbell: Generally speaking, if officers believe there is sufficient evidence to proceed with a matter to the Liquor Licensing Board or ACAP they would do so. Obviously it would depend on the particular circumstances of the matter.

THE CHAIR: You have to make a prudential judgement that you have got enough evidence to make a charge stick.

Mr Corbell: Yes. It is not an automatic referral as such; it depends on the evidence that is available to officers.

THE CHAIR: Are the cautions to the underage persons or to the licensee?

Ms Krajina: To the underage persons.

Mr Corbell: It is to the underage person.

THE CHAIR: Going back to the reforms, do you envisage, minister, a change in the staffing profile or that there will be a transfer of some responsibilities to the police? Do you envisage a change in the staffing profiles as the responsibilities change between ORS and the police?

Mr Corbell: No, I do not anticipate any change in the staffing profile, although the range of tasks that officers are engaged in may change as a result to a degree.

THE CHAIR: Do you envisage the changes and the re-emphasis in the police to be done without increasing police numbers?

Mr Corbell: I beg your pardon; I thought you were referring to ORS.

THE CHAIR: I am sorry; I meant both.

Mr Corbell: I was referring to ORS in relation to my previous answer. In relation to police, yes, the government has said quite explicitly that we want to engage additional police. At this stage we anticipate, based on the reform packages we have developed, that it would be approximately 12 additional police to operate in a team or two teams to provide for a dedicated liquor licensing team for enforcement. That is, as I have said publicly, subject to agreement being reached on the regime of licence fees that licence holders pay.

The government believes this is a shared responsibility between liquor licensees and the broader community and therefore some of the costs associated with delivery of that additional policing effort should be met by licensees and the fee structure will reflect that accordingly. That is obviously a matter that will need further discussion between the government, myself as minister and the representatives of the different groups—the AHA, licensed clubs and so on. That is what I will be seeking to do over the next six months. We will not walk away from the proposition that they should make an important and significant contribution towards the cost of enforcement.

MS HUNTER: That discussion would be around if you are a larger venue and you are open longer hours then you may have to share a greater load of the burden.

Mr Corbell: Effectively, that is right. The government has announced that it will move towards a risk-based licensing structure. If you are what is deemed to be a high risk venue—that is, you are effectively trading after a particular point of time at night, after midnight, and I think there is another structure after 2 am until 4 am—you will pay more because of the risks associated with your trading—those long, extended hours into the night and the clear link there is in terms of antisocial, violent, criminal behaviour from people who have been frequenting those premises late at night.

THE CHAIR: Just refresh my memory, minister. Currently the liquor licence for a premise is essentially a flat fee.

Mr Corbell: It is based on the volume of alcohol sold. It is essentially a flat fee. I think it is under 100,000 litres of alcohol a year. It is a particular level. Over 100,000 it is a higher level.

THE CHAIR: It is a gross measure at this stage.

Mr Corbell: It is a very flat structure. Basically, you do not have to be a particularly large premise to be paying the upper level. We recognise that small premises that are licensed but do not trade large volumes, such as your suburban restaurant and your suburban shops, for example—

THE CHAIR: Which are pretty low risk areas as well.

Mr Corbell: are low risk premises. There will be negligible change in terms of the fee structure in the arrangements for those premises. But for large premises, your nightclubs, your large pubs and your licensed clubs, there will be a significant change in the fee structure for those premises.

THE CHAIR: Do you envisage or would you anticipate looking at a structure that penalises what might be called frequent flyers? Where you have a recurring problem the fee structure might increase and where people run good orderly premises and you do not have problems there might be some discounting for that?

Mr Corbell: Some jurisdictions have adopted that model, most notably Victoria, where they have particular fee structures if you have been found to be in breach of your licence. They are—there is no doubt about it—draconian in terms of the amount of money that you are required to pay to continue to operate, assuming that you are actually allowed to continue to operate and you have not breached your licence conditions so significantly.

We have not proposed adopting that course of action. That is partly because many of those penalties operate in a context where there are very large licensed premises. For example, in Victoria and New South Wales there are a significant number of licensed premises with occupancy loadings of over 1,000 people. We just do not have premises of that size here in the territory. Therefore, the ability for licensees to meet the cost of a significantly higher licence fee is just not there. We have to have regard to the

capacity of the licensed premises to actually meet these regulatory costs. We do not believe going to that extent is appropriate in the territory, given the size of our licensed premises.

THE CHAIR: What about rewarding good behaviour—discounting, for instance?

Mr Corbell: Again, we have chosen not to adopt that approach. We do have to have regard to our ability to fund in an ongoing way the delivery of the regulatory effort. We have not chosen to do that, but we believe that the licence structure that we are putting in place appropriately reflects the risks presented by different licensed premises, depending on their trading hours.

MS HUNTER: You just mentioned Victoria. In Victoria they instituted lockouts and there has been discussion here. Where is the government sitting on the issue of lockouts?

Mr Corbell: What the government have said in relation to the issue of lockouts is that we will make provision for the declaration of lockouts in the legislation. That will be by an instrument that can be made by the minister and it will be subject to disallowance in the Assembly. That is what we have said we will propose in the legislation. We have also said that we do not believe that at this stage there is sufficient evidence to justify the application of lockouts in the territory.

We do not at this point in time believe it is necessary to pursue the actual application of lockouts. We think provision should be made in the legislation, but what we have said at this point in time is that we do not believe it is necessary to exercise it. Through the Council of Australian Governments there is a national process reviewing the efficacy of lockouts that have been put in place in a number of jurisdictions. We have decided to await the outcomes of that work before deciding whether or not lockouts should be applied in the ACT, but we will make provision for it in the legislation.

THE CHAIR: When do we expect to see the package of legislation?

Mr Corbell: I anticipate that it will be presented around the middle of next year.

Meeting adjourned from 10.19 to 10.34 am.

THE CHAIR: Do members have other issues in relation to the Office of Regulatory Services?

MR HARGREAVES: I notice that, essentially, the indicators have grown. In some cases they have grown substantially. Workers compensation statistics, for example, are through the roof. Can you give us an idea as to why that is so? Also, I noticed that the staffing FTEs have grown by 14.23 over the year—15 actual people. That is not a lot of people, but there is incredible growth. Firstly, are you coping; and, secondly, is it because you have got better systems?

Ms Krajina: It is a combination. When Regulatory Services first formed, we did lose a number of staff through natural attrition. We have been in the process of rebuilding

different business areas over the last 12 to 18 months, with a combination of new staff and also newly funded positions. So we have had an additional three work safety inspectors employed in this last financial year and two additional liquor inspectors. We have also had a considerable amount of training going on across the organisation. We have been very focused in our proactive compliance programs, which has resulted in those increases. So it is a combination of a lot of work that has been happening over the last 12 months.

MR HARGREAVES: The workers compensation stats: for example, matters initiated went from 343 to 1,500. The amount of phone calls that you are getting has blown through the roof, as has correspondence.

Ms Krajina: Yes.

MR HARGREAVES: Is there a greater awareness on the part of people out there that they can receive assistance from your organisation or is it an indicator that things are pretty grim out there?

Ms Krajina: No, I do not think it is an indicator that things are grim. The matters initiated relate predominantly to lapsed policies—so our people following up the status of policies in the workers comp scheme, being more proactive and engaging with insurers and with individuals. The phone calls probably have increased, now that we have a greater awareness of the Office of Regulatory Services out in the community as a whole, and we are doing a lot more work from the engage and educate perspective than we had undertaken previously. I think people are becoming more aware of ORS as a whole.

THE CHAIR: For instance, in these workers compensation matters where you are going out and looking at lapsed policies, what proportion of them would be genuinely lapsed because the person is no longer in business and how many are there where people would be in breach of their responsibilities?

Ms Krajina: I might have to take part of that on notice. Certainly, with one audit we did recently, we had an 85 per cent level of compliance. That was in the retail area. I know that the staff found that some businesses had closed down and some had just forgotten. As soon as we were in touch with them, within a period of a week or so they had policies in place. Certainly, across the breadth of industry, I would have to take that on notice and give you some more information.

THE CHAIR: I suppose the thing we are looking for is what the level of noncompliance is by people who are operating businesses.

Ms Krajina: We will be able to give you details of what we have found when we have gone out and conducted our audits, but there are 30-odd thousand businesses across Canberra and we are not out actively auditing every single business. But we can certainly give you details on what we have.

THE CHAIR: Do you audit particular sectors?

Ms Krajina: We try to do particular sectors. Also, if we are given advice, we might

receive notification or a complaint, or the insurers might ask us to follow up a lapsed policy and we will investigate from that perspective as well.

THE CHAIR: How many staff are involved in workers compensation compliance and fair trading?

Ms Krajina: There are three workers comp inspectors, there are around 12 workplace safety inspectors and there are eight fair trading, liquor licensing, tobacco inspectors.

THE CHAIR: So they are all in the fair trading—

Ms Krajina: The eight are, yes.

THE CHAIR: So you have got the inspectors. What administrative support underpins those in-the-field people?

Ms Krajina: We have a support unit from the point of view of HR, finance, IT and the like.

THE CHAIR: No, I meant the more routine aspects. Who does the paperwork for them, or do the inspectors do their own paperwork?

Ms Krajina: The inspectors effectively do their own paperwork. We do have a call centre relating to the work safety team and we also have an advice and complaints area that deal with a lot of the fair trading issues. Certainly, inspectors are self-managing and run their own cases.

THE CHAIR: In the financial year that you reported on, presumably there were workplace safety inspectors. How many inspections were done of brothels?

Ms Krajina: In the 2008-09 financial year, that was not on our proactive compliance program.

THE CHAIR: When will it come onto your compliance program?

Ms Krajina: It has already been undertaken in the 2009-10 financial year.

THE CHAIR: You have undertaken inspections in the last few months?

Ms Krajina: Yes, we have.

THE CHAIR: Of all—

Ms Krajina: Of all commercial brothels.

THE CHAIR: What role does the ORS play in identifying illegal brothels?

Mr Corbell: The ORS is not responsible for those elements of the Prostitution Act. That is a matter for enforcement by the police.

THE CHAIR: The ORS does not do anything to identify people who may be working illegally. Even going to registered places, what capacity do you have to identify people who may not be legally able to work in those premises?

Mr Corbell: That is a matter for the police.

THE CHAIR: That is a matter entirely for the police?

Mr Corbell: Yes. It is a criminal matter, and it is the responsibility of the police. The ORS is responsible for the enforcement of occupational health and safety in brothels and is also responsible for the registration requirements in relation to brothels and sole operators. It is an unfortunate misperception more broadly in the community that the ORS is responsible for the enforcement of the key elements of the Prostitution Act that have to do with the legality or otherwise of the activities of brothels, but those are matters for the police, and the police have the sole responsibility for enforcement in relation to those matters.

MS HUNTER: In relation to those inspections that you did carry out, what was compliance like? Were they complying with OH&S and other matters?

Ms Krajina: There was a very high rate of compliance. I can advise that we did issue two prohibition notices on two premises. That was for cleanliness. Some of the other issues we found were very common in most workplaces—not having current tested fire extinguishers, exit lights not operating correctly—fairly standard workplace safety matters.

THE CHAIR: Is there a report? Last time there were random inspections there was a report. Does one exist on this?

Ms Krajina: The report has just been finalised and it should be available for publication within the next week.

THE CHAIR: Where does it go?

Ms Krajina: It will go onto the ORS website.

THE CHAIR: Could you let the committee know when it goes onto the website? I would be grateful.

Ms Krajina: Yes, sure.

THE CHAIR: If there is nothing else on ORS, we will turn to courts and tribunals. There are a number of performance indicators which are touched on on page 52. I am not quite sure that I understand what these performance indicators measure. They are percentages. I am not sure, for instance, with respect to table 26, criminal cases, what the relationship is between the appeal and non-appeal matters and the total in relation to the Supreme Court. Can someone walk the committee through those indicators and what they might mean?

Ms Child: The key performance indicators we are required to report on for the annual

report on government services are the backlog indicator, judicial officers, clearance indicator, and there is an additional indicator of finalisations. The key performance indicator table 26 is the backlog of criminal cases in the Supreme Court of appeal and non-appeal matters. They are broken down by over 12 months old or over two years old. That is the national benchmark for Supreme Court matters. When we get to the Magistrates Court—

THE CHAIR: What is the national benchmark?

Ms Child: For Supreme Court matters, 12 months.

THE CHAIR: Yes, but what is the national benchmark? You said that is the national benchmark, but the national benchmark is not in the table.

Ms Child: It is how long the matter takes from lodgement—

THE CHAIR: But what is the national benchmark?

Ms Child: Twelve months.

THE CHAIR: What is the national benchmark for percentages?

Ms Child: We do not have that for the criminal cases in terms of all of Australia because a lot of jurisdictions do not report on that.

THE CHAIR: But I thought that was something that was required by the Productivity Commission report on government services.

Ms Child: Not all the statistics are comparable across jurisdictions. So some jurisdictions cannot comply with the reporting requirements.

THE CHAIR: Do we comply with the reporting requirements for the Productivity Commission report on government services?

Ms Child: Yes, we do.

THE CHAIR: And who does not?

Ms Child: Queensland cannot report on some of the indicators. Most of the jurisdictions can report on a variable amount of the indicators. I am sorry; without the report, I cannot—

Mr Corbell: We can take that on notice and provide you with some more detail.

THE CHAIR: Thank you.

MR HARGREAVES: Is it your understanding that a major reason why they do not comply is because there is no agreed data definition for them to compare each other against?

Ms Child: There is an agreed data definition. We get a reporting manual every year on how we have to collect the data and how we have to report it. But some jurisdictions cannot comply with the data requests.

MR HARGREAVES: Another stage where the ACT leads the jurisdictions around the country, minister, it would appear.

THE CHAIR: We have percentages, but do we have numeric figures on the number of outstanding matters that are more than 12 months or more than two years old?

Ms Child: No, but I can provide those for civil, criminal, appeal and non-appeal.

THE CHAIR: When we get to the civil cases, are those figures the national average or is that the national standard?

Ms Child: That is the national average.

THE CHAIR: Minister, what are the factors, for instance, in relation to the Supreme Court that would have us, in some cases, well in excess of twice the national average in the appeal matters? What are the factors there and what can we do about addressing them?

Mr Corbell: In my view, there are a range of issues around how matters are conducted and processes that can be applied in the courts to assist with the timeliness of the hearing of these matters. The courts have advised that there has been a significant increase in what are called special listings—that is, listings of greater than five days duration. We have seen a significant increase in the number of special listings and that is putting pressure on the court in terms of its hearing times. We have seen some recent decisions of superior courts that have highlighted some issues around process that should be had regard to by our court. I know the court is actively working to look at those matters. Indeed, these are matters that I have asked not only the courts but also the other actors in the justice process—the Government Solicitor, the Law Society, the Bar Association and, for criminal matters, the DPP, the police and so on—to work on. Those matters are currently being investigated.

THE CHAIR: This is to look at the strategies for managing the workload.

Mr Corbell: Managing workload in the court.

THE CHAIR: There is often the criticism that when you go through the courts many of the courtrooms are not operating. There is no-one there because there has been something held over or it has come up for mention. These are mechanisms, essentially, to increase the productivity and the rapidity with which matters are heard.

Mr Corbell: Yes.

THE CHAIR: What sorts of things are being investigated?

Mr Corbell: There are a broad range of matters. I might ask Mr Goggs, who is chairing that working group on my behalf, to outline some of the issues that are being

considered.

Mr Goggs: The primary focus for the working group at the moment is the issue of the time taken to deliver reserve judgements. It is an important but limited component of the efficiency of courts generally. There are a range of issues that relate to efficiency at the counter, for example—different things in relation to summary judgements in criminal matters in the Magistrates Court compared to the Supreme Court. The working party is looking specifically at the issue of the time taken to deliver reserve judgements and the time taken to get to trial in the Supreme Court.

We have identified that we need to approach that from several angles. One of them is: what is the range of activities that judges are involved in and can we assist in either reducing the number of activities or the amount of time that is spent on those diverse activities? Another is: can we influence the range and number of matters that come before the court in the first place? We have also identified that we have to be careful not just to change one lever. For example, it was said that the Supreme Court could list more matters within a particular period, over-listing in effect, to hedge against the fact that some matters may fall out of the list either on the entry of a guilty plea or because of an adjournment for some other reason.

It is not just the court that will be affected by that arrangement. All of the parties, all of their legal representatives and all of the court staff will also be affected. It is very difficult to just make a single change and say, “There’s the problem, we’ll fix it this way,” because all of a sudden you will have the legal profession saying, “There’s no way we can be available to attend to half a dozen matters all listed on the same day, because if they do all come on, we have got the same counsel in those matters so they will be conflicted.”

THE CHAIR: On the matter of reserve judgements, can you provide the committee with some advice on the number of outstanding judgements in both jurisdictions and the length of some of those judgements?

Mr Goggs: I do not have those figures to hand, but we have been working with the court and with the individual judges to identify specifically how many matters there are in that category.

THE CHAIR: Could you provide that information to the committee?

Mr Goggs: Yes.

THE CHAIR: Thank you. For a matter which may be more than 12 months old or more than two years old that would be from when it is first listed to when there is a judgement or, in a criminal matter, when there is a sentence?

Mr Goggs: I think that is one of those matters that are the subject of a specific data definition. Ms Child may have that.

Ms Child: It is from when it is actually filed or lodged at the counter. The time span is taken from when it is lodged at the counter until when the matter is finalised, so when there is an order or the matter does not go ahead.

THE CHAIR: In the civil cases in the Supreme Court, the non-appeal matters, 47 per cent of matters are more than 12 months old and 19 per cent are more than two years old.

Ms Child: I am sorry; those are the 2006-07 figures.

THE CHAIR: I am sorry, 2006-07, 43 and 21. So in a civil matter that is from when it is lodged until there is a judgement brought down, written or whatever, from the justice involved. I had a question but it has completely gone. When I think of it I will put it on notice.

MR HARGREAVES: I am curious about table 27 on page 53. It is a general question and the answer probably applies to the whole thing, but just looking at the Coroner's Court, can you give us an idea as to why these delays are so big?

Ms Child: In the Coroner's Court?

MR HARGREAVES: Yes, I just use that one. Presumably there is a generic series—if there is not, you can let me know about it.

Ms Child: There are reasons. It could be that the post-mortem has been delayed. It could be that the police are following lines of inquiry and the coroner does not have the brief. It could be that there needs to be an inquest. It could be that there are matters from the death—charges have been laid and one needs to wait for the outcome of those before they can complete the matters in the Coroner's Court.

MR HARGREAVES: I would have thought it would have been the other way round. I would have thought the Coroner's Court report would have had a greater bearing on any criminal court action.

Ms Child: There are two cases that I am aware of that remain outstanding in the Coroner's Court because of ongoing police investigations.

Mr Corbell: Clearance rates in the Magistrates Court overall remain strong. During the last financial year more matters were cleared than were lodged with the Magistrates Court. The clearance rate was 124 per cent. We have also seen improvements in the criminal matters in the Magistrates Court. The clearance rate improved from 95 per cent a few years ago to 103 per cent. We are seeing some good clearance rates in the Magistrates Court. Obviously there have been a number of legislative changes that have had an impact on the workload of the Magistrates Court. Clearly, there are issues in the Supreme Court that we need to continue to work to address. That is the work of the working party that Mr Goggs was talking about earlier.

MS HUNTER: Is that working party also looking at whether there needs to be greater use of visiting judges?

Mr Goggs: Yes, it is.

MS HUNTER: What sorts of options are being looked at?

Mr Goggs: There are several. At the moment visiting judges are typically used to support the Court of Appeal activity in the Supreme Court. There is a more limited range of matters at first instance in the Supreme Court when visiting judges are invited to assist the territory. We have identified that it would be useful to look at—and this would have to be in consultation, obviously, with the Federal Court—the period when Court of Appeal listings are coming up. The time before the Court of Appeal sittings is a really critical time for our resident judges to inform themselves about the matter that will come on in the Court of Appeal. It is at that time, just before the Court of Appeal sittings, when it might be quite beneficial for us to talk to the Federal Court about visiting judges coming to sit on some of the first instance matters, just before the Court of Appeal time.

The difficulty, of course, is that those visiting judges are serving judges on another court, so we need to fit in with their own sitting schedules. In the main, they come from interstate. We need to be flexible about when and where they come from and also sufficiently certain that the Federal Court's own listing arrangements can be set in train well in advance.

THE CHAIR: Getting back to the subject of reserve decisions—I do not know whether Ms Child or Mr Goggs can answer this question—of the matters which are particularly outstanding, can you give us a breakdown on notice of the proportion of matters which are heard, part-heard or where we are waiting for a judgement? If you have got 21 per cent of cases that are outstanding for more than two years, what proportion of that 21 per cent are heard, part-heard or waiting for judgements? That would be a useful indicator.

Mr Goggs: I would think that we have that figure. I do not have it here, but I assume that we can find it. One of the other relevant things about the ACT, as distinct from other jurisdictions, is that, even if our systems are not so sophisticated that we can automatically generate the answers, our case numbers are so low that, with a bit of effort, we can count them all.

THE CHAIR: So what would the raw figures be for that 21 per cent?

Mr Goggs: I do not have that figure with me, but we could find it out.

Mr Corbell: It would also be worth highlighting some of the clearance indicators in the Supreme Court. Clearance of appeal matters, both criminal and civil, has increased in the past few years. I draw your attention to table 29 on page 54. For criminal matters, clearance has increased from 72 per cent in 2007-08 to 108 per cent in 2008-09.

THE CHAIR: And 103 per cent in 2006-07.

Mr Corbell: Indeed, so it has grown. Clearance rates overall have grown for appeal matters, from around 77 to 79 per cent to 119 per cent, and in criminal non-appeal matters they are relatively constant, at 80 per cent in 2006-07 and 79.5 per cent in 2008-09. So we are certainly still seeing a good volume of work.

THE CHAIR: We have got a bit of a dive in relation to civil matters. One of the things I am wondering—and are you looking at this, Mr Goggs; it will perhaps be borne out by the figures that you provide to us on notice—is whether there is an issue with resources for the presiding officers to write judgements. Is that where one of the problems lies and can that be addressed by better resourcing?

Mr Goggs: That is certainly one of the things we are looking at. Each of the judges is entitled to, and does, operate slightly differently from the next in terms of the way they draw on other resources—whether they, for example, access audio of the proceedings, whether they use hard copies of transcript, whether they write material in longhand and have other people type it up for them or whether they type it themselves. All of those things are at least being considered, but that is very much a subjective approach on behalf of the individual judge.

THE CHAIR: I was thinking about research-type assistance to help them write their judgements.

Mr Goggs: Certainly, the judges have indicated that they do that, in different ways also. Some of them use their associates more heavily; some of them are able to give earlier indications than others of what it is that they would like to have researched. The library services are available to them at the court. But while we are only talking about four individuals, you can imagine that the range of practices is actually quite wide.

MS HUNTER: I want to ask some questions about visiting judicial officers. I want to get some sense of whether records are kept on the numbers who come to the ACT, how many came and worked in the ACT courts in the last financial year, 2008-09, and also some idea of whether there is a breakdown of the number who are appointed to hear general matters within a certain time frame compared to those who visited for a specific matter.

Mr Goggs: Going to the issue of appointment, any person has to be appointed as a visiting judge for the ACT. So we would certainly be able to tell you which judges were appointed to be visiting judges for the ACT. We would also be able to tell you whether those appointed judges did in fact visit to assist our Supreme Court. Generally speaking, it is my understanding that the appointment is not limited in any way to civil or criminal. It is my understanding—and this is somewhat anecdotal—that Federal Court judges like to come to the territory because they have the opportunity to deal with matters at first instance in the Supreme Court that are matters of a different type from those available in the Federal Court. I do not have a specific breakdown at this stage by judge of matter type but I believe we could ascertain that.

MS HUNTER: Is there a standard practice within the ACT for preparing briefing information for visiting judicial officers? If not, should there be a standard practice agreed to? I understand that the Standing Committee of Attorneys-General is considering a model protocol for short-term judicial exchange. Would it cover this sort of level of detail?

Mr Corbell: These are matters for judicial officers themselves to determine in

relation to what material they believe they require to hear a matter. I think that is all I should say in relation to that matter. In relation to the issue of visiting judges operating in different jurisdictions, yes, this is a matter that has been the subject of some extensive discussion at the Standing Committee of Attorneys-General. There is a desire on the part of a large number of jurisdictions to provide for judges in one jurisdiction, and indeed magistrates as well, to operate in other jurisdictions. There has been a considerable body of work looking at the practicality of that. It would be fair to say that there are significant constitutional issues that need to be addressed to permit that to happen, particularly for exchanges between states and between states and the commonwealth.

The situation in relation to the territory is a little different. In effect, we already have perhaps one of the most extensive visiting arrangements of any jurisdiction because of our historical link and the relationship between ourselves and commonwealth courts, particularly the Federal Court. So we are in a somewhat different position from other jurisdictions that do not have that opportunity. That is why the issue is being pursued. The ACT is actively supportive of those arrangements, but in many respects these are matters that involve constitutional issues at the state level and the commonwealth level that need to be resolved and which do not play out to the same degree in the territory.

THE CHAIR: I have some questions about ACAT. We have now had five months in the reporting period in relation to ACAT. One of the stated reasons for ACAT was a wider range of matters being dealt with in one jurisdiction and providing a cheaper service for people. Minister, can you tell us what the average application fee paid by applicants is to the ACAT?

Mr Corbell: The average application fee?

THE CHAIR: Yes, or is there a sliding scale of fees, depending on the matters?

Mr Goggs: There is a scale of fees but it depends on the matters. There is a fee that is applicable to the great majority of matters. I just cannot remember the number off the top of my head but we can get it for you very quickly.

THE CHAIR: Also, when you are getting that information to us, how does that compare to the fee pre ACAT?

Mr Corbell: We can provide that.

Mr Goggs: Certainly, we can describe the fee type in relation to every type of application, and a comparison.

THE CHAIR: Ms Child, does your courts administration role also include ACAT?

Ms Child: Yes, it does.

THE CHAIR: What role do you have in relation to the administration of ACAT?

Ms Child: In relation to the administration of ACAT, I work closely with the general

president, but my main role is in relation to administrative matters, so setting down budget, tracking budget, working with the administrative managers on staff supervision and staff levels.

THE CHAIR: That is the same role across the three jurisdictions, essentially?

Ms Child: Yes.

THE CHAIR: It is an HR role—

Ms Child: Administrative.

Mr Corbell: Administrative and corporate support.

THE CHAIR: Does your role in any of those jurisdictions go to matters of efficiency or is it more of an administrative role?

Ms Child: Absolutely matters of efficiency, yes.

THE CHAIR: What experience do you bring to bear to Mr Goggs's committee that is looking at efficiencies in the courts?

Mr Goggs: As I indicated before, the working party is looking at efficiency across the courts generally.

THE CHAIR: So it is across all three jurisdictions?

Mr Goggs: It is focusing very specifically at this stage on the issue of time taken to get to judgement and time taken to deliver judgement in the Supreme Court. So it is not a general review of all efficiencies of the courts and tribunals, by any means.

Mr Corbell: The issue of the general management of the courts is dealt with at the most strategic level by the courts governance committee, which is composed of myself and the presiding officers of the respective jurisdictions—the Chief Magistrate, the Chief Justice and the President of the Court of Appeal. The General President of the ACAT has not been included in that committee at this time, but it is perhaps a matter that some consideration should be given to, given that it is now a separate jurisdiction, in effect.

The courts governance committee is a recommendation of the Auditor-General's report into an audit of the courts of a few years ago. That committee meets quarterly. Ms Child attends that meeting as the courts administrator, as does Ms Leigh as the chief executive of the department. Together, myself, the department, the courts administrator and the heads of jurisdictions discuss issues about the general management of the courts and, where there are issues around resource allocation, procedural matters or whatever it might be, that is fed down into the work of Ms Child's area or the department, as the case may be, for further work.

THE CHAIR: Does that present any problems for you, minister, given the doctrine of separation of powers? It is a fine line that you would tread in those matters.

Mr Corbell: The approach is a collaborative one. This relates to the resourcing of the court; it does not relate to the day-to-day operations of the court in terms of decisions that presiding officers make as to how they organise the work of their court. But if there are broader systemic issues that involve, for example, legislative change, it is entirely legitimate that that is discussed with me. For example, the issue of the number of bail applications in the Supreme Court has been a standing item now for a number of meetings. As a result of that, there is policy work occurring in my department following discussion at the courts governance committee about how we can potentially change legislation to deal with the volume of bail applications that are going to the Supreme Court and the workload pressures that is having on the Supreme Court, for example.

I do not believe it creates any significant problems at all. There is a very clear understanding on the part of all of the participants that we each have respective responsibilities. In the ACT, as is the case in most other jurisdictions, courts are appropriated through the respective justice department. It is the exception more than the rule that courts have their own line appropriation in most jurisdictions. I know you would be familiar with this from the work that the justice committee has previously done on the matter. But it does not create any significant problems at all. I think that comes down to an understanding of the roles that the executive has, as I represent it, that the judiciary has, as represented by the presiding officers, and then the administrators, who support the work of both my department and the courts.

THE CHAIR: On page 167, in relation to the statistics and activities of the ACAT, there seem to have been a large number of matters transferred from the small claims court to the ACAT. Can you give an explanation for what appears to be a large backlog in the old small claims court?

Ms Child: Before the introduction of ACAT, a lot of the matters that were going to the Magistrates Court were not commenced because the matters could be started in the Magistrates Court and then they would have to be finalised in the ACAT, so a lot of the listing was held up until the ACAT was commenced.

THE CHAIR: When did that backlog start appearing?

Ms Child: I will have to take that on notice but I do have—

THE CHAIR: Looking at that table—correct me if my interpretation is wrong—just under 1,500 cases were either backlog from the Small Claims Court or new applications to the ACAT, under 400 of which have been completed. That gives you about 1,100 cases as a backlog.

Ms Child: That is up to 30 June. In relation to the timeliness of the ACAT, civil disputes that are lodged are being heard within five months and this is a reduction from 12 months.

THE CHAIR: These are small claims matters?

Ms Child: Small claims, civil disputes, yes. For administrative review matters the

time frame is about the same as it was in the Magistrates Court. The guardianship matters have decreased from approximately 20 weeks down to six weeks.

THE CHAIR: That is a substantial improvement and it should be congratulated. What about mental health matters?

Ms Child: Mental health matters are approximately the same as they were in the Magistrates Court. Residential tenancy and mental health matters are about the same time frame—

THE CHAIR: Which is? What are the time frames?

Ms Child: It is very difficult to say because mental health matters can be ongoing. They have to have a review every six months. It depends on the order sought. If there is an urgent order sought, it will be dealt with as soon as possible. There are hearings held at the hospital on Mondays and Thursdays. It is difficult to say what the average was pre and post ACAT.

THE CHAIR: Okay. Residential tenancy stuff would be more routine? How long does it take a residential tenancy matter to go through?

Ms Child: I do not have that figure.

Mr Corbell: Anecdotally, I understand you can get a listing within about four to six weeks.

THE CHAIR: Get a listing?

Mr Corbell: Have the matter heard. That is what I am hearing, which is about the equivalent of what it was previously is my understanding. But we can provide you with some more definitive data.

THE CHAIR: Thank you. More definitive data would be useful. We had some problems with the premises, which is legendary at the moment. What was the cost of the final fit-out? ACAT eventually moved into their new premises in early October, I think. What were the causes of the substantial delays?

Ms Child: There were a number of causes of the delay. One was that the floor on the fourth floor had to be completely re-levelled. The sprinkler system did not comply with building standard codes and had to be replaced. The project itself was managed very tightly and the fit-out was very substantial: the floor had to be levelled, the sprinklers in the ceiling had to be replaced—

THE CHAIR: Was that envisaged as part of the fit-out or was that something that was discovered in the process?

Mr Corbell: These were two unanticipated causes of delay. The fire sprinkler system had to be replaced, as Ms Child has indicated, and the floor had to be re-levelled. These were not anticipated at the commencement of the project. They were not able to be identified until the area had effectively been gutted to allow the refurbishment to

occur. So that did cause delay but it was an unanticipated delay, and it was not a delay that could have been anticipated.

THE CHAIR: Was it an unanticipated cost as well?

Mr Corbell: The cost of the project, it is important to stress, actually comes from the property group budget. It is part of the whole-of-government accommodation strategy and there is an allocation for it within the whole-of-government accommodation strategy. Money has not been directly appropriated as such to my department to deliver that project. We are a client of the property group, who manage the project on my department's behalf. My understanding is that it has been completed within the amount allocated by property group, but it would be best to confirm that through property group.

THE CHAIR: So it is a question that I have to refer to property group. You cannot answer that on notice or—

Mr Corbell: I think so. We can endeavour to answer on notice but I stress that it is not an appropriation that has been made to my department to do that work.

Mr Goggs: I think it is fair to say, on the aspect of your question that was about the total cost of the fit-out, we have not finally been able to calculate that yet because some of the residual—they are very minor but they are still residual—matters were being resolved even as recently as last week. It did not stop the tribunal starting to operate in the new premises, but financially the cost management is still playing out.

MS HUNTER: I want to ask about the ecologically sustainable development interfaces—

Mr Corbell: Which page are you on, Ms Hunter?

MS HUNTER: They start page 127 and then there are some tables on 128 and 129. There is mention on page 127 of a number of changes around rural fire stations and so on and so forth, then it talks about co-mingled recycling bins that have had good results. Have there been other decreases in the use of energy, or water savings, that have happened between the previous financial year and the 2008-09 financial year?

Ms Child: For the Magistrates Court an energy and water usage audit has been undertaken and we now have that report. We will be looking to implement some of the cost-neutral implications of that as soon as we can. Anything that will cost money we will have to review in terms of the bigger budget, but certainly we believe we can make some changes to our practices that save energy and water usage.

MS HUNTER: And generally across other parts of the department?

Ms Junakovic: As you would be aware, we are a fairly diverse portfolio in terms of the accommodation arrangements and other activities. A range of measures have been considered over the past 12 months in terms of the fit-out process—for example, involvement with the ACAT and considerations in other programs that we have got, activities around some of the ESA station facilities. We are also at present responding

to a question on notice about the variations between last financial year and this financial year; that is in the process of being responded to.

THE CHAIR: Are agencies in JACS signed up to the OfficeSmart program?

Ms Junakovic: Not all agencies in JACS. We have varying levels of participation not for any reason other than implementing strategies between the areas we have in operation. Would you like some information on that?

THE CHAIR: Who is doing what, yes, that would be good. On page 105, there is a table 55 about office accommodation distribution. On notice, could you give us a breakdown, minister, of which of those are owned by the territory and which are leased? There seems to be quite a large variation in the amount of office space per staff member. The average is about 22, which I think is higher than the APS. Can someone refresh my memory on it?

Ms Junakovic: The ACT government's target is 15 square metres per person to be implemented if you are moving towards fitting out accommodation. For example, we have a number of, I suppose, legacy leases which drive our square meterage. As we are moving between leases and fitting out, we are moving towards that target of 15 square metres.

THE CHAIR: Great. Thank you. As a for instance, and these are my calculations and they are open to correction, 255 Canberra Avenue—presumably that is regulatory services—has 9.7 metres per person, up to the ESA headquarters at Curtin which has a sumptuous 48½ square metres per person. The North Building has 26—

Mr Corbell: I would not characterise the current ESA headquarters as sumptuous. It is important to stress that the current ESA headquarters—

THE CHAIR: In terms of stretching room—

Mr Corbell: is of course the old North Curtin primary school. It is not a building designed as an office building; it was designed as a school building and, whilst it has undergone significant modification, it is still not built for purpose and therefore there are difficulties in achieving the square meterage per person because of that. Obviously with the relocation of the ESA to its new purpose-built facility at Fairbairn we will be addressing that space occupation requirement.

THE CHAIR: I only used that as an example but I also said there would be extenuating circumstances for the ESA because they have requirements for workshops and things like that, which is not—

Mr Corbell: This is in relation to office accommodation; it is not in relation to other forms of use.

MS HUNTER: Taking into account that there is a range of services and agencies in this list, and obviously as you say ESA will be moving out to set up in Fairbairn, is there any plan to consolidate some of these agencies or areas of JACS?

Mr Corbell: It is a whole-of-government accommodation strategy and JACS is obviously part of that overall strategy. There are still a range of moves anticipated to further consolidate, particularly ORS in relation to the fact that the accommodation is split between two premises at the moment—Canberra Avenue in Fyshwick and Callum Offices in Woden. It is still anticipated that the co-location will occur at Canberra Avenue of all those functions, but that is subject to other considerations in the whole-of-government accommodation strategy that relate to other agencies, so it is best to ask property group about how that overall effort is occurring. That is an example of our anticipating further changes down the track. It is the government's expectation with all of our accommodation that we move towards achieving that average of 15 square metres and that is what the whole-of-government accommodation strategy is designed to achieve over a period of time.

MS HUNTER: I have a question on gender balance in legal counsel. Table 58 on page 117 lists external counsel engaged, and on my count there are about six females on the list. That may not be definitive because some of the names only have initials, but if that is right we are looking at six out of 44. I am just trying to get some sense of a model equal opportunity briefing policy for female barristers and advocates. What steps are you taking to address what appears to still be an issue?

Mr Corbell: I will ask Mr Garrisson to address some of the detail around this shortly, but I would just make the point, Ms Hunter, that the territory does face a number of constraints in relation to where it can brief female counsel. The first is the number of women at the bar in the territory, which is small—and in relation to senior counsel even smaller—and that is not a matter over which the territory has any control. Indeed, the profession itself has control of those matters. It would argue of course that there are other factors that work against seeing more women at the bar, but that is a broader discussion, and I would not necessarily agree with all of those assertions.

We have to work with the number of senior counsel that are available to us, particularly in the territory. We also have to have regard to the fact that the territory needs certain areas of specialisation in terms of representation for particular matters and so that also has an impact on who we can select from in what is already a small pool in the territory. I will ask Mr Garrisson to outline the issues a bit further.

Mr Garrisson: The process for the selection of counsel is quite detailed, and ultimately no counsel is briefed by our office without my approval. As the attorney has pointed out, one of the principal difficulties faced by our office is the lack of female counsel at the ACT bar. Also the work that our office undertakes and which we brief out tends to be obviously the more complex work. There are issues around the areas of expertise available within the ACT. A large number of counsel we engage from interstate; in fact, several of the female counsel that we have briefed are from the Sydney bar.

I suppose all I can say is that there is a positive approach to the briefing of female counsel, which I encourage in my lawyers, but as with all things one is hamstrung by both the nature of the expertise that is required, the availability of counsel for particular matters and also the fact that on some of the longer-running matters one is constrained in bringing in other counsel in relation to those issues. A very good example was the bushfire inquiry and the litigation. That arose, obviously, quickly

and we sought to engage counsel, notably from the local bar but also from Sydney. When one makes inquiries of the clerks—unless you are able to identify counsel that you want, you generally work through the clerks—they tell you who is available and if there is not a female counsel on the list of available counsel they provide you with obviously there are restrictions in that regard.

THE CHAIR: There would also be restrictions in relation to people's expertise.

Mr Garrison: Indeed. As you would be aware, a lot of the litigation that we undertake is more complex public law matters and there is a limited range of counsel with that expertise in the ACT. You will note, for example, a Dr MA Perry. That is Dr Melissa Perry from the Sydney bar, who is used by our office extensively but she is highly specialised in public and constitutional law. I suppose one could say that we do what we can.

THE CHAIR: Can I ask about that table? There are legal expenses, which I presume is advice, representation et cetera, and then there are non-legal expenses, some of them quite substantial. In one case there is a very substantial amount and there are no comparable legal expenses that go with it. What sorts of things are covered by those non-legal expenses?

Mr Garrison: The legal expenses in column A are those expenses that are met out of the legal expenses vote that the Assembly makes for legal expenses. A large part of that is actually reimbursed to the territory through insurance arrangements, so that is not actually a net cost to the territory. The non-legal expenses, again historically, relate to a small number of departments that do not have access to the legal expenses vote and must meet those costs out of their own finances.

THE CHAIR: What agencies, for instance, would not have access to the legal expenses vote?

Mr Garrison: ACT Health is the principal agency, but again some of those expenses it is able to recoup through insurance arrangements.

THE CHAIR: So those matters there are not incidentals like travel and accommodation; they are matters that just do not come out of the territory legal vote?

Mr Garrison: No; these are purely counsel.

THE CHAIR: I see. Thank you. There was one who had no legal expenses but lots of non-legal expenses and that made me wonder why.

Mr Garrison: It is simply about the bucket out of which it comes.

THE CHAIR: Okay. Thank you.

MR HARGREAVES: Going back to the conversation around the employment of female lawyers and contracted external counsel, correct me if I am wrong but didn't you say, Mr Garrison, that you used the services of Dr Perry extensively?

Mr Garrison: Yes.

MR HARGREAVES: I do not see that the amounts of money correlate with that. According to this she got some \$36,000, but compare that against \$224,000 for Tom Molomby, \$140,000 for David Mossop and \$225,000 for Geoffrey McCarthy. How does that reconcile with using somebody extensively?

Mr Garrison: Dr Perry is engaged in a number of longstanding matters—in fact she has been engaged in the last few months in several trials—for us. I made the comment that we use her extensively; that is correct but it may not have been reflected in the dollars in this particular financial year. That is the only point of my observation.

THE CHAIR: But it also might depend on how many days they appear in court rather than provide advice.

Mr Garrison: Indeed. It can fluctuate because of course those who have the higher dollar value for their services generally tend to be because they have been running a trial, and of course trials are expensive things to run.

MS HUNTER: I have a question about page 2 of volume 2, capital injections and rollovers. I would like a little clarification, first, around the rollover of the Office of Regulatory Services integration of \$156,000. I am wondering what that integration is about and why the rollover.

THE CHAIR: I think Ms Krajina has gone.

MS HUNTER: You might have to take that on notice then.

Mr Goggs: They will be costs principally associated with the intention of the department to amalgamate the physical presence of ORS in a single location. We have been working away at that but we are still in two premises, Callam and Fyshwick.

MS HUNTER: So when the minister was speaking before about moving some offices from Callam out to Fyshwick that was in relation to this particular figure?

Mr Goggs: Yes. The cost associated with that has not yet been expended.

MS HUNTER: The other one was the rollover of disability access and accommodation improvements. Again I was wondering what those improvements were.

Ms Junakovic: There has been a program flowing from a disability access audit that the department undertook several years ago, and that program included things like the installation of a lift in the Supreme Court building access ramps. It is the residual of that program. We have identified that and we have completed the bulk of the program but we are revisiting the actual program itself to see if there are any new or additional standards that we need to meet. So it is the residual of a pre-existing program that has predominantly been implemented.

MS HUNTER: But at the moment where people may need to get into courts or any

other sorts of services you are satisfied that access—

Ms Junakovic: It is a physical access program as opposed to a service access program.

MS HUNTER: Where you have a court or someone has to come and get a service, you are satisfied that they are able to access that service because you are meeting the standards?

Ms Junakovic: At the point in time that we did our audit and commenced our program, the works that flowed from that audit were to a standard that was identified as being suitable for people to access at that point in time. At this point we are just revisiting to make sure that there is not something additional that we need to do or something that we may have overlooked. They are residual rollover funds from last year for that program.

MS HUNTER: The other rollover was the working with vulnerable people checks of \$485,000. That was announced some time ago. I am wondering why we still have not rolled out that money.

Mr Goggs: The costs associated with the JACS component of that program are very specific in relation to the ORS activity associated with operational registration of the people who are working with vulnerable children being checked. That was always intended to happen with the support of an IT system after the policy was finalised. The policy has been driven by the Department of Disability, Housing and Community Services and has not yet been finalised.

MS HUNTER: So once that is finalised you have the money here to put in place an IT system?

Mr Goggs: Yes, and the physical activity associated with staff at ORS performing the checking process.

MS HUNTER: Thank you.

THE CHAIR: Welcome, Professor McMillan. I am sure you are aware—you have been here before—of the provisions of privilege.

MS HUNTER: On page 5 of your annual report, you talk about a survey. You say that one in five respondents did not consider staff to be independent or impartial. What are you doing to address that finding in the survey?

Prof McMillan: That is a difficulty that we face in a perennial way. One of the roles of the Ombudsman is often to explain to members of the public why a government agency did something and then often to conclude that we do not find their actions to be unreasonable. That is easily interpreted then by some members of the public as the Ombudsman siding with or acting on behalf of the government agency. That perception will never entirely go away.

The way we have tried to address it really is internally, in stressing to our

investigation staff that this is a perception that members of the public easily develop and the only way to remove that perception is by action on our side. For example, one of the activities we undertook recently was to review all our template letters so that we set the right tone. I personally look at a selection of correspondence that goes out to complainants and often make the point that we sound a little too much like the government agency that had written to them in the first place and that one way of differentiating is the tone of the letter. I think that is primarily how it has to be done.

I suppose the other way we do it is that we take whatever opportunity there is, particularly in the commonwealth Ombudsman role, to get publicity for work we are doing. There is no doubt, when members of the public see the headline “Ombudsman criticises” a government agency, that is when they are satisfied that it is an independent agency that does not side. In a sensible, astute, delicate way, we try to use publicity where we can.

MS HUNTER: On page 9, it shows a 35 per cent increase in complaints made about Housing ACT. Could you ascertain any reason for this increase, which is quite substantial?

Prof McMillan: The main area of the complaint is maintenance issues and the delay in maintenance to public housing premises. There have been issues about delays that could explain it. On the other hand, there has been a decrease in complaints about the priority housing list and allocation, especially since Housing itself has taken an initiative to provide more information on its website and so on. It is probably easier to tell in a year or two, if that number keeps going up by 35 per cent, whether that is a trend or whether it is just a variation for the year in question. There were 135 complaints for the 35 per cent increase. That was, in one view, from a relatively low base.

It is predictable that it will drop in the next year. If it continues to rise, then I suppose the other thing, which we constantly do and which gives it more focus, is how adequately ACT Housing itself handling the complaints. In our experience, the single, best way of seeing a decrease in complaints is by improving the capacity of an agency to handle complaints in the first instance.

MS HUNTER: Are those complaints to do with maintenance?

Prof McMillan: Yes.

THE CHAIR: Thank you, Professor McMillan, for your time. Do we have questions of the Electoral Commission?

MS HUNTER: I was wondering about the right of all prisoners to enrol and to vote. I note that it is a great achievement. What have you done to tell prisoners about their new rights? Have you got any data on how many have exercised these rights?

Mr Green: We communicated before the 2008 election with prisoners through the corrective services authority. At that time, the ACT prison had not opened. ACT prisoners were still being jailed in New South Wales, in general. There are, I think, in our election report which was tabled in the Assembly, statistics about the take-up. The

take-up was not very high, which was disappointing. Now that we have an ACT-based prison, I am hoping that we will be able to achieve a much higher turnout next time and, particularly, we will be able to do mobile polling at the prison in the ACT. Again, that should increase the rate of take-up at the next election.

MS HUNTER: On page 13, you claim that one of the main activities of the commission before the 2012 election will be the redevelopment of Election ACT's ICT system. Can you give a bit of information about the system and what it will be able to do?

Mr Green: We have received considerable funding in the current year's budget and in the budgets for the next three years for the upgrade of our ICT systems. That is really the first time we have had quite significant amounts of money to put into our ICT systems; so that is hopefully going to deliver some good products for the 2012 election.

We have a project manager pretty much full time in our office who is working on that project with InTACT. At the moment, we have engaged a business analyst, through InTACT, an InTACT person, who is analysing all the systems that we currently use, with a view to introducing systems at the 2012 election that will be either brand new systems or systems that build on the systems we currently use.

The main system we are looking at is the electronic voting and counting system. We would like to extend that to more voters if possible but one in five voters did use that system at the 2008 election, which was a very big achievement. We are also looking at the scanning of ballot papers system which we used, which did go very well and probably will not need anything more than some minor improvements. That system worked very well.

We would like to improve the robustness of the election night reporting system. There has never been a tally room yet that has not had some kind of a glitch in the election night reporting system. Our system stalled for about an hour on election night but, because we were able to count so many electronic votes early in the night, as far as commentators were concerned, that did not stop the flow of commentary, which was good. Then the system came back up.

MR HARGREAVES: We did not notice it.

Mr Green: No. That is the beauty of it. The solution to the problem was to turn it off and switch it back on again, in the end. If they had done that as soon as it happened, it would not have taken an hour. On the election night system, one possibility that we have been offered by the commonwealth is to make use of the commonwealth's virtual tally room system and their software, which we are actually looking at. That might be a good outcome there.

We are also looking at our online systems. We have an online training system for polling officials. We have an online system for applying for postal votes. Our website is quite extensive and contains a great deal of information. We are looking at upgrading that.

The system we are currently exploring whether it is feasible to continue or not is an online voting system for some of the feeder service elections that we do. We are particularly thinking of the round of enterprise bargaining or certified agreement ballots that will be coming up for ACT agencies. We are thinking that might be a good candidate for some kind of online system within the ACT firewall. Hopefully, that will be faster and cheaper for the ACT. It is an efficiency improvement that we are hoping to get out of that.

We also have a range of back-off systems that we use for election management. They are mostly based on Microsoft access. We would like to move those across to a bit more sophisticated platform, which is something we did for the postal voting electoral roll system that we used for the 2008 election. We would like to upgrade that postal voting electoral roll system to make it more robust next time.

None of these systems failed at the last election. They all worked very well. We achieved, with electronic voting and scanning systems, the fastest electoral result ever—seven days. That was a credit to the computer systems that we did use. What we want to do is ensure, with the systems we use in 2012, we will be using modern equipment, particularly the electronic voting equipment. The equipment that is designed for it is now out of date; so that needs to be updated for modern equipment.

The other thing that we introduced at the election was electoral rolls on the personal electronic digital systems that we use, which was also very successful. That resulted in not having to print about 200,000 sheets of paper electoral rolls and use them in the polling booths, scan them and shoot them backwards and forwards. There was a big environmental saving.

MS HUNTER: You borrowed them from Queensland?

Mr Green: We borrowed them from Queensland.

MS HUNTER: Is there talk about purchasing them in the ACT or continuing to borrow them? It may be something you use only once every four years.

Mr Green: All the electoral commissions in the country are looking at some kind of electronic electoral rolls in polling places. The PDAs are old technology and the software that they use is old technology that has been replaced with more sophisticated things.

The current thinking in the other electoral commissions—and we are actually looking at this—is using netbooks, those 10-inch or 12-inch screens, laptop-type netbooks. The Tasmanian Electoral Commission is about to purchase enough netbooks to satisfy our needs also. They have offered to lend us those machines. That is one option. That is one of the things that our business analyst is currently looking at.

THE CHAIR: As a result of the election there were some figures on the number of people who did not vote. How far have you progressed and do you look like charging anybody for failing to vote?

Mr Green: Effectively, our process has finished with those. We took just under 500

people to court. We issued court summonses to those people. As to the figure, in the annual report we are up to 30 June, but there was not a lot of change from that to the final result. The number of non-voters was higher than it was in the previous election in 2004. There are a few factors there. In absolute terms we had more people vote in 2008 than ever before. The electoral roll was the highest it has ever been. The work we have done indicates that the electoral roll was probably inflated with people who had left the ACT. This is partly because the AEC has tried to get people on the roll rather than take people off the roll. There were people on the roll who probably should not have been on the roll because they had left the ACT and that inflated the number of apparent non-voters.

Looking at the responses we got to the non-voters notices, I think the number of people we sent notices to—those who had left the ACT or we got the letters returned “not known at this address”—just about doubled between 2008 and 2004, which is an indicator that there were people on the roll who had left the ACT. Taking all those things into account, the number of non-voters was probably on a par with the number of non-voters at previous elections.

THE CHAIR: Are you looking to hand those over to the DPP?

Mr Green: That has already happened. Those people have gone to court.

THE CHAIR: How many is that?

Mr Green: I think it was just under 500. Most of those were convicted in their absence.

THE CHAIR: So they just got fined?

Mr Green: Yes. Also, the number of people who paid the \$20 penalty notice, I think, close to doubled from the election before. We got something like \$68,000 from the \$20 fines.

THE CHAIR: So running elections to fund a profit.

Mr Green: It probably cost about that much to administer the non-voters, so I would not say it was a profit-making exercise.

THE CHAIR: As there is nothing else, thank you, Mr Green.

I welcome Ms Phillips. In your annual report you referred to your client satisfaction survey. With a 35 per cent response rate, do you think that you have a good enough feel for the reaction of your clients? You get a very high positive rating from that. Can you draw any judgements from the response rate and the respondent satisfaction?

Ms Phillips: What we have decided to do for this coming year is to change the way we do the client satisfaction survey in an attempt to be perhaps more rigorous in finding out whether it does, in fact, reflect the way that we are delivering the service. Instead of just doing an annual survey, which we do currently, we are going to do it twice a year. We are going to target it differently. Previously we have been using

maybe three weeks in the year when we send a survey to every client or person that we have had dealings with in that time and ask them to respond. We are going to do that differently.

We are also going to count only the number of clients, instead of the number of responses, because, as you would believe, in that three-week period we might have seen up to 10 or 15 people in relation to one client and we send all of them the survey. There is a little bit of a bias if we have one client who is very happy with our service who had 15 people that we contacted—agencies, family and others. We are trying to be a bit more rigorous in the way we do it in future. I think then we will be more confident. The survey as it stands reflects a high level of satisfaction—the fact that we only had one negative response to that survey and only one complaint during the year in relation to our services.

THE CHAIR: So you had only one complaint?

Ms Phillips: Yes.

THE CHAIR: Which was different from the survey.

Ms Phillips: Yes.

THE CHAIR: In a sense, you are trying to find people who may have a less positive response so that you can address those issues.

Ms Phillips: We are trying to be, as I said, more rigorous in the survey, so it is quite possible that we will get some less favourable responses. We would see them as opportunities to improve our level of service in particular areas, if that is the response we get back.

MS HUNTER: You speak early on in the annual report about acting as a litigation guardian for three young people which resulted in 250 contacts. You talk about the labour intensive role or nature of the litigation guardian. I wanted to get a little more information about what is involved in that role.

Ms Phillips: When we take on the role of “next friend” or litigation guardian, it means that we are the person who liaises with counsel, the legal team, on behalf of—in this case—young people who are not able to do for themselves. In many cases young people have a parent or guardian who can undertake this role. These three young people specifically that we dealt with last year did not have anyone who could intervene on their behalf. I think in all three cases we were approached by the legal team, who appreciated that the young people were disadvantaged in instructing counsel and needed somebody to do it on their behalf.

One of the cases was a very complicated family law case. That involved my staff in not only interviewing the young person concerned but also interviewing other family members, making several visits to the home, having many meetings with legal counsel, attending court on several occasions when the matter was put over or there were other issues that had to be examined or information that had to be received. It is quite an onerous task. By and large, my staff are not legally trained. That is as it

should be because they are there as advocates and to work with the legal counsel. They are not making the legal decisions, but they do have to have a very high level of understanding of how the legal process works to be involved to that extent in accompanying the young person to court and the other issues related to that.

MS HUNTER: So it is an important role and it is labour intensive. You talk about liability. Obviously there is a bit of a gap there that needs to be met by someone.

Ms Phillips: In my report I focus particularly on the three cases that we had with children and young people because I had figures on the number of contacts. However, we have far more cases that we are involved in with adults. They are extremely time-consuming. For example, we are often called by the registrar at the family courts saying that one of the partners in a property settlement is clearly unable to instruct their own counsel and they ask us to come in. We are not going in as guardian for that person but as “next friend”.

We are also involved in damages and compensation cases in civil courts when people do not have the intellectual capacity to instruct their lawyer. A lot of decisions have to be made by my staff in relation to what is in the best interests of these people. As I have said, they can sometimes be challenged by other people. For example, if we are instructing counsel in a civil matter and we come up with a compensation settlement—we have a conference and agree that that is a reasonable amount—there is the possibility that we can be challenged by family, friends or other people as to whether we sufficiently instructed counsel to get the maximum amount of money. We are, in some respects, liable. As I have said, public advocates or public guardians in other states sometimes do not take on this role, but as I see it, it is a critical service. For example, those three young people had nobody else who could do it for them. Counsel or their lawyers could have taken it on, but then there is a conflict.

MS HUNTER: On page 6 you talk about the outlook for the year ahead. One of the first priorities is about streamlining processes for improved communication between the Child and Adolescent Mental Health Service and the Public Advocate, particularly in relation to the reporting of hospital admissions. Is that because it has come to your attention or have there been some issues around communication and that is why you are making it a priority?

Ms Phillips: That is the truth. All young people who are admitted for treatment to the hospital are referred to us. On page 15 you can see the work that we are doing currently with young people who are admitted either to the psychiatric unit at the Canberra Hospital or to 2N or 4A, which is the adolescent ward. It does not really have facilities for young people suffering a mental health illness but it is often the most appropriate in-patient placement for them. They are usually accommodated in a single room there.

We find that we have good liaison with the staff who provide the services but not such a good liaison with the after services. That is what we are hoping to streamline—that we have an MOU and a better way of liaising. One of the new services that have been developed is the “step up and step down” program. We are on the committee and visit that facility regularly. We have very good liaison. A lot of the young people are picked up along the way either as in-patients or when they go into or out of that other

facility. We are aware of them, but we just believe that we could have a better liaison with CAMHS.

THE CHAIR: Thank you very much, Ms Phillips, for your time and your report. We will move on to the Legal Aid Commission.

Good afternoon, Mr Crockett, and welcome back to annual reports hearings. The Legal Aid Commission's annual report covers a range of issues. I want to go back to what, for me, is a hardy perennial. I did flag this with the minister during the break. One of the principal concerns that I have—and I know the minister has this as a concern as well—is the issue in relation to legal aid funding from the commonwealth and how that might be more effectively used.

There was some discussion when you were last here about perhaps freeing up the transition between buckets. There is the commonwealth bucket, and you can only use commonwealth money for particular things, and you might have a client that has a range of problems. There is no flexibility about where that money comes from. There had been some expectation that there might be some freeing up of that process. I understand, as the outcome of the most recent SCAG meeting, that has not happened. I want to hear your comments about how the constraints on commonwealth legal aid funding affects you and how that particular issue affects you.

Mr Crockett: There is still a degree of lack of clarity about the national legal aid funding agreements, which were, as I understand it, discussed briefly at SCAG. Ms Leigh might be able to add something to this discussion. My understanding of the current position comes from a meeting of the national directors of legal aid, which occurred immediately after the SCAG meeting where we were briefed by the commonwealth Attorney-General's Department.

My understanding is that the commonwealth want to have the new agreements in place by 30 June next year and that there is likely to be some relaxation of what has been called the funding divide, which is what you referred to as inability to use commonwealth money for territory or state law matters. My understanding is that there will be some relaxation around what the commonwealth are calling early intervention and preventive services. By that they mean community legal education, information about the law and other limited services of that nature. I believe the commonwealth are going to say you can use commonwealth money for any type of early intervention or preventive service.

The other area where there might be a relaxation is in relation to family matters where there is some issue that arises under the Family Law Act. If there is a family law issue then I understand the commonwealth will be saying that we can use commonwealth money for any related domestic violence or child protection matter. There does not have to be, as I understand it, a proceeding under the Family Law Act on foot, as long as there is an issue, say, about the care of children, and then commonwealth money can be used for that matter. If that turns out to be correct, that degree of relaxation will be welcome, but the utility of it will depend on whether we have got sufficient commonwealth money to spend on those territory law matters. That varies from time to time. The amounts in the bucket do fall and rise during the year, depending on the demand for assistance.

The situation on the commonwealth side in terms of our funding has deteriorated over the last 12 months because there has been an increase in demand for assistance in family law matters. So while theoretically it is good to be able to know that we might be able to use commonwealth money for some of these other matters, whether in practice that is going to have very much effect on our ability to assist people will depend on the amount of commonwealth money that is available.

At this stage we do not know what the funding outlook for next year is going to be, beyond what is in the commonwealth forward estimates. There has been some sort of glimmer of hope, I think, that there might be some additional commonwealth money found from within the commonwealth Attorney-General's Department that can be directed to legal aid. But there is no certainty around that. There is no monetary figure mentioned at this stage. Further down the track, there is also the suggestion that a review of court fees might result in some additional money being generated that could be used for legal aid purposes.

THE CHAIR: So the short answer is that we are still working through those issues?

Mr Crockett: Yes.

THE CHAIR: But the substantive issue is the amount of money that the commonwealth is prepared to put to—

Mr Crockett: Yes, it is the amount in the bucket which will really determine whether this new freedom that we might have to use commonwealth money for territory issues is going to be a real benefit or not.

THE CHAIR: You have quite a close relationship with the Aboriginal Legal Service.

Mr Crockett: Yes.

THE CHAIR: There has been some discussion about the responsibility of the commonwealth in regard to the funding of Aboriginal legal services across the country. If the commonwealth took on more of a role there, how would that affect your operations?

Mr Crockett: We would welcome, obviously, more funding coming from any source for the provision of Indigenous services. We are undertaking a review for the minister at the moment to ascertain where there are gaps in the provision of Indigenous services in the ACT region. We are preparing that report in cooperation with community legal centres and the Aboriginal Legal Service through what we call the ACT Legal Assistance Forum. That report will be ready within the next few weeks. There is no doubt there are some significant gaps in services to Indigenous people, particularly in the area of civil law, family and child protection and domestic violence matters. Our report will reveal what the gaps are.

The minister has also asked us to suggest what some options for filling those gaps might be. Clearly, most of those options would involve some additional funding. Our hope would be that the commonwealth will see that it has a fairly fundamental

responsibility in the area of Indigenous legal services and put some more money into the Aboriginal Legal Service in Canberra so that they can set up a proper civil practice. At the moment, as you know, most of their resources, which are very limited, are devoted to criminal matters. While we and the community legal centres do provide our services to Indigenous people equally to anyone else, there are certain barriers that Indigenous people face in using our services which this review we have been doing is uncovering. We can do something about addressing those barriers, but again it will require some funding to be able to do that.

THE CHAIR: That increases your caseload?

Mr Crockett: It increases our caseload, yes, although hopefully, in the area of advice and information and community legal education, it would not be a very resource-intensive activity if we were able to expand it.

MS HUNTER: I was interested that the Legal Aid Commission had applied for a grant around a legal service for homeless people and elderly people. How is that going?

Mr Crockett: The homeless persons legal service has got up and running to the extent that we now have a principal solicitor who has been appointed. She is housed at the Welfare Rights and Legal Centre. This is a joint project by us, community legal centres and the Aboriginal Legal Service. I met with her yesterday. She is developing at the moment an operational plan. She is hoping that services can start to be delivered by February. So it is well on track to get up and running in the next couple of months.

THE CHAIR: Thank you very much, Mr Crockett. We will now call Mr White to the table.

Mr Corbell: Madam Chair, before we go to Mr White, a question was asked of me earlier today about the legal opinion from Gageler and Jackson in relation to the Civil Partnerships Bill 2008. You asked when that was commissioned and when it was received. I am advised that it was commissioned before the end of that financial year—that is, the 2007-08 financial year—but it was received after that financial year period. I will provide further advice on dates, but that is the general chronology.

THE CHAIR: Thank you. Welcome, Mr White. Since you appeared in relation to annual reports, as opposed to budget estimates, we have seen some increase in your appropriation for staffing. Could you give the committee a rundown on where you are in the process of putting staff on and the changes that you have initiated in the office in that period.

Mr White: We are now fully staffed on our new FTEs, taking account of the new budgetary allocations. We have also essentially trained all the new staff and they are now all going to court and appearing in court on a regular basis. We recruited across a range of experiences of lawyers. We recruited a number of junior lawyers, which has really been of great assistance in running lists and those sorts of things in magistrates courts. We have also recruited more senior levels, notably a former employee of the attorney's who is now ensconced in my office.

THE CHAIR: Both the minister and I have former staff who now work with the DPP.

Mr White: Indeed.

Mr Corbell: Much to my chagrin!

Mr White: Coming to Mr Lawrence, we have taken the opportunity of the increased staffing base to form a discrete unit for sexual assault matters. That was a matter that we identified as being in need of extra resources. We have essentially formed a two-person unit with, if I might say so, two of the best prosecutors in the office. They have a coordinating role in relation to all sexual assault matters. They will be looking at things like sentencing trends, the witness assistance that is provided to sexual assault victims, any law reform issues—those sorts of issues will all be coordinated through them. That is a thumbnail sketch of the way the additional resources are being used.

THE CHAIR: In the past year or so, we have had discussions and exchanged correspondence on a number of contentious issues. There have been occasions when you have appealed substantial matters and there were occasions when you took advisory appeals. Can you give us a rundown on some of those matters?

Mr White: Yes. We have been fairly proactive in monitoring sentencing matters in the Supreme Court and, if necessary, taking appeals. It must be said that, because of the fact that there are only effectively three sittings of the Court of Appeal each year, we really have not started to see major results through from that. We did recently get a positive result in an advisory appeal we took in relation to unfavourable witnesses. That is a matter where, because of the family violence intervention program, we often find ourselves calling people who, by the time they get to court, are reluctant to give evidence—alleged victims of domestic violence and so on. So it is very important for us to be able to use the provisions of the Evidence Act to require them to give their evidence in accordance with the statement that they have previously provided to police.

Members of the committee will be aware that, under the family violence intervention program, there is a very proactive attitude to obtaining statements from victims early on in the proceedings and then taking a very proactive view in terms of running those matters, even when victims become unwilling to participate. The ruling that we have now obtained is a very useful and very positive result in enabling us to use the evidence of such people, even when they are unfavourable. That is probably one of the few substantial matters that have come through yet, but there are a number of matters pending in the Court of Appeal where we are awaiting results.

THE CHAIR: What matters are pending?

Mr White: There is a matter of Thompson, which I know excited the interest of Mrs Dunne and other members of the Assembly. That was an allegation of the manufacture of child pornography.

THE CHAIR: That is an advisory appeal?

Mr White: That is an advisory appeal. We do not have the right to appeal against verdicts in judge-alone trials in the territory, but we felt we needed further guidance in relation to the way the legislation operated. We are still awaiting the results of that particular matter. There are certainly other appeals that we are waiting on, including a fairly substantial sentencing appeal that we took in a sexual assault case involving a person who was in loco parentis to the victims. We appealed against the sentence that was imposed in that case but we are still awaiting a result.

THE CHAIR: With respect to some of the issues that have come up, you have touched on one of those in passing—the issue of judge-alone trials. There has been the airing of those issues on a number of occasions. Minister, are you looking at a review of the provisions that relate to judge-alone trials?

Mr Corbell: Yes. I have asked my department to do that work. I asked my department to start exploring policy options in relation to those matters approximately nine or 12 months ago. A significant body of work has been done on that. The government has not yet reached any definitive conclusions. I expect to receive some of that advice shortly, if I recall correctly, on the analysis that has occurred to date.

I remain of the view that there are good arguments for providing some limitations on the circumstances in which judge-alone matters are conducted in the territory. I think it is important to restate the role of juries in our system, particularly for serious criminal matters, and to emphasise the importance of juries, both as a right available to defendants as well as a mechanism to provide for a level of maintenance of public confidence in the judicial process. Yes, in short, it is a matter that I am continuing to pursue and I will present a range of options in due course for broader consideration by the Assembly, the community and, in particular, the profession.

THE CHAIR: What does “in due course” mean?

Mr Corbell: It will not be this year but I would be hopeful that it would be next year.

THE CHAIR: Do you have concerns that the judicial system may be somewhat compromised, especially in serious cases, by a lack of jury trials?

Mr Corbell: What do you mean by “compromised”?

THE CHAIR: You said there was a possibility that the public confidence was being undermined.

Mr Corbell: There are always issues of perception that I think we must have regard to in terms of the decisions that our courts reach, particularly on matters which are high profile, which involve violent, serious offending behaviour—murder, manslaughter and so on, serious sexual crimes, other serious crimes of violence. These are matters which often attract significant public interest and therefore, in the determination of guilt or innocence in relation to those matters, I think the public would expect that juries would play a significant role in determining guilt or innocence. If there is a tendency for those matters, only or in a majority of cases, being dealt with in a judge-alone context, that may bring into question people’s confidence in the administration of justice.

It is a difficult issue. It is about perception rather than reality. I am not for a moment suggesting that there is any favour or partiality in the conduct of judge-alone trials but I think people do feel, the community does feel, that there is an important role for ordinary citizens at the centre of the criminal justice process, that juries play an important role in that regard and that we should seek to maintain that involvement in the most serious offences. That is where I think we have to have regard to perception.

THE CHAIR: There is one matter that might be a crossover between Mr White and the Sentence Administration Board that I would like to ask some questions on. That relates to a matter that was widely reported in relation to compensation as a result of the actions of the board. I do not know whether that involves Mr White. You advise the Sentence Administration Board, I understand.

Mr White: I am not sure that we advised them in that instance. There is a crossover role between us and the Government Solicitor.

Mr Corbell: The Government Solicitor represented the territory in those matters, including the SAB. Mr Lee is the chair of the SAB and is present if you would like to ask him any questions about this matter.

THE CHAIR: Before I do, I want to clarify whether there are any more questions for the DPP. There are none. Thank you, Mr White.

I have a couple of questions for the Sentence Administration Board. Welcome, Mr Lee. I want to touch on the workload of the Sentence Administration Board. Mindful of the fact that we are a small jurisdiction, how does the board's workload compare with workloads in other jurisdictions? What ratio of people do we have to deal with the workload?

Mr Lee: It is difficult for me to make a comparison with other jurisdictions. There is only one other equivalent jurisdiction, which is the new Civil and Administrative Tribunal. I do not have access to information from that to compare our workload with the workload of the Civil and Administrative Tribunal.

I do note in the report that there has been a 200 per cent increase in workload of the Sentence Administration Board since the Crimes (Sentence Administration) Act came into force. That is almost solely due to periodic detention matters which were matters given to the board when the new legislation came in. They were matters previously dealt with by the courts.

In June 2006, the board was given responsibility for periodic detention. That has turned out to be a significantly greater workload than we had anticipated. That accounts for about two-thirds of our workload, managing and supervising periodic detention. I think the answer to your question is that there has been a significant increase in the workload of the board. That does put pressure on the board and the secretariat in managing the way in which we conduct our business.

MS HUNTER: Because of that significant increase, what work is being put on the backburner?

Mr Lee: Nothing has been put on the backburner. We have been working our way around these issues. We have perhaps cut back on some of the information that may have been supplied to the board in the past. We have now decided that we can probably make do without that information, without impacting on the workload of the board. We are in constant dialogue with the secretariat to ensure that the information comes to the board in a timely manner and that there are no significant problems in relation that. That is how we manage on a daily basis.

THE CHAIR: In relation to the unlawful imprisonment cases that came to light earlier this year, what were the factors that led to the board's incorrect interpretation, as it was described, of the board's enabling legislation?

Mr Lee: These matters go back to 2006, 2007. They took some time to find their way through the court. The board accepted liability in those cases and asked the court to assess the damages. The issues that were dealt with by the court related to procedural fairness and natural justice, whether the offenders had been given adequate notification of matters which were before the board and whether they had been given adequate opportunity to represent those matters to the board.

Under the new legislation, the board is only required to conduct a hearing of the matter if it thinks natural justice is required. In the early days of the new legislation, we took a view that it was adequate for us to notify the offender, give him or her the nature of the allegations and invite them to make a submission to the board and that was all that was required in relation to procedural fairness.

When these matters were subject to some challenge, we then reviewed the way in which we conducted these matters. Since then, we have taken the view that procedural fairness and natural justice require us to conduct a hearing if there is a prospect that cancellation of parole or periodic detention is substantial. They relate to procedural fairness and natural justice rather than any interpretation by the board of matters which were before them. The court determined that the application of the ACT's Human Rights Act and our own legislation dictated that a person should be given the opportunity to appear before the board and make representations.

THE CHAIR: Minister, these matters came about not because of the changes to the Human Rights Act that came into force at the beginning of this year; they were of longer standing than that?

Mr Corbell: I would have to take some advice on that. I do not think these were as a result of that. I would have to take some advice on the circumstances but I think they commenced prior to the right of action provisions taking effect.

THE CHAIR: Could I clarify that? Mr Lee, these matters were quite expensive for the territory. Could you put it down to teething problems when the Sentence Administration Board took over a new set of responsibilities?

Mr Lee: That is right.

THE CHAIR: I am trying to interpret the things that you said. You said you were not

appropriately prepared for this workload. Does that also mean that perhaps the board was not given enough support in terms of briefing on and understanding of its new role when it acquired that new role?

Mr Lee: All of the matters that were subject to the court decision related to periodic detention. That was a new function which the board was given responsibility for in 2006. I think it is fair to say there was a learning curve on the part of the board in terms of how the legislation and periodic detention operated. Our initial judgement about procedural fairness was that all that we were required to do was give the person the opportunity to make a submission to the board.

When there were a number of challenges to that, we undertook a review of the way in which we operated, particularly in relation to procedural fairness and natural justice. We decided back in 2007 that we would now mandatorily require a hearing before a person—

THE CHAIR: It is now a mandatory procedure?

Mr Lee: It is a mandatory requirement. The board has now established as mandatory that we will not cancel a periodic detention order or a parole order unless the person has the opportunity to appear before the board and make a verbal presentation.

THE CHAIR: Correct me if I am wrong but my understanding—it may be faulty—is that part of the problem was that it seemed you were acting outside your powers to cease a periodic detention order and that matter had to be referred to the board.

Mr Lee: That was not pursued in the matter which was dealt with in the Supreme Court. This whole matter dealt with procedural fairness and natural justice.

Mr Corbell: It clearly has the authority under legislation to cancel a periodic detention order—it is mostly related to periodic detention—for breach of that order. These are the circumstances we are talking about: someone is on periodic detention, has been found to be in breach of that order, has not attended without good reason their periodic detention and, therefore, is brought before the board and the board has to make a decision whether or not that person should go into full-time imprisonment, which of course is effectively the sentence that has already been imposed on them. They have had a sentence of imprisonment imposed on them and the court in the instance of the original sentencing said, “You can serve that imprisonment through periodic detention rather than full-time imprisonment.”

I note there was some argument advanced at some point that the board was acting in some quasi judicial manner by effectively re-sentencing. But that is not the case. They are determining, consistent with the legislation, whether or not there has been a breach of a periodic detention order, in which case the original sentence basically applies, which is a sentence of full-time imprisonment.

THE CHAIR: Are you satisfied that we have learnt from this and that there are enough procedures in place to prevent this happening again?

Mr Corbell: Yes. I have discussed this matter with both Mr Lee and Corrective

Services and sought their assurances in relation to this matter. Based on the advice they have given me, I am confident. It was a regrettable sequence of events but I think, as a result of those events, the board now has in place robust arrangements. They have sought the advice of the Government Solicitor in relation to the conduct of their hearings, to ensure that these matters do not reoccur.

THE CHAIR: Thank you, minister and officials.

Meeting adjourned from 12.50 to 2.30 pm.

THE CHAIR: Welcome back to all those who are returning, welcome to those who are new to our annual reports hearing and welcome back, minister and Ms Leigh. I give a particular welcome to Commander Hill. This is your first annual reports hearing, I understand, Commander Hill.

Cmdr Hill: My first, yes, thank you.

THE CHAIR: Mr Hargreaves, Ms Hunter, do you have questions you would like to open with?

MS HUNTER: I will start with some questions about victims of crime on page 17. It is a direction that sets out five areas that the attorney directed ACT Policing to especially focus on for the upcoming year. One of these is to work with other ACT criminal justice agencies to achieve better outcomes for victims of crime. What activities have been undertaken or do you intend to undertake with other agencies to address this direction.

Cmdr Hill: Could you be a little bit more specific about what you are after? There is a series of programs in relation to victims of crime support. I have been with ACT police for four months so be mindful of my in-depth knowledge of the subject. But I can probably give you a general response. Is there something specific you would like?

Mr Corbell: Perhaps I can elaborate a little bit. The intention of the direction is to ensure that police work closely with other criminal justice agencies in coordinating what is in effect a whole-of-government response to victims of crime matters. For example, there is currently a review occurring of the Victims of Crime Act, and all government agencies are engaged in that review. I have made this direction particularly to recognise and to reiterate the importance that I, as minister, and the government place on providing coordinated support to victims of crime and the fact that the police as the first response agency to the community for victims of crime have a particular obligation to work closely with other agencies in the criminal justice system, particularly Victim Support ACT but also the DPP in terms of their interaction with victims of crime and also a range of other non-government agencies.

It is there most significantly as a reminder of the priority that we attach to it and the importance that ACT Policing must place in their minds and keep in their minds when it comes to the delivery of support for victims of crime in terms of the services that they provide to the community; making sure that they are using mechanisms such as Supportlink to ensure that referral is being made for victims of crime to other agencies and other areas of support; ensuring that, in terms of the timeliness of material going

to the DPP and cooperation between the DPP and police, there remains communication with victims of crime about the prosecution of matters, where prosecutions are at and the police's involvement as well as the DPP's involvement in that. That is really the intention of the direction: to reiterate the importance that we place on it and that it is an area of particular priority and importance to me and the government. That is why it is there. Commander Hill might be able to elaborate a bit more on some of those issues.

Cmdr Hill: To draw down a little bit further, as a result of the ministerial direction we have expanded our crime prevention team and incorporated in that are victim support liaison officers who have a mandate not only to liaise with victims of crime but to put the victims in touch with the specialised agencies, Supportlink in particular. That relationship has been extremely successful in providing support to victims of crime.

We also have expanded our training for officers on the beat to ensure that they understand the roles of the victim support liaison officers and that there are government and non-government agencies that can support victims.

MS HUNTER: On page 28 the ACT victims of crime referral project is mentioned. What stage is the project at? Has it been completed or is it ongoing? Have there been any findings?

Mr Corbell: This is part of the work that is being done by my department, as I understand it. This refers to the work I referred to previously, the review of the victims of crime legislation, and a range of other tasks associated with that, looking at how effective our existing programs are in providing support to victims of crime. So it is not a program specifically run by ACT Policing, but they are involved in it.

MS HUNTER: Speaking of Supportlink, data on page 66 shows a high number of referrals. It states that this is to add to the crime prevention approach. Could you explain how victim support counselling adds to the crime prevention approach? Crime prevention is usually around preventing that crime; this is obviously around once a crime has happened and ensuring that the victim is put in contact with support services they may need. I am just wondering how it fits into a crime prevention program.

Mr Corbell: The types of support that are provided are not just in relation to counselling and assistance with recovering from being a victim of crime. They are also designed to provide advice, programs and information to individuals who have either been a victim of crime or may have been engaged with the police for some other reason to assist them in preventing future crimes or preventing the occurrence of crime. It may provide, for example, assistance on better protecting their property against property theft. It may provide information about accessing programs like the vehicle immobiliser program in terms of motor vehicle theft. It may provide a range of other types of assistance in terms of personal safety and security and steps that individuals can take to make sure that they are less likely to become, or become again, a victim of crime. So it is not just a recovery process; it is also an enabling process, and Supportlink provide that sort of support.

Cmdr Hill: Can I provide a very contemporary example. White Ribbon Day is on

today. I notice that Mr Hanson is an ambassador. ACT police have been very proactive in shopping centres to change the culture so that violence against women is not tolerated. Those incidences are reported through the AFP, through Crimestoppers and through the NGOs so that there is an awareness out there and we can try to stop this crime. So it is very much a preventative measure.

MR HANSON: I have a follow-up on that. VOCAL have had a number of activities this week and they have their AGM on, I think, Saturday night. My understanding is that, because of funding pressures, they are going to be reducing from four staff, which is what they currently have, to three. Are you aware of that and what do you see as the ongoing support from the ACT government to VOCAL?

Mr Corbell: That is not a matter for ACT Policing. This is a policy delivery area within the justice department; it is not related to ACT Policing directly. As far as I am aware, there has been no reduction in funding to VOCAL. VOCAL may have made some decisions about expanding their own capacity, but as far as I am aware there has been no change in the funding arrangements for VOCAL.

THE CHAIR: Can I go back to a threshold question. The operating statement on page 37 of the ACT Policing annual report points to an operating deficit of \$640,000. What caused that and who picks up the tab for the operating deficit for ACT Policing?

Cmdr Hill: Can I introduce Paul Williams, who is our director of corporate support. He might be in a better position to answer that question.

Mr Williams: Yes, I can answer the question. The deficit arose from the reduction in the long-term bond rates, which increased our liability for the future provision for leave. So essentially it is an accounting treatment that arose from the environment. It represented 0.48 per cent of our total budget, less than half of one per cent, so it was less a matter of overspending in any category and more a matter of responding to an environmental factor.

THE CHAIR: So in cash terms has there been any supplementation from the territory—

Mr Williams: No. In cash terms the purchase agreement does not provide for any surplus in the event of a deficit; nor does it provide for the AFP to return any surplus to the ACT government. In the case of the former, any deficit that occurs is absorbed by the AFP and not by the ACT government, and in the case of the latter, in the event that we do record a surplus in any given financial year, the practice has been, and we have done this quite regularly, to return the surplus funds to government or to discuss the matter with the minister and apportion the funds in the coming financial year for another purpose.

THE CHAIR: Because of the nature of the agreement, the figures year on year tend to be pretty stable. Is that the only cause or the major cause of the—

Mr Williams: That was the cause and it was a consequence of an accounting treatment that applied across our agency. It was entirely due to the circumstances of the long-term bond rates. Traditionally, our budgets have reconciled extremely

closely—less than half of one per cent generally—to the annual budget.

MS HUNTER: Page 49, safety in public places, indicates that assaults against the person went from 2,363 in 2007-08 to 2,500 in 2008-09. It is a rise of about 5.8 per cent. However, it was recently recorded in the media that the number of assaults in public places has increased by 34 per cent in the last financial year. I am wondering what your take on that is. That is obviously a media report, but how do you think we are going in that area of assaults in public places, and what sorts of strategies do you have in place?

Cmdr Hill: Most definitely it is a problem. It is increasing. We have a definitive strategy in relation to alcohol. We are putting increased resources into the ACT CBD and entertainment areas, especially on the weekends—Thursday, Friday and Saturday nights. That is when we are particularly seeing a spike. We think it is a direct consequence of alcohol and a culture of consuming alcohol and we have put in a lot of effort, at the front end and the back end, to try and remedy that situation within our current resource allocations.

Mr Corbell: It is also worth highlighting that we have seen the apprehension rate in a range of offences, particularly in terms of behaviour and safety in public places, increase. We have seen an increase in the number of apprehensions as we have seen additional police deployed in those locations. The increase in police numbers over the past 12 to 18 months—127-odd additional police deployed—has given ACT police a greater capacity during those key times on Thursday, Friday and Saturday nights. More police does mean more chance of detecting and apprehending people engaged in that behaviour.

There is, I think, a correlation between those two, but that does not diminish the concern that we have around the behaviour. Obviously any increase, whether it is because of additional police presence or otherwise, is of concern. That is why the government have embarked on the liquor reform and why we are investing in the CCTV network that we talked about this morning, as well as additional police capacity. Indeed, the police themselves—as Commander Hill has indicated—are also focusing very strongly on a targeted approach to dealing with alcohol-related crimes. It is a strong area of emphasis at the moment for the government and the police.

THE CHAIR: I note that the police Australia-wide have agreed to participate in Operation Unite, which is going to be a 48-hour crackdown on late night alcohol-related violence. That is to be on 11 and 12 December. What is the ACT's approach to that? What will you be doing during those 48 hours?

Cmdr Hill: I was part of the media conference last week in Perth. There was a fair bit of discussion about the issue around the country. It is not ACT-related. It is a very serious issue in Queensland, New South Wales and Victoria, as you will probably appreciate. We have increased our resources into the entertainment areas, particularly the CBD, at peak times. We consider Thursday, Friday and Saturday nights as a natural consequence of the summer months and the increased volume of people going in there. I have gone in myself a couple of times with the CPO. Thousands of people get out there on the weekends.

On that particular weekend we will increase our resources again. In company with every other jurisdiction in the country, we will be sending a message to the community that alcohol consumption and violence and the way it is occurring is not going to be tolerated by police. We will be having an increased presence on that weekend particularly, the 11th and 12th, but we think the resources we have there now are quite satisfactory for what is going on. That resource component will be maintained. On the 11th and 12th we will definitely spike it and put everything we have got into it.

THE CHAIR: How many police officers would be on duty and out and about on a typical Saturday night?

Cmdr Hill: It is hard to give you a specific number because we have officers on duty all around the ACT. We have increased our resource into the city area on a weekend. We have increased the resource by about 15 or 20 into the centre on stand-by responding to the particular circumstance. I would have to take that one on notice to give you an exact number that would be on duty on a Friday or a Saturday night.

THE CHAIR: Do you adjust your roster to ensure that there are more people on call available to be on duty on Friday and Saturday in busy periods?

Cmdr Hill: Yes, we do. We have been extremely lucky, or skilled in some ways, in that our rostering system allows an overlap and we can bring on extra resources at no cost through the flexibility of the rostering system. Saturday is more difficult than Friday, but we are able to put on increased resources on a Friday night with no additional cost to ACT Policing. Saturday night would involve some overtime. I can give you the exact numbers after the hearings. We see at this time we have adequate resources responding on a Thursday, Friday and Saturday to the current issues.

THE CHAIR: Is Thursday night an issue as well?

Cmdr Hill: Thursday night is nowhere near as bad, but there is definitely a spike on Thursday. Friday we seem to have more trouble and on Saturday we seem to have a higher volume.

MR HANSON: Minister, the suburban policing consultative committees were an election policy, a promise, taken on board by the government in 2008, providing \$300,000 over 12 months for a trial of suburban policing consultative committees. I think in estimates we asked a question and were told that that would be absorbed within the current budget of ACT Policing. I have been unable to find reference to those consultative committees in the annual report. Can you give me an update on how that trial is progressing?

Mr Corbell: It is not mentioned in the annual report because it is an activity that did not occur in the reporting period. As I have indicated at a previous annual reports hearing and as the CPO has also indicated, the government has not funded the initiative at this time. However, the CPO advised me and took the decision, which I supported, that he wished to proceed with a trial of those consultative arrangements in any event and he has made arrangements within his existing budget to do so. As I understand it, those committees have just been established. They are in their early

stages. ACT Policing are working through the operation of those and how they can best be utilised.

MR HANSON: They are established now—or they are being established?

Mr Corbell: Yes, in two locations.

MR HANSON: Are you able to give us an update? Have they had any meetings?

Cmdr Hill: We have two consultative committees. I think one is in Narrabundah and the other one is in Charnwood. They are chaired by a sergeant of police and we have selected representatives from the community to come along to those consultative committees. The concept is that the community explains what it considers as a threat and we try to match that up with what we have as priorities. They have only just commenced so it is way too early to determine the effectiveness of them. The CPO has determined that we try and run them for 12 months, within this financial year. I think they respectively started in October and November. At the next hearing we may be able to give you a better indication.

MR HANSON: Have you allocated a certain amount of money for the financial year to support those? Is it costing any money? Is it done on a volunteer basis?

Cmdr Hill: It would be costing money in that we have two sergeants who are responsible for both the committees and they are both within the crime prevention area of ACT Policing. It is part of their role in crime prevention to look after those committees.

MR HANSON: Would you be able to take on notice how much it is costing to run those committees?

Cmdr Hill: Yes.

THE CHAIR: I come back to the issues that were touched on by Ms Hunter. I would like some feedback, if possible, Commander Hill. In 2008—I think that is right, minister; you can correct me if I am wrong—there were some changes to the powers that police had in relation to on-the-spot fines for a range of antisocial behaviours. I would like some feedback on whether the police were finding this an effective tool in helping them address some of the issues around antisocial behaviour—drinking and those sorts of things—in Civic and other places where you get high populations of people on Thursday, Friday and Saturday nights.

Cmdr Hill: We have been working towards developing what we call criminal infringement notices, an automated system very similar to our traffic infringement notices which are issued on the road. We thought we would be able to link them up to the TIN system. Unfortunately, that has not been the case. It appears to be quite a difficult technical issue for us. We have to develop a stand-alone system to support this. We have developed a paper-based system so that people will be able to write tickets, on-the-spot fines, issued within the CBD and the entertainment areas for public order types of offences. This will definitely assist; there is no doubt about that. We anticipate that will be ready this week or next week for issue to the officers out on

the street. That will definitely help. In the interim we have got a partnership with a couple of other agencies to look at the automated response so that we have this fully automated, very similar to our TIN system.

THE CHAIR: When did the legislation that gave police these extended powers commence?

Cmdr Hill: My understanding is 2007.

Mr Williams: April 2008.

THE CHAIR: April 2008. No on-the-spot fines have been issued up until now?

Cmdr Hill: No. We still have the capacity to charge people under the old system.

THE CHAIR: There was some adverse comment a couple of months ago—I cannot remember exactly when—from magistrates in relation to people in the lockup that they thought were unnecessarily in the lockup. You have had this power since April last year and you have not issued a fine or infringement notice under this system. When did you realise that the CIN system was going to be hard to implement and when did you decide that you needed an interim approach?

Mr Williams: We realised that some time ago, earlier this year. We have been engaged with several other agencies of government as well as InTACT to try and find a technical solution. But it became clear to all of the stakeholders that the development of a technical solution to manage the back end of the affair was going to be costly and difficult. It is essentially the management of the back end which defines the success of the process, in its capacity to follow up on payments of fines or otherwise. Therefore it has to be extremely efficient.

When we realised that it was going to be as difficult as it was, we then proceeded to the paper-based solution that Commander Hill referred to. But even that has proved to be difficult in terms of the requirement to print on the tickets individual BPay numbers. I know that it perhaps sounds trivial, but in terms of technical difficulty it has had to move through several different contractors to achieve it. We are expecting to receive the tickets this week or early next week and we will start to issue the CINs as appropriate. In the meantime, a review that is being conducted by InTACT is due to be delivered to ACT Policing shortly. We have also, with other agencies, invested in a detailed study to define the electronic back end, which will take some time.

THE CHAIR: So we have been waiting for 18 months for this because we could not get the computer right and then we could not get the paperwork right?

Mr Williams: Well, it is a difficult proposition and—

THE CHAIR: I do not understand what the problem is.

Mr Williams: It is a matter that would best be explained by more technical organisations than ours. I would suggest, however, that when we first envisaged CINs as a solution, we were not as aware as we are now of how difficult it would be to

implement that back-end solution.

THE CHAIR: Do other jurisdictions have an on-the-spot fine capacity like this?

Mr Williams: There are several other models working around the country and several different methods of managing those as well in terms of which particular agency manages the back end. We have investigated, as part of this InTACT review, all of those.

THE CHAIR: Does anyone have a paper-based system?

Mr Williams: I cannot comment off the top of my head, but I suspect that is the case. I would have to research that and get back to you.

THE CHAIR: Does anyone know whether there was a paper-based model from somewhere else that you could have implemented quickly while you were getting the back end organised?

Mr Williams: It is a question of the capacity of the provider to provide the forms that can be used by the person to whom the infringement is issued.

THE CHAIR: Who is the provider?

Mr Williams: We have gone to a commercial organisation who, in turn, had to go to another commercial organisation to deliver that element of the ticket, because it has to accord with certain protocols as far as the issuing of BPay tickets is concerned.

THE CHAIR: What has BPay got to do with it?

Mr Williams: It is electronic BPay, so people can pay their fines on the internet. The experience that we have had, along with other agencies, in terms of managing infringements is that the public needs a ready capacity to pay and the government, whichever government it might be, needs to have the capacity to monitor payment or non-payment and act accordingly, and that is quite difficult.

THE CHAIR: We have got a paper-based system for parking fines, which is essentially an on-the-spot fine. What is substantially different between the parking fine system, where you have got a PDA thing with a printer on it—

Mr Williams: Because it goes into the TINs database which is managed by TAMS.

THE CHAIR: No, I am not talking about the database; I am talking about the system for printing out the ticket. If somebody parks their car without a sticker and gets a \$76 fine for parking in the wrong place—

Mr Williams: There is an issue there—

THE CHAIR: that system is not very different from a paper-based system.

Mr Williams: No.

THE CHAIR: How has it taken 18 months to get to the situation where you might get docket books this week or next week?

Mr Williams: I understand what you are saying. The solution you are referring to is essentially what we refer to as the Autocite solution. We currently deliver traffic infringement notices through the Autocite, which is a machine that police can carry in their vehicles. But in the case, for example, of the beats team in Canberra which would be operating on a busy Friday or Saturday night, having to carry yet another piece of equipment, being a fairly large Autocite machine, is difficult. So we have resorted to the paper-based solution, because it is the only solution that we can ourselves deliver.

THE CHAIR: I am still perplexed as to why it has taken 18 months and we still have not got the paper-based solution and we have not yet issued one infringement notice.

Mr Williams: I have explained the process that we have gone through. Obviously, we would have preferred to have issued these earlier, for reasons well known to this committee, but we have had to work through negotiations with all of the stakeholders and identify the commercial solution through the—

THE CHAIR: Who are the stakeholders?

Mr Williams: In this case there are a number of agencies—the Department of Justice and Community Safety, the Department of Territory and Municipal Services, ACT Policing, InTACT et cetera.

THE CHAIR: When you decided that you had to find an interim solution, who was the stakeholder that you had to deal with to get the docket books?

Mr Williams: We have done that ourselves, and we have gone out to the market ourselves.

THE CHAIR: When did you decide to go out to the market yourself?

Mr Williams: We went out to the market—I cannot give you the exact date off the top of my head, but it was in the early to mid-part of this year, when we realised that was the only solution that we could deliver as an alternative in the short term.

THE CHAIR: Are you happy with this, minister? This was your legislation.

Mr Corbell: No, I am not.

THE CHAIR: Have you been monitoring this?

Mr Corbell: Yes, I have.

THE CHAIR: What have you done to hurry the thing along?

Mr Corbell: I have expressed my concerns about the delays in relation to this project

repeatedly to my department and to the Chief Police Officer. I have expressed to both the importance of ensuring that there is a technical solution for this problem, and I am pleased that ACT Policing are taking the action they have taken to resolve these issues.

THE CHAIR: Eighteen months down the track?

Mr Corbell: That is correct.

MR HANSON: When will it be online?

Mr Williams: As soon as the tickets are received by us, they will be issued to police immediately.

MR HANSON: When do you anticipate it, if you had to pick a date?

Mr Williams: I have been advised that we are expecting the tickets at the end of this week or early next week, and there is no reason why we would not deliver them straightaway.

THE CHAIR: Will your officers on the beat need any particular training?

Mr Williams: They will need a little bit. We have developed two types, one which is a smaller one that can be carried in the pocket of an officer on foot, and one that can be carried in a vehicle. Obviously, we have to be cognisant of the fact that the constables who will be issuing these infringement notices will quite often be doing it in difficult circumstances at night-time, so we have had to construct them in such a way that they are user-friendly and in such a way that those who receive them receive a legible document. We do not envisage that there will be any significant training requirement to execute the solution.

THE CHAIR: Are officers already across the range of circumstances in which they could issue infringement notices? Has that training been carried out?

Mr Williams: The officers are exposed to regular training in and exposure to the options at their disposal. They do that through their team leaders, through their chain of command and through the operational support sergeants who exist at the station for this very purpose. So I do not envisage that there would be any dramatic difficulty with this.

THE CHAIR: But have they been trained in the implementation of the legislation that came into law in April 2008?

Mr Williams: They have been exposed to it. They will receive further exposure when the booklets arrive.

Cmdr Hill: With the increased police presence in these peak times, I have been present when we have provided the briefings to all police who are going out on the road, and they are given a specific briefing in relation to these new summary offences. So they are most definitely aware of them and they are also aware that we are having a ticket-based system very shortly in the ACT.

THE CHAIR: Have they been eagerly anticipated by beat police?

Cmdr Hill: It would be fair to say there is not a high volume of offences of that nature, but it will most definitely make our job a lot easier. For example, in the case of people urinating in public, instead of having to prepare a full brief of evidence and go to court, if you can detain someone and issue them with a ticket, it will save a lot of time and effort for everybody.

MR HANSON: With respect to the management of it, there was some media awareness when this was first mooted, but time has now moved on. Are we going to be able to alert the public to this change? Is that part of the plan for rolling this out once we do have the tickets, so that people are reminded that this is now—

Mr Corbell: The offences have always been offences. It has always been an offence to urinate in public, to cause criminal damage to a building or whatever it might be.

MR HANSON: Yes, I was talking more about the application of it.

Mr Corbell: The difference now is that police can issue a penalty in the form of an on-the-spot fine rather than have to proceed via summons to the court. So the offence is the offence. That has not changed. I think the message will get out when police commence issuing tickets in those circumstances. All of a sudden, someone will say to their friends, “I ended up getting a \$300 fine,” or whatever it is, “I didn’t know they could do that.” That word of mouth will quickly communicate it.

MR HANSON: So there is no separate information strategy?

Mr Corbell: In my view there is no need for a specific campaign to advise people that they can now be fined because the matters around which there are now fines have always been offences. It is not like we have introduced new offences that people should be aware of.

THE CHAIR: The feedback that we have received in relation to these offences, which is why we introduced our own legislation in this regard, was that police wanted these powers; that it gave them more capacity to deal with these issues and that there was a risk of summary offences at the minor end probably being ignored because it was too much effort to, as you say, minister, put together the brief of evidence and take it to court. This whole process was to give police another implement to deal with antisocial behaviour, but they have been sitting around and waiting for 18 months for this implement that they have been asking for for some time. Do you think that is satisfactory?

Mr Corbell: I think I have already answered that question fairly unequivocally.

MS HUNTER: I want to move on to the Police and Citizens Youth Club. I note that, with the closure of the Turner building, it moved out into the Belconnen area. There is discussion in the report about the Ginninderra program closing down and the need to identify another place to operate from in the Belconnen area. How is that going? Obviously, the types of programs delivered by the PCYC and the RecLink programs

are outreach, but we also need some centre-based programs. How is that going with securing a facility?

Mr Williams: We have done some considerable work with the management of the PCYC and the board in recent times. We are currently going through a process of moving towards amending the constitution and the board composition. Commander Hill, for example, looks set to join the board shortly as ACT Policing's representative. The PCYC president and CEO are currently working with our people to determine the future funding strategy for the PCYC as it moves towards a phase in its life when it develops greater clarity as to what its future intentions are. Part of that is to resolve the outcome of the Turner site and also to clarify its position in the northern suburbs of Canberra as well as what it perceives to be the future of Erindale. We are currently working with them to do that.

We have spoken just recently on that matter and we have got some further work to do in the coming months. But it is our preference to assist the PCYC to move to a position where it can deliver the sorts of services to youth that we have been accustomed to from the PCYC and that will support the activities of crime prevention and also allow it to move on to a more independent footing than has been the case in the past. That is taking some effort at this point, with great cooperation from all the stakeholders. I cannot give you any further clarity as to what the intentions of the board are for Turner and northern Canberra at this point, but it is proceeding at some pace.

THE CHAIR: Could we just go back a step and look at the circumstances surrounding the closure of the Ginninderra site. Who made the decision and what led to that decision?

Mr Williams: My understanding is that it was a decision made by the board of the PCYC and that it was associated with the costs. I cannot speak for the board but my understanding is that it was associated with the costs of sustaining and also the availability of the target market for the sorts of services that they were delivering. We could certainly take up the matter with the board to provide—

THE CHAIR: On behalf of the committee, I would like some feedback on the specific reasons why the board came to this conclusion. You said, Mr Williams, that there were issues about the target market. The commentary in the annual report states:

... despite the majority of Ginninderra Police Citizen Youth Club's programs/activities running at or near capacity, the Ginninderra Centre was placed under considerable financial strain that could not be sustained.

I am mindful that all organisations have to be mindful of their financial responsibilities but I am trying to get an understanding of what the financial strains were. You are saying that it was hard to access the target market, but at the same time it says that all of the programs were running at or near capacity.

Mr Williams: Mrs Dunne, I understand that the reason was that the areas that were operating near to or at capacity were not the sorts of activities that were generating sustainable revenue for the PCYC in that area, but I will have to clarify that.

THE CHAIR: What are the things that the PCYC does that generate revenue and what are the expectations of PCYC programs being run on essentially a fee for service basis?

Mr Williams: It is essentially a fee for service to sustain the level of the services. I cannot speak with authority on the financial composition of the Ginninderra situation but I can say that, for example, on the Turner site a lot of the income from that area was derived from people who used the gymnasium facilities on a casual basis. That income was used to sustain PCYC services across the ACT. The PCYC management are currently developing their next business model, as I mentioned earlier, with our assistance. I would have to defer to them for the detail in your question. I could certainly do that and get back to you out of session.

THE CHAIR: There is also commentary here that the size and shape of the floor space limited the capacity. What were the issues there? Was it big enough, not big enough?

Mr Williams: My understanding—and again it is just my understanding—is that it was associated with the floor plan of a former school which did not necessarily suit the layout that the PCYC needed to optimise its services to the young people that it was intended for. I understand it restricted the level of services and the types of activities that it had wished to provide.

THE CHAIR: This is probably something to take on notice. There was a range of services offered at Turner. Were all of those moved to Ginninderra?

Mr Williams: I would have to take that question on notice.

THE CHAIR: Okay. I would like to know what range of services was offered at Ginninderra. What were the impediments to that and what other solutions were looked at apart from closing the place down?

Mr Williams: Sure.

THE CHAIR: One of the reasons for taking the PCYC to Charnwood was the demographic of the area; it was seen as addressing some social need. What programs are provided by outreach into that area?

Mr Williams: Again I will take that question on notice. I am not across the specific details but I can ensure that this committee is provided with that information.

THE CHAIR: Okay. The other thing to conclude my line of questioning: you mentioned in passing the new business model and you mentioned Erindale. Is Erindale in any way under threat?

Mr Williams: Not that I am aware of. What I am suggesting is that Erindale is part of the mix and it will need to be considered by the PCYC board as part of the total solution. I am not suggesting, nor am I aware of, any specific threat or issues applying to Erindale.

Mr Corbell: I think it is important to stress that Mr Williams is in a somewhat difficult position in that the PCYC is, I understand, an incorporated association, a registered association. It has its own constitution and, whilst it certainly operates with a considerable level of assistance from ACT Policing, it is not formally part of ACT Policing and there are police and community representatives on the board that govern its operations, so it is a little bit difficult to get into the specifics of all of the decisions the PCYC is making. It is not just a program delivered by ACT Policing; it has a status of its own and decision-making processes of its own as a result.

MS HUNTER: Mr Williams, I also wanted to have a bit more detail, and you may need to take this on notice, about the funding model. Having known the PCYC in my previous work, I know that there are police officers who operate through the PCYC; but does ACT Policing provide any of the funding for PCYC, what sort of amount, and what bucket of money does that come out of? Is that the crime prevention money?

Mr Williams: I am happy to do that. To expand on the minister's point, I acknowledge the transition point that we are at at the moment as far as the PCYC is concerned. I will definitely get that information to you. Part of the solution to the questions that you ask is the problems of the board. They are currently matters under negotiation between the AFP and the board. We will provide certainly everything that is at hand to you.

MS HUNTER: It is a very valuable service provided there.

Mr Williams: It is indeed, and that is why we are continuing to engage.

MS HUNTER: A number of things came out of the regional watch-house review. Page 24 talks about nurses in the regional watch-house and taking in forensic nurse examiners. That was done as a trial. The annual report seems to say that that was quite promising. Was that a worthwhile trial and will it be continuing?

Mr Williams: We have been trialling the use of forensic nurse examiners in the watch-house. A number of other jurisdictions have trialled or are employing forensic nurse examiners as an alternative to calling a doctor to an incident in the watch-house. The trial was proposed and funded by the ACT department of health. I am a little constrained as to how I can comment at this point. We went to market recently to define the future of forensic medical officer services to ACT Policing in terms of responses to the watch-house as well as attendance at crime scenes and we are currently in the final processes of negotiations with other parties.

It has been a valuable experience and I guess what it does suggest is that there is some scope, taking the spirit of the first question today about the whole-of-government approach to victims of crime, that there are indeed some opportunities for a whole-of-government approach to forensic medicine specialities, at the lower end, at the more specialised ends. That is certainly a process that we are looking at at the moment, very closely.

MR HANSON: Page 65 has the percentage of briefs delivered to the DPP within the designated time frame. The target was 75 per cent within the designated time frame

and we achieved 62.8 per cent. Seventy-five per cent seems like a low target to aim for in the first place—maybe that is a misunderstanding on my part—and then we have only achieved 62 per cent. Can you elaborate further on that, please, and explain what we are doing to remediate that?

Mr Williams: As the executive responsible for the purchase agreement in ACT Policing, perhaps I could introduce our response to that, Mr Hanson. Yes, we need to do further work in this area. The target is one that was established during the purchase agreement negotiations and it is a consistent target which, as I recall, is adjusted over a three-year average, but I will have to confirm that. We acknowledge that there is further work to be done in the process of delivering a more timely response to Bruce. It is a difficult process. It requires several steps of adjudication, firstly at the patrol level, at the station level and then at the prosecution and judicial support portfolio level. We have taken certain steps to increase the interaction of the supervising sergeants in this role, as well as increase the awareness and skills of our constables and case officers.

MR HANSON: Have you noted any improvement this year? Are we improving on those rates?

Mr Williams: Very slight. There is further work to be done. Over recent years we have occasionally found it difficult to meet this target. We do not always not meet it, but it is one of those procedural skills that require the application of constant pressure to maintain the skills and the passage. We acknowledge there is further work to be done in that area.

MR HANSON: I notice that the staffing profile on page 90 reflects, I guess, a comparatively inexperienced police force, in comparison with maybe New South Wales or Victoria. It is explained in part in the annual report as part of a recruiting drive that occurred so that you have people coming up through the system so that you have, I guess, a fairly junior police force in many regards. Do you think this has an effect?

I have had representations by the organisations that if you look at the experience level of a sergeant or a constable in New South Wales and the time they have been in the force and so on, and the number of times they have had to go through these procedures, the AFP here are less experienced and that is having an effect—I am not making this assertion; this is being made to me—in terms of timeliness and perhaps the quality of some of the briefs that are going forward to the DPP. Do you have any comments on that?

Mr Williams: Statistically, we would argue that our experience levels are quite consistent with those of other jurisdictions, both in Australia and overseas. There is no doubt that a less experienced workforce will experience difficulties at the more sophisticated end of the spectrum, which is where briefs fall. What we have discovered is that the average age of our recruits is 29 to 31, so they are quite sophisticated in a worldly sense and quite experienced. There is only a certain rate at which they can absorb new knowledge and it is our belief that they are absorbing it at about the maximum rate and delivering very good work at that.

What we have decided to do in the last couple of years particularly is focus our attention on developing the skills of our leaders, be they the patrol sergeants, the station sergeants, the superintendents and the operation support sergeants who vet the brief process, and we are applying a great deal of effort to that at the moment.

Mr Corbell: This issue comes up regularly in annual reports hearings. I think, Mr Hanson, it is asked at every annual reports hearing and every estimates hearing. I think the same answer is always given and that is because there is an underlying truth to it. I would endorse Mr William's comments that there is not a deficit as a result of the age profile in ACT Policing. It is inevitable that those who have served for a longer period and who are therefore—

MR HANSON: If I could just clarify, minister, I am not talking about age—I understand that we are recruiting older people—I am referring to what is on page 90 of the annual report where it states that these measures “have contributed to the relatively low experience levels within our organisation”. That is actually written in the annual report.

Mr Corbell: That does refer to the age—

MR HANSON: No, it does not. It is about experience in terms of time in rank and time in policing. The annual report is quite specific in that you have recruited people of an older age. It is not about age; it is about experience in policing.

Mr Corbell: When I say “age” I am referring to the period of time in police service, so I apologise for the confusion. The point I wish to make is that, where we see people with a shorter period of service, we know—and certainly from my discussions with the CPO; he has confirmed this—that, whilst they do not have the same levels of experience in terms of policing, many new officers come to ACT Policing with considerable experience in other areas.

For example, there are a large number of people who come to policing from other uniformed services. There is certainly a noticeable representation of police who have come from the defence forces into ACT Policing. There is a notable proportion of people who have come from some other uniformed services, such as Corrective Services, into policing. We also see a large number of people who have worked in civilian roles in policing moving into the uniformed areas of policing as well.

We have to understand the variety and the sophistication of the skill sets that come into the uniformed areas of ACT Policing and also recognise that it is inevitable that the people who have served for longer periods and therefore are probably older in terms of their age in most instances are in the more senior leadership positions—sergeant and above ranks in policing.

MR HANSON: I am not making a judgement—

Mr Corbell: I think the mix is good. The other point I would make in terms of experience and number of years of service is that the newer officers bring a great level of enthusiasm and energy to their task, which I think is complemented well by the experience of their more senior leadership.

MR HANSON: I certainly do not question anything you have said, but I guess what we are talking about is experience in the procedural aspects of this. If you have done six or seven of these briefs before—

Mr Corbell: ACT Policing do not throw newly sworn constables into prosecution services; they just do not do it.

MR HANSON: Another comment has been made to me about the DPP. There appears to be a bit of a bottleneck. I am not sure about the DPP's rates of clearing cases—there is some reference to it here in terms of successful cases—whether there are any delays being experienced within the DPP or there is a bottleneck of cases going forward to the DPP. If there is a bottleneck it causes frustration for the more junior police. I guess, for some lower grade offences, they feel: “What’s the point because it’s not going to get up there, or there’s going to be a bottleneck, and when it does get to the DPP anyway it is going to get thrown out.” Have you experienced that from your members? It is something that I have heard from a number of individuals. It seems to then affect the willingness of some police to follow through on a matter because there is a sense of frustration that it is going nowhere anyway.

Cmdr Hill: I might answer that, if I can. Even though I have only been in ACT Policing for four months, I must say I have been extremely impressed by not only the professionalism but the outright enthusiasm of members. Most of them are life experienced. The average age coming out of the recruit training is about 28 to 30, so they are life experienced before they hit ACT Policing.

THE CHAIR: So policemen aren't getting younger!

Cmdr Hill: I think the issue is that it is incumbent upon the more senior members to make sure that the junior members are trained appropriately, particularly in procedural process, so that that part of it is covered very well. I do not see any issue with the people that you have out on the street, or I have out on the street as well. Our community is extremely well serviced by the police force that is out there now. I have been in the job 25 years and I can only say how impressed I have been with ACT Policing.

MR HANSON: Indeed, and I would endorse that. I am just trying to get to the bottom of why we seem to be consistently failing in this one aspect of getting a case to—

Mr Corbell: I do not believe that we are. I would be interested in where in this annual report it suggests that we are not.

MR HANSON: In getting the cases to the DPP that you are achieving a rate of 62 per cent.

Mr Corbell: Mr Hanson, that is your assertion. I do not think there is anything in the annual report that says that. I would be interested in the basis on which you make your assertion.

MR HANSON: I can read it to you again, if you like—the briefs to the DPP. The

target is 75 per cent and we are achieving 62 per cent.

Mr Corbell: That is in terms of a time limits issue; it is not in terms of getting matters to them. It is not, as you suggest, some problem with a reluctance to put matters to the DPP, which is what you just said.

MR HANSON: No. What I am trying to understand is why we have, as I understand it, this ongoing issue where we are not achieving that target. I am trying to understand all of the reasons around that and why that is. In terms of meeting that timeliness, it seems that we have not made it this year. You have said that we have only had a marginal improvement so far this year. What are we actually doing and why is it that we are not meeting those targets? I think that is a reasonable question to ask.

Mr Corbell: Yes, it is, but you were making assertions that there was some issue around the ability of police, or willingness, or enthusiasm—

MR HANSON: No, what I was questioning was whether the—

Mr Corbell: to direct matters to the DPP, which I think is a different question.

MR HANSON: I was trying to see if the relatively low experience levels, which are indicated in the report, were a contributing factor and you are suggesting it is not—

Mr Corbell: I think we have answered that question.

MR HARGREAVES: I think Mr Hill has answered that. He said that he did not think so.

MR HANSON: That is right and I am comfortable with that answer. Page 99 refers to Australian workplace agreements. It says in the report:

We provided Australian Workplace Agreements as a way of attracting and retaining highly skilled professionals.

That goes through to 2011. That is obviously the way that we have attracted and retained those individuals. That is not going to occur after 2011, as I understand it.

Mr Williams: That is right. The AFP is currently working through that issue. Obviously these are consequences of the changes to legislation with the current federal government. The AWAs referred to in the annual report were issued prior to that time, in the lifetime of the previous government. Since then there have been several supplementary contracts, as they refer to, issued to those people who have been appointed at superintendent rank and higher, or equivalent unsworn. We are aware that the Federal Police are currently working towards the definition of the next collective agreement. A component of that will be the management treatments for AWAs and their equivalents. Under the legislation we have the capacity to maintain those AWAs that were struck prior to the change of government and the new ones accord with current regulations on a commonwealth basis.

MR HANSON: The efficiency dividend that was applied to the AFP—I understand

that the purchase agreement meant that ACT Policing was isolated, but I suppose it cut the broader organisation. Does that have a flow-on to ACT Policing? Have you noticed, or have you anticipated, that the cuts that have been made at the national level are going to have an impact at the local level? I was talking to a police officer who has just come from national back to ACT Policing, and I know that happens all the time. Is that going to have an effect, as you said?

Mr Williams: ACT Policing, on behalf of the ACT government, pays the wider AFP a certain amount of money for enabling services. Those funds equate to a designated and specified level of service. We monitor that. I chair several committees that monitor the outputs to that. We have obviously seen as part of the wider agency the effects of the efficiency dividend on the AFP as a whole, but I cannot say that we have seen any reduction in services to ACT Policing as a consequence of that. We were isolated from it as a consequence of our funding source being the ACT government in ACT Policing.

MR HANSON: Another issue is DUI. Obviously this has been a high profile issue over the last couple of years. The figure is reported in the annual report on page 63. Can you give me a summary on where we are at with DUI and where we see it in the report?

Cmdr Hill: Again, I think we have got a very dedicated traffic team and uniformed people looking after this. Previously the CPO issued his concern that this is an ongoing issue in ACT. People simply are not accepting that this is a criminal offence and should not be occurring. I think the ratio now is for every 47 tests we do we get one positive. That is not a very successful figure. The community is simply not accepting that drink-driving is an offence and a criminal act. We have a lot of activity, whether it is random breath testing or determining programs where we stop just about every single car. In general terms, there is a lot of activity around this. All the uniformed police are equipped to deal with it, but it still keeps going.

MR HANSON: How many people do you think are out there who are driving under the influence of drugs? Do you think that is a problem in the ACT?

Cmdr Hill: That is a very difficult question to answer.

MR HANSON: Do you think it is a problem, though, if we get one in 47 tested? How would we know? Would we anticipate that it is?

Mr Corbell: I do not believe there is any definitive data on that at an ACT level. There is some national data that you might be able to extrapolate to a population of our size, but there is no specific definitive data at an ACT level around that.

People driving while impaired because of drug use is an issue. I think it would be right to acknowledge that it is an issue and that it does occur. The issue is whether or not the deployment of technology to detect that is going to deliver a benefit overall to the community and whether it is a cost-effective way of doing so. Indeed, my colleague Mr Hargreaves pursued this issue when he was the minister responsible. Territory and Municipal Services and the minister, Mr Stanhope, are looking at options in relation to this. The responsibility in terms of determining whether or not

these offences should be established and tested and a testing regime developed sits within the transport folio. I know that consideration is being given to these issues.

MR HANSON: As I understand it, ACT Policing are on the front line of this. They would see day to day the consequences of people driving under the influence of both alcohol and other substances. I am interested in what the view of ACT Policing is in terms of how big an impact this is having and what sort of a problem it is.

Mr Corbell: I think Mr Hill has answered your question. It is difficult to answer.

MR HANSON: You are not able to elaborate any further on that one?

Cmdr Hill: No, I do not think there is data available to answer that question specifically.

MS HUNTER: I would like to move on to volunteers in policing. I note there are a number of volunteers who help out in a variety of different roles. Some of them assist with administration, filing duties and support, at all operational stations. What sort of check needs to be done for someone to volunteer in those areas? What codes of conduct or privacy or other codes do they need to sign up to?

Mr Williams: I cannot prescriptively describe the checks but they are consistent with those that apply to volunteers in other organisations. There is a police record check et cetera. Our volunteers also have unfettered access to AFP premises. In that case, they require an AFP security clearance. They go through that. It is a quite a detailed and, I guess, intrusive process which would more than equate to any of the other checks which exist in other organisations.

MS HUNTER: I want to go workplace health and safety. There is a table on page 97. The top line is on contact exposure to biological hazards. I am a little alarmed by the numbers there. In the financial year 2008-09, 23 had some exposure to a biological hazard. What biological hazards are we talking about? I am a little concerned as those numbers are trending up a little; they are not dropping. I wonder what is going on there.

Cmdr Hill: In general terms, to answer that, biological hazard is people spitting on police. That is an unfortunate circumstance but it is something that is happening quite regularly.

MS HUNTER: And blood?

Cmdr Hill: Yes, blood or saliva, for which they then have to go and get tested.

MS HUNTER: There is really not too much that you can do.

Cmdr Hill: Not a whole lot.

MR HANSON: Is there a trend away from respect for the police by the community? You see some bad images on TV where people are disrespectful of police, not affording them the courtesies and respect that I guess you traditionally expect. Is

spitting at police a trend that is occurring or is that something that happens with drunken idiots on a Friday night?

Cmdr Hill: I think it is very much symptomatic of alcohol. As you said, there is always a sector of the community which is going to have a dislike of police because of their encounters. In general terms, the community in Canberra is very respectful of police and very supportive of police. It is always that one sector that we have to worry about.

THE CHAIR: Is that a summary offence?

Cmdr Hill: I do not think it is, no.

MS HUNTER: Moving down that column, there also appears “hit by a moving object”. Could I have a bit of background on that—a vehicle? What normally is involved in that?

Mr Williams: During the reporting period, we did have one senior constable off for some time as a result of an RBT incident at Coppins Crossing, as I recall, which was reported in the press at the time. “Hit by a moving object” can cover a number of things, be it an offender who is in a house and who might be throwing chairs and tables around; be it objects, missiles, et cetera in a public place.

THE CHAIR: These are incidents which are reported. What is the threshold for reporting?

Mr Williams: We introduced a new system in the last 18 months to two years—12 months, to be correct—where we have an online reporting system which has encouraged and improved the levels of reporting because they are much easier to do now.

What happens once the report is made is that the incident is assessed by an OH&S practitioner who refers it to the appropriate authority. It might already have been referred to a medical authority if it was a more serious incident. Then it is reported, accordingly, to Comcare. The normal provisions occur from then on in terms of commonwealth liability and medical support. We have two welfare officers, a psychologist, a chaplain, two OH&S practitioners and one rehabilitation practitioner who support our people in the field when they have difficulties such as this.

THE CHAIR: There is reference to 17 injuries in motor vehicle accidents. Was that 17 motor vehicle accidents?

Mr Williams: There might well have been a number of minor ones. There was only one serious one during the reporting period in which one of our members was injured.

MS HUNTER: That figure, 17, is accidents that may have been the fault of the officer or the fault of someone else?

Mr Williams: It could have been, yes. It could be a police officer who was nudged by a vehicle that was poorly driven at slow speed. It could be a variety of contexts. It is

most appropriately characterised against that description.

MR HANSON: At page 66, reference is made to the juvenile diversionary programs. There were some issues in terms of completion rates. It explains that a couple of staff who were involved in some of those programs left. As a result, we did not achieve the target of 80 per cent or more. The result is 54 per cent, which is a bit of an underachievement. Have we been able to recruit additional staff to fill those vacancies?

Cmdr Hill: I think it is true to say that it is the police's responsibility to divert people into those programs. We are not responsible for the completion by those individuals of those programs. Another department would be responsible for that.

MR HANSON: It is reported in this report as one of the targets in the performance agreement.

Mr Corbell: My understanding is that there was a loss of corporate knowledge in ACT Policing with the departure of a number of individuals who were closely involved in that referral process. That deficiency was subsequently identified by both Policing and the RJU, the justice unit. They put in place new measures to make sure the protocols are re-established and that knowledge is restored within the organisation. I understand that there has been an improvement since those arrangements were put in place. It is something that is being monitored by both Policing and RJU.

MR HANSON: As shadow minister, can I pass on my high regard for the work ACT Policing is doing, both the sworn officers and the unsworn personnel. Would you pass on my thanks to them?

Cmdr Hill: Sure.

MS HUNTER: Under the ecological sustainable development indicator, what studies are you putting in place to reduce water and energy use? I notice you do have three hybrid vehicles. How are you finding their performance? Are they meeting the needs?

Mr Williams: I would have to say they are not enormously popular on long trips. There is at least one marked hybrid car that I am aware of. They do get regular use. We will certainly continue to invest in the hybrid market. For use as vehicles which are involved in high-speed pursuits, we would have to harness a couple of them together.

Mr Corbell: I have advocated to the CPO that he should consider purchasing Smart Cars.

MS HUNTER: They are proving to be useful?

Mr Williams: They are. The LPG vehicles are also proving useful. We found that experiences in other jurisdictions were not necessarily complimentary but that was because they were not necessarily serviced as well as we service ours. We have not had too many problems. In relation to the issue you refer to in terms of water, we are doing the best we can to reduce our water consumption. It is a matter of ongoing

attention.

MS HUNTER: It is water and energy? Are you having a look at how you might be able to reduce consumption?

Mr Corbell: I would add, Ms Hunter, that we are currently finalising arrangements for calling tenders for the new Belconnen police station. As part of the design work that has led us to this point, I have asked for detailed consideration to be given to the energy and water performance of that building. From the designs that I have seen and advice that I have received, I think we will end up with an exemplary building in terms of energy and water use for a police station.

It is not possible to put one of the star rating tools against this type of building because it does not fit into the category of an office building. Its operations are different from a standard commercial office building. Nevertheless, it is going to have a very high standard of energy and water efficiencies, some very innovative measures in it, which will lead to a much better working environment for staff, given that it is a 24 hours a day, seven days a week building, and it will also significantly improve energy and water consumption in terms of efficiency in the use of those resources.

THE CHAIR: Going back to Mr Williams' answer about the hybrid and the LPG cards, what are the hybrid cars used for?

Mr Williams: They are used in administrative roles. There is one marked vehicle which I understand crime prevention uses. To my knowledge, they are not used by the general duties patrols.

THE CHAIR: And the LPGs?

Mr Williams: They are used by the general duties patrols. They are used across ACT Policing.

THE CHAIR: They are just standard Fords and—

Mr Williams: Just normal vehicles that are configured for LPG.

THE CHAIR: Perhaps Kenny Koala could have a Smart Car.

Cmdr Hill: That is exactly what he does, so it is a wonderful message to go into schools from an environmental message point of view. Kenny Koala turns up in an environmentally friendly—

THE CHAIR: So Kenny still exists?

Cmdr Hill: He most certainly exists. He is alive and well.

MR HARGREAVES: Madam Chair, it was Lucky that died, not Kenny.

THE CHAIR: No, he went into hibernation for a while.

MS HUNTER: Kenny did have a little rest for a while and he came back.

THE CHAIR: So Kenny now has a Smart Car?

Cmdr Hill: He is alive and well and in a Smart Car.

MS HUNTER: Congratulations on the bicycle patrols too. I think that is a good way to go as well.

THE CHAIR: There are pictures here, and I noticed that at the state funeral the other day there were mounted police. I thought we had disbanded our mounted police?

Mr Corbell: AFP national.

THE CHAIR: They are AFP national?

Cmdr Hill: They are more ceremonial rather than operational.

MR SMYTH: Minister, I wrote to you in November about some difficulties that a number of homes in Harrington Circuit were having, and you very kindly got back to me and said that the Chief Police Officer was arranging for the suburban policing strategy officer from Tuggeranong to contact the people in Harrington Circuit. They are very grateful; the officer they are dealing with, they have told me, is very efficient and very effective. Can you outline the relationship between the AFP and Housing ACT in dealing with what are perceived as difficult tenants and how the community policing strategy would work there?

Cmdr Hill: I can answer that very generally. We have a very good relationship with Housing. We have incidents every so often where we engage Housing to talk about particular clients that could be moved to better places because of issues in that immediate area. Sometimes that works; sometimes it does not. But the bottom line is that we have a very healthy relationship with that department and they are discussed on a case-by-case basis.

MR SMYTH: The constituents said to me that this had been going on for about four or five years. Why would it take so long to come up with a solution? I am not sure that the solution is in place yet, but there are a couple of households that have lived in difficult times for a long time.

Mr Corbell: These are often very intractable and difficult issues. They involve an intersection between Policing, in terms of whether there has been not just antisocial behaviour but potentially behaviour that warrants intervention by them in relation to criminal behaviour of some sort, even if it is low-level criminal behaviour—property damage, vandalism, noise and those sorts of matters—and the tenancy rights and obligations of tenants in public housing. These are complex matters and, quite frankly, many people who are tenants in public housing, because of their social and economic circumstances, can present with challenging behaviours at times.

As you would appreciate, Mr Smyth, as you have been a minister for that portfolio, as has Mr Hargreaves, there is no easy or simple solution. But police will always

endeavour to engage with the community and identify whatever options are available. But, as you would know, it is not always as easy as just getting them removed and getting someone to move somewhere else, because it sends the problem somewhere else sometimes. These are intractable and difficult issues but I am confident that the police work diligently, as does Housing, to address them wherever possible.

MR SMYTH: So there will be an ongoing watching brief on Harrington Circuit and the suburban policing officer will keep in touch with the constituents as needed?

Cmdr Hill: That is part of the strategy. That would be automatic, without knowing the details of that particular issue.

THE CHAIR: Thank you very much, Commander Hill, Mr Williams and other members of the AFP. Can I compliment the AFP on their snippets scattered throughout the report for the amusement of those who are forced to read annual reports.

Meeting adjourned from to 3.03 to 3.19 pm.

THE CHAIR: I welcome officials from the Emergency Services Agency. Minister, can you give us a rundown on where we are with the negotiations with the Canberra airport in relation to the building and refurbishment of buildings that provide some of emergency services' headquartering?

Mr Corbell: There are not any high-level negotiations as such occurring. A revised heads of agreement was entered into close to 12 months ago now in relation to this project. Since that time, ESA, JACS and other government agencies have been closely liaising with the airport in relation to the delivery of that heads of agreement.

Where we are at with the construction of new facilities for the ESA headquarters is that one building, building 183, which is an existing building at Fairbairn, has been refurbished for the ESA. The refurbishment of building 183 is underway, with fit-out and completion scheduled for mid December this year.

A new four-bay workshop and secure vehicle compound is currently under construction. You can see that now if you are flying in and out of Canberra. You can see that structure in place at Fairbairn. It is well advanced.

In addition, construction of a new two-storey headquarters building has commenced. Those site works commenced in June. Footings have been laid. The base slab and first-floor slab are scheduled for completion by mid December this year, with a relocation of functions to that building scheduled to occur in December next year.

Work is ongoing. I am pleased that we are now making substantive progress with those buildings.

THE CHAIR: My recollection is that at this time last year there were a number of buildings that we were paying rent on at the Fairbairn site that were not occupied. What is their status? From recollection, there were about five buildings. What is the status of those buildings?

Mr Foot: My understanding of the revised heads of agreement lease is that the leasing arrangements that were executed on a number of facilities at Fairbairn will cease on the execution of the headquarters building lease when ESA actually takes possession of that building.

THE CHAIR: Are the buildings for which we are currently paying leasing payments in any way occupied?

Mr Foot: They are indeed. At this stage, ESA has deployed to the air operations support centre obviously, which is occupied by the Rural Fire Service and the air wing. We also have people located at 40 Laverton Avenue, which is the Snowy Hydro SouthCare Trust and ACT Ambulance Service projects.

THE CHAIR: Are there any buildings that we are paying rent for that are unoccupied?

Mr Foot: I believe there is 7 Pierce Avenue, which is a building we are currently paying lease payments on, and an old garage/workshop facility that was originally intended as the workshop facility that we are currently paying lease payments on. My understanding is those leases will cease at execution of our taking possession of the new headquarters.

THE CHAIR: We leased a garage for that to be, presumably, our vehicle servicing area. Has it ever been used as a vehicle servicing area?

Mr Foot: No.

THE CHAIR: It is empty now but we are paying rent on it.

Mr Corbell: As I have previously explained, the original heads of agreement that was entered into obliged the territory to start paying rent on a range of buildings prior to their occupation. Obviously, with the revisions that have occurred in relation to this project, that has led to an extended period of time in which payment has occurred for those buildings. Negotiations have been completed and agreed and new contracts have been entered into which will mean that those arrangements will cease once the territory takes possession of the premises that I have just outlined.

THE CHAIR: There are two buildings that we have paid rent on but were never occupied?

Mr Corbell: That is correct.

THE CHAIR: How much rent have we paid on each of those buildings?

Mr Corbell: These figures have been previously provided to Assembly members. We can provide a breakdown of that for the committee.

THE CHAIR: Do you have the figures there?

Mr Foot: The figures that I have are per annum figures. What I would like to do is take the question on notice and provide a breakdown against the leases currently unoccupied.

THE CHAIR: You have an overall figure?

Mr Foot: The overall figure I have gives me a per annum figure. I would like to check with our ESA projects office.

THE CHAIR: What is the per annum figure of rent that we are paying? Then you can take on notice the breakdown by premises and whether they are occupied or not.

Mr Foot: The per annum total at this point in time on the rent precinct leaves an ongoing cost of \$6,229,378.

THE CHAIR: You will take on notice which of those are occupied and how much rent we are paying on these buildings?

Mr Foot: Yes.

MS HUNTER: Table 30 on page 59 indicates that 52 per cent of operational activity for the ACT Fire Brigade was taken up by automatic alarm initiated calls. Is there any data kept on the percentage of those callouts that were false alarms?

Mr Corbell: Yes, there is.

MS HUNTER: I am interested to know how many of those are false alarms and the standard procedure for those.

Mr Corbell: I will ask officials to assist you shortly in relation to the detail of that. As a policy, can I say that government is conscious that there are a very large number of responses by the Fire Brigade because of false alarms, alarm faults in buildings, mostly commercial/office combinations, and other buildings. For that reason, the government back in 2006 took the decision to establish a fee associated with repeated callouts as a result of automatic fire alarms that were faulty. That was designed to effectively put in place an incentive for building owners to ensure that their fire alarms were properly maintained and operating correctly. The fee applies after there have been a number of repeated callouts to the same premises for a false alarm.

MS HUNTER: How many times?

Mr Corbell: I do not know. I could not tell you exactly. I ask Mr Kent to tell you how that automatic fire alarm fee structure works and the number of callouts that occurred because of false alarms.

MS HUNTER: And whether the fee is, hopefully, providing an incentive for people to maintain their alarms so that they are not calling you out.

Mr Kent: Yes, the Fire Brigade is participating in a national strategy to reduce unwanted alarm calls. I must say up front that we do not treat alarms initially as false

alarms until we get there. They are performing the function that they were designed to do. I think it is indicative of the amount of building and the technology that we have with the alarms today that it is a safety feature. Unfortunately, we get called out quite a bit to that. Close to 50 per cent of our work, I would say, would fall into that category. Since we have introduced the fee for the alarms, we work very closely through our fire safety section and work with the building owners to try and, rather than be punitive up front, work with them to address the issues there. If that keeps going, after three alarms that are due to system fault or poor maintenance on the same alarm over a 90-day period, we then bill them for that service.

MS HUNTER: What about places such as Havelock House and Ainslie Village, where you have communal living and things do get burnt on the stove? I believe it became an issue particularly at Ainslie Village at one stage, and also because of steam from bathrooms. Have you put in place any strategies around that?

Mr Kent: We certainly have. The strict requirements of the Building Code of Australia for different building types require certain types of alarms. You mentioned Havelock House and Ainslie Village. Other areas that spring to mind are the accommodation at ADFA, with steam from showers. Our fire safety section works with the building owners and occupiers. For instance, in ADFA, we have identified smoke alarms and have been able to replace them with thermal detectors. So we fixed those problems.

THE CHAIR: So you don't set them off if you just burn the toast?

Mr Kent: Sometimes you can, but not with the thermal ones.

MR SMYTH: Page 56 talks about the deployment of over 600 volunteers to Victoria during the disaster. I note that page 5 mentions Senior Firefighter David Balfour, who died during the deployment. I would like to start by putting on the record—this is perhaps the first opportunity in this way to say this—that he is not forgotten, and we send our respects and condolences to the service and particularly to his family. As a consequence of David's death, I assume there has been some sort of inquiry to learn lessons. Is ACT WorkCover involved? Is there a coronial inquiry? What happens now?

Mr Corbell: The coronial inquiry is occurring in Victoria. That is where the death occurred. I am not quite sure about the status of that coronial inquiry, but that is where the coroner is conducting the work. What were the other elements of your question?

MR SMYTH: My concern is that we are again in a fire season. Are there lessons to be learnt? How quickly do we get the report, understanding the enormity of the job in Victoria? Does ACT WorkCover, for instance, have a role, given he was an ACT worker?

Mr Corbell: No. It is where the incident takes place, so the Victorian authorities are responsible in terms of WorkCover, OH&S, the coroner and so on. But ESA obviously have done a significant debrief and assessment of that very tragic incident in terms of their own procedures. Mr Kent might be able to speak to you about that in terms of the Fire Brigade's assessment, because obviously that is the service involved.

Mr Kent: There are two areas specifically in relation to Victoria that we have been involved with. I was flown down and worked with the Victorian authorities on an investigation, for want of another term, into the circumstances around the accident. Unfortunately, that is currently with the Victorian coronial process and it has not been released to the public. With respect to the other area in which we have been involved, the whole ESA, and including TAMS, have had an after-action review, where we have had some lessons learnt and we feed those lessons back through our training process.

MR SMYTH: Thank you for that. Could I say again, certainly to Celia and the family, that we have not forgotten.

THE CHAIR: Does that mean there will be a change to operating procedures for firefighters, both professional and volunteer, during this year's fire season as a result of that?

Mr Kent: Specifically, in the incident surrounding Senior Firefighter Balfour, without pre-empting what is coming out of the coronial inquiry, it would be fair to say it was a very unfortunate accident. What we have implemented through our training sessions now is really an awareness of the conditions when people are on the fire ground, more than any specific thing that caused the accident. It is more about overall safety awareness.

MS HUNTER: I asked a question earlier in the year around annual reports to do with training between the permanent fire-fighting force and volunteers. What sort of training is happening out there?

Mr Kent: We are currently involved with some desktop exercises. We have done this on an ongoing basis, mostly at the command level. The most time that we get troops on the ground is at incidents, but for the command types of things we desktop quite a bit.

Mr Corbell: There is the involvement of ACT Fire Brigade personnel through the community fire units program, which is the largest of the volunteer services in the territory. There are over 600 people involved in the community fire units program. Obviously, the Fire Brigade has a key role and the lead role in maintaining the preparedness of those units, providing training, both initial training and then refresher training, to the CFUs. That would be the key role and task for the Fire Brigade in terms of working with volunteers.

MS HUNTER: Of course, those units are on the urban bush interface.

Mr Corbell: The relationship with the Rural Fire Service is very much around, as Mr Kent indicates, some of the sharing of command responsibilities at a tactical and strategic level. That is where personnel from the Fire Brigade and the Rural Fire Service work together. There is less training on the ground between the two services. There is a range of factors as to why that is so, not least of which is the nature of the volunteering effort and the fact that volunteers are often only available for training at times when it does not work for the Fire Brigade and vice versa. So there are a range

of issues. Certainly, in my experience, and from the feedback that I get from volunteers, when it comes to deployment on a fire ground, there are very good levels of cooperation and understanding between volunteer units and Fire Brigade units to deal with the incident.

MS HUNTER: So there is a clear understanding about the responsibilities and lines of communication and that sort of thing?

Mr Corbell: Yes, there is a clear delineation as to which service is responsible for what type of incident. The bushfire abatement zone provisions indicate where there is responsibility for the respective services in terms of fire. Whether it is within or immediately adjacent to the built-up area or whether it is in a rural area will determine which service is responsible for a response and the management of that incident.

MS HUNTER: You were saying 600 people are involved with the community fire units. How many actual units are on the ground? There was an increase, I think, in the last budget?

Mr Corbell: Yes, we have funded an additional six units in the most recent budget. I think that brings it to over 40. Is that right, Greg?

Mr Kent: In the last financial year we had 38. With respect to the additional funding that the minister just spoke about, we have just increased that by a further six, to 44, with a further six in the next financial year, to bring it to a total of 50.

MS HUNTER: Mr Kent, are they strategically placed around the ACT?

Mr Kent: Certainly. Our Fire Brigade officers work very closely with the ESA risk section. We do a lot of mapping in the highest risk areas of the ACT. Another factor involved is also the community uptake. Obviously, you must have the people there to be able to provide that facility.

Mr Corbell: The government is taking advice from the Fire Brigade as to what they believe is the number of CFUs required. That is based on a risk assessment of the most vulnerable areas of the urban interface, right across the city. The Fire Brigade identified about 12 or 18 months ago that there was a need for an additional 12 units, to take the number from 38 to 50. So that is what the government has funded, with an additional 12 units over two years—six this financial year and six the following financial year.

THE CHAIR: Will that mean, minister, that by the time you get to the end of that process all of the north, north-western and western urban fringe will be covered?

Mr Corbell: It is not the total perimeter. That is a very large area. The approach is a risk-based one, based on an assessment by the ESA and the Fire Brigade as to the most vulnerable areas of the highest risk and therefore the most vulnerable areas of the urban interface, and that is where the units are established. But we do not purport to claim that we have complete coverage along the entire length of the urban interface. That is an area of—

THE CHAIR: No, I was really thinking of the fire-prone western—

Mr Corbell: several hundred kilometres.

THE CHAIR: Would they predominantly be on the north, north-western side?

Mr Corbell: Yes, they are predominantly on the western side of the city but not exclusively. There are quite a number of units that are located in areas that you would not immediately suspect. For example, there is a unit in Deakin that is adjacent to Red Hill. It is a vulnerable area. There is a unit in Lyons because it is adjacent to Oakey Hill. So they are not necessarily suburbs that are out on the edge; they are suburbs that are adjacent to an area which has been identified as a potential risk in terms of fire.

Mr Kent: There are two factors that we look at—the risk, as the minister quite rightly said, along with historical data which shows where fires most often occur.

Mr Corbell: For example, the six new units that are proposed and are being funded this financial year are in Gordon, Bonython, Kambah, Deakin, Chifley and Fadden.

THE CHAIR: Can you provide the committee with a full list?

Mr Corbell: Yes.

MR SMYTH: Do you have adequate volunteers to crew all the units? I notice this year, according to page 58 of the annual report, there are 780 community fire unit volunteers. Last year's report said there were 950. Is there a reason for the 170 decline?

Mr Corbell: I will check that. I could not give you an answer straightaway.

Mr Foot: With the volunteers, we get a surge of activity to join the CFUs because it is quite exciting. Once we get past that initial training stage, if we do not get that activity where we are actually utilising volunteers, the enthusiasm does tend to wane a little bit. You do lose people. We see very similar movements in state emergency service volunteer ranks as well as the RFS ranks. I think we have an attrition rate of about 20 per cent at this point, which is quite consistent from a national perspective of volunteer rates as well.

MR SMYTH: Will there be a drive to recruit more?

Mr Corbell: There is in relation to the establishment of new units. The Fire Brigade actively promotes the establishment of those new units and invites residents in the immediate area of where the unit will be placed to express interest and to come along to information sessions and so on, to consider signing up. In relation to existing CFUs, the Fire Brigade continues to ensure that the CFUs are maintained at a level satisfactory to allow the unit to operate. You do not need a large number of people to run a CFU but you may have more sign up in one street or more buy in in one street compared to others. That can wax and wane without affecting the viability of the unit overall in terms of its physical presence in a street.

MR SMYTH: If the turnover in the volunteers is about 20 per cent, what is the turnover in the Fire Brigade itself? I notice in the 2006-07 annual report that there were 321, and according to the chart on page 90 there are now 328. What is the percentage of turnover?

Mr Foot: I do not have an exact figure on the attrition rate of the ACT Fire Brigade with me.

Mr Corbell: We will have to take that on notice.

MS HUNTER: Could I also ask about some other facilities following on from that? There is mention that the Snowy Hydro aero medical base at Hume has had some upgrade that is also going to include some accommodation for a medical team. It also talks about facilities to accommodate the Rural Fire Service helicopters. Where is that up to?

Mr Corbell: The government has taken the decision to include at Hume the aerial appliances that are made available for the bushfire season, adjacent to the existing Snowy Hydro facility. Planning is well advanced in relation to the development of that facility. There will be additional hangar space, fuelling facilities and hardstanding for those aircraft. The total cost of that project, both the helibase and the training centre, is \$11.2 million. The cost of the helibase facilities, I am advised, is \$2.2 million and that project is about to submit its application for the necessary planning approvals.

THE CHAIR: So for this bushfire season where will the—

Mr Corbell: At the airport.

THE CHAIR: They will be at the airport. And you will be paying rent on the space there for those, or is that part of the original heads of agreement?

Mr Corbell: We have to pay a fee to use the airport apron, as I understand.

Mr Foot: Correct.

Mr Corbell: And that is in addition to our rental for the buildings.

THE CHAIR: And the fuelling?

Mr Corbell: Yes. All of those arrangements have to be paid for. It is important to stress that a number of these aircraft are coming through the national area fire-fighting arrangements and therefore there is a cost-sharing arrangement between the commonwealth and the territory, depending on whether or not we use the aircraft in relation to some of the costs.

THE CHAIR: To some extent the \$2.2 million facility, which is an extension of the helibase at Hume, is on spec? It depends on the events as each individual fire season unravels as to whether you will have fire-fighting equipment there or somewhere else?

Mr Corbell: No. All those arrangements are now through NAFC, through the national aerial fire-fighting capability but it would be highly unusual for us to be in a situation where we would go into a bushfire season where we did not have aerial capacity. I think Mr Smyth would have something to say about that—

THE CHAIR: No, I was not being critical. I was just trying to get the full picture. So, in addition to SouthCare, during the bushfire season do we permanently have other aircraft at the heli facility?

Mr Corbell: Yes, we have two aircraft that are now routinely deployed and stationed here.

THE CHAIR: That is through a national agreement rather than an agreement between the ESA and—

Mr Corbell: That is through a national agreement but it is specifically for the ACT and the immediate region. That is one light and one medium aircraft.

Mr Foot: We have a Bell 212, which is a Bell aircraft similar to Snowy Hydro SouthCare, and we also have a 350 Squirrel, which is a lighter aircraft that is also capable of water delivery for fire suppression.

THE CHAIR: There is no fixed-wing capacity?

Mr Foot: We have access to fixed wing through state air desk arrangements if required but we have not required that in the past, certainly not in the past few years.

MR HARGREAVES: Do you have to pay takeoff and landing fees at the airport at the moment?

Mr Foot: Under the arrangements with the NAFC contracts, which the ACT is privy to, the fees—landing fees, takeoff fees, approach using the instrument landing system at the airport or refuelling fees—are all encompassed within the contractual arrangements with the National Aerial Firefighting Centre, which the ACT is signatory to.

MR HARGREAVES: So that money would go to the airport at the moment?

Mr Foot: The airport would actually bill the contractor and the contractor when designing their contract pricing would factor that into their contract prices.

MR HARGREAVES: So when you move the facility to Hume—

Mr Foot: Those fees disappear.

MR HARGREAVES: Does the money disappear or can you pocket it?

Mr Foot: That remains to be seen, given that it is under the NAFC contracts.

MR HARGREAVES: Mr Foot, I thought I had trained you better than that!

THE CHAIR: But you would still have the cost of refuelling and you would have to maintain the fuel—

Mr Foot: We maintain a fuel facility at the Snowy Hydro SouthCare base right now and also—

THE CHAIR: Would you have to expand that fuel facility if you are going to have at least two other aircraft there?

Mr Foot: The aircraft do come with their own refuelling unit; that accompanies the aircraft on the contract. It would just depend on the level of activity. If we are having a quiet season, the fuelling facility at the existing base would be able to fuel those three aircraft without an issue. If we have a high level of activity where the other two aircraft are being deployed, we are able to access a tanker to refuel those aircraft on site.

MR SMYTH: Does the ACT have a representative on the NAFC board?

Mr Foot: Yes.

MR SMYTH: That is you. Do we have a representative on the technical advisory committee?

Mr Foot: I might take that one on notice if that is okay.

MR SMYTH: The reason I ask is that there was an aerial fire-fighting conference in September on the Gold Coast where the head of the technical advisory committee said that the committee had come to the conclusion that there was a role for the medium and large fixed-wing air tankers in fighting fires in Australia. So I posed the question: if you have come to that conclusion, what happens now? There was a bit of a deafening silence and the gentleman said, “We have to work that out.”

Does the ACT or the services have an opinion on the use of fixed-wing aircraft? Victoria is tendering currently for a very large aircraft, either a DC10, which I think has about 35,000 litres of water, or a 747, which has about 70,000 litres of water. Do we have an opinion and do we have any say in these arrangements?

Mr Corbell: The ACT has not concluded a view on those matters. I know that there have been a number of representations made over the last few years about the desirability or otherwise of large fixed-wing fire-fighting aircraft. I would have to say that I do not rule it out. As minister, I would like further, more detailed advice on it. I approach these issues of technology with caution because I think it is very easy for governments and the community to feel good by throwing more and more money into our response capability and the purchase of new equipment. Do not get me wrong: new equipment is important but it has to be a measured response.

I would be concerned if Australia as a whole took the view that it was going to invest more and more in response. That would shift the emphasis away from what I think are

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some of the equally important matters of fuel management, land management and so on. If we have millions and millions of dollars to spend on 747 tankers or something like that, I would have to ask the question: is that money better spent by doing better fuel management on the ground rather than entering into contracts for big, impressive-looking bits of machinery? That is where I come from in that.

I do not profess to be an expert but I am very cautious about heading down the American path. They seem to have almost whole armies dedicated to fire-fighting, but it is not reducing the incidence of fire and it is not reducing property damage. In fact, property damage continues to increase, loss of life continues to increase, despite the very significant levels of investment that they are putting in. We have to keep a strong focus on the prevention side of things, not just on the response.

MS HUNTER: In regard to prevention, page 60 talks about the Farm FireWise program and the 36 properties that are participating in that program. Has that been an increase on last year's numbers? Are we seeing an increase in rural lessees who are participating in this program?

Mr Corbell: Overall, my understanding is that it is an increase in the total number of lessees that have been engaged. I will ask Mr Woods to come to the table. The intention is to get coverage across all of our rural lessees; there are 100-odd, a bit more than 100, rural lessees across the territory and the intention is to work around the territory and make sure we get them all signed up and engaged in the program. We had a very good response in the first year and we have built on that and picked up more lessees who were not initially engaged. So, yes, it is a cumulative total, I think.

Mr Woods: I am certainly aware that the program is still going out to a number of lessees; even last week we were still going out visiting new landholders, so that is being taken up pretty well.

MS HUNTER: What has been the increase from the previous financial year to the one we are talking about now?

Mr Woods: I do not have exact figures on that but I can get hold of that.

Mr Corbell: I do not have the increase from last year but what I can say is that, as of prior to these hearings, 44 of 148 leaseholders have completed the program and another 35 are in the process of completing the program. So combined that is nearly 80 of 148 leaseholders engaged in the program.

MS HUNTER: So those 36 are people who have participated but that is building on a previous number?

Mr Corbell: That is right.

MS HUNTER: Okay. So, if it is about 88, it is a very good participation rate—

THE CHAIR: When you consider that some of that area is Pialligo, which is not quite as at risk as some of the other areas might be.

Mr Corbell: And that it is a voluntary program where we need to get the agreement of leaseholders to engage with them.

MS HUNTER: What is the responsibility of the leaseholders? They obviously go through some training program. What are they bringing to this?

Mr Corbell: The Farm FireWise program is about assisting leaseholders to identify risks on their properties in relation to fire and to give them advice on how they can work to ameliorate those risks. RFS has engaged an officer to do that work. He is someone with extensive experience in rural operations in the territory. He is a well-respected person who has worked in the rural sector in the territory for many years. It is important that someone has that credibility and experience in engaging with rural lessees.

They are not going to take kindly to someone from the city coming and telling them how to manage fire. He is someone who comes with that experience and credibility. They help the rural lessee by identifying the risks and, in the end, giving them advice on ameliorating those risks on their property. It is very much about risk management and making sure that they are aware of those risks and take steps to ameliorate them wherever possible.

MS HUNTER: Is that followed up on? Obviously there is the initial training or assessment on the risks. Is there some follow up?

Mr Woods: There is an update program. We have a register of all those lessees. We keep an update on where they are at and make sure that they are reminded of their obligations and so forth. That also fits in with the SBMP, the strategic bushfire management plan, process. It is an ongoing thing.

THE CHAIR: I go to a structural issue. Minister, at the beginning of this financial year, you announced changes to the senior structure of the ESA. What was the motivation for that?

Mr Corbell: I think I said at the time that there were a number of issues. Firstly, there was the evidence that was being presented from the Victorian fire inquiry and the emphasis that was being placed by the royal commission in its interim findings and indeed in the evidence presented to that royal commission that strengthening the command, key leadership areas within fire services was important and ensuring that there are stronger lines of accountability and direct command to deal with large-scale incidents. That was certainly a very important factor.

If you want to know what was the final trigger in that regard, it would have been the advice I received from the Bushfire Council and the representations I received from representatives of volunteer captains of volunteer brigades in the Rural Fire Service. That led me to take the decision that we needed to make some changes to the structure. That led to the decisions I subsequently announced.

THE CHAIR: When did you have those final consultations with the Bushfire Council and the volunteer brigades?

Mr Corbell: I could not tell you the exact dates. I would have to take that on notice.

THE CHAIR: April, May, June?

Mr Corbell: I am sorry, I honestly cannot answer that. This year is a bit of a blur at this point. I would have to go back and check my records.

MR SMYTH: Did you consult the then commissioner before you made the announcement?

Mr Corbell: Yes, I did discuss the matter with the then commissioner.

MR SMYTH: What caused the backflip from the first week of July when there was not going to be independent services to the end of July when there was?

Mr Corbell: I think I have just answered that question. There were a range of factors in play, the factors I have just listed: the Victorian royal commission, the representations I received from the Bushfire Council, the representations I received from the volunteer captains. I thought it was appropriate that I respond to those factors.

MR SMYTH: I notice that the *Canberra Times* published an article on 9 November about the contract, the differing priorities and how some things had five stars, some had four and some had three. The *Canberra Times* reported:

But Mr Corbell said the priority system did not place greater emphasis on one area over another.

“The priorities listed in the document are of equal importance and while numbered, do not reflect a level of higher emergency or attention ...

Why have a priority system if they are of equal importance?

Mr Corbell: I think the easy way to avoid this type of misrepresentation is that next time we will be using dot points rather than numerical or alphabetical listing. It is one of those silly arguments. Unfortunately, it has got to this level. This was the nomination of key areas for focus by the then commissioner in his regular liaison and reporting to the then chief executive of my department. They reflected the areas of key focus and were listed one to whatever the number was. That was simply to delineate that there were five or six or however many there were, I cannot recall now, areas of focus. They did not have a priority or ranking order. It was wrong to characterise them as such. That was pointed out to the journalist but he still took the decision to report the story in the way he did.

MR SMYTH: There are eight strategic areas. People have to be given tasks that can be achieved. The business plan priorities are a list of the best 10, with operational advice five stars and advice to the minister five stars; yet the ESA headquarters was only three stars.

Mr Corbell: At any particular time in a chief executive's contractual engagement there are going to be some matters that warrant more attention because of the particular stage at which they are in development. The purpose in listing these items is

to recognise that at that particular point in time there were a range of items, all of equal importance, that warrant particular attention and emphasis. That is what that is designed to reflect.

The story characterised that list as though No 1 was a higher priority than No 2. That comes down to a basic failing on the part of the person writing that story to understand that, just because items are listed 1, 2, 3, 4, it does not mean that item No 1 was more important than item No 3. It is just that they were listed in a numeric order.

MR SMYTH: It is not the numeric listing. They are listed 1 to 10. Item 1 has five stars. Item 10 has five stars.

Mr Corbell: It reflects the fact that they are of equal importance. That is exactly my point.

MR SMYTH: Public education has a priority ranking of three stars, and training has a priority ranking of three stars, against advice to the minister having a priority ranking of five stars.

Ms Leigh: When I saw that report in the press I asked officers to give me some more background on that report. It was explained to me that the stars were inserted not by the chief executive but by the then occupant of the position, as an indicator in the regular reporting he did to the deputy chief executive of the items that he thought he particularly needed to draw attention to at that time. That is how it was explained to me. I was not there. I can only tell you what has been explained to me.

MR SMYTH: You set priorities within your organisation. Everything cannot be a number one priority. The excuse from the minister is that it is all important. Of course it is all important. Your staff have to be given priorities. If this is the priority of the government that advice to the minister comes well above training priority—

Mr Corbell: I have just answered that question. You can believe me or not believe me, but that is the answer. What I have told you is the answer and the explanation. You can construe it any other way like but it would be wrong. The answer is as I have given it to you.

MR SMYTH: Where is the recruitment for the new head of ESA at?

Mr Corbell: It is close to finalisation.

MR SMYTH: “Close” being a Ted Quinlan soon or—

Mr Corbell: Interviews have been completed and an assessment is being made of the value of the respective applicants.

MR SMYTH: With a likely start date of?

Mr Corbell: I am not in a position to announce that at this time.

MR SMYTH: The new head of RFS commenced?

Mr Corbell: The new head of RFS commenced on Monday.

THE CHAIR: Just on the structure, there was also a new deputy commissioner position. What is happening with that?

Mr Corbell: No, there was not a new deputy commissioner position.

THE CHAIR: I thought there was a deputy commissioner. I am obviously thinking of something else.

MS HUNTER: While Mr Woods is here, I just have a couple more questions. You mentioned the SBMP. I believe the annual report talks about version 2 and work continuing. I am wondering where that is up to and how close to finalisation that plan is. I notice on page 64, on community engagement, it talks about some consultations and so forth with land managers and the New South Wales Rural Fire Service around putting that strategic plan together. I am wondering where it is up to and what sorts of strategies are in that plan that are linking us with other rural fire services in New South Wales surrounding the ACT.

Mr Corbell: The SBMP is complete; the plan was completed. I formally made the instrument establishing the plan on 1 October this year. That plan is now the formal statutory document. Version 2 of that plan is now a formal statutory document for fire management in the territory. Those consultations that you were asking about, Ms Hunter, were undertaken and completed as part of the development of the plan.

Can I take the opportunity to say that the efforts of the Rural Fire Service and staff of the Rural Fire Service have been particularly outstanding in developing this plan, as has the work of the consultative group that was established to assist with the development of the plan. That consultative group had a broad representation of people from nature conservation groups such as the National Parks Association, rural lessees, fire managers, land managers, firefighters—volunteer and Fire Brigade—and a whole range of other individuals, including Indigenous representatives.

I think we have achieved a really effective consensus plan for fire management as a result of that. I am very proud that we have achieved a document that deals with some of the very tricky issues about fire management, for example, in the national park in a way where there is agreement. We have got a document that says there is agreement, that indicates agreement, on how fire management will occur—for example, in Namadgi, how we will do fuel reduction, where trails need to go or be maintained or upgraded: a whole range of issues that can be very contentious. We have achieved agreement on that.

As well as that, we have a document that is very soundly based on the science. I do not believe we have made compromises that conflict with the science and the evidence that we know exists about the most effective ways of managing fire. I think we have achieved a significant document. It is one of the leading documents of its type in the country as a result.

MS HUNTER: That came into force on 1 October. Has it already been implemented

and is it in operation?

Mr Corbell: Yes, it is. It is important to stress that this is not a plan where all of the outcomes and objectives are delivered in three or four months of the first fire season of the plan's life. This is a long-term planning document for the next five years at least. It gives us the framework for the bushfire operational plans that sit underneath it that land managers will continue to develop and update which they then use to inform their actual fuel management on the ground, as well as how they respond in the event of a fire.

MR SMYTH: The IMS system categories fires—

THE CHAIR: Can you expand on this for the uninitiated, Mr Smyth?

Mr Woods: Incident management systems.

MR SMYTH: It grades the fires—type 1, 2 and 3 fires, type 3 being the most serious. How many qualified incident managers have we got at the type 3 level?

Mr Woods: We have a register of those players. Just off the top of my head—I do not have an exact figure on that—there are a number within the Rural Fire Service, the Fire Brigade and TAMS organisation that we have identified.

MR SMYTH: So they have both competency and currency? The grading is only current for three years.

Mr Woods: There has been a process of training that we have undertaken in the last three or four months. A number of representatives from all three organisations have been undergoing training to that level. In fact, even as late as yesterday we had planning officer training which has been occurring as part of that integrated involvement. It is being added to.

MR SMYTH: How many officers have to be trained in the 1, 2 and 3-type fires?

Mr Woods: I would have to check on that.

Mr Foot: We can provide that.

MR SMYTH: I understand, minister, we are upgrading the AVL, CAD and mobile data terminals. Is that being done for all vehicles in the fleet? Will it include the RFS fleet or is it just for the urban vehicles?

Mr Foot: The plan at this stage, Mr Smyth, is to undertake the upgrade first to fire and ambulance as the heaviest users of the MDT system. That would also at this stage include the command units at the state emergency services. That will obviously depend on the value of the contract at the time and the states' role over that program. I have just finished discussions with the Rural Fire Service on this very matter. The opinion being expressed to me from the volunteer ranks, council and RFS management is that they see far more value in having AVL capability, or vehicle location capability, as opposed to the MDT, given the inherent differences in the work

that the various agencies undertake.

MR SMYTH: The location of a vehicle in the city is normally fairly easy to work out. Surely the priority should be RFS first. They are the people who are off-road, who are out of sight and who are often difficult to find.

Mr Foot: As I have said, the actual discussions between my office, the Rural Fire Service, the council and the volunteer brigade indicate that they are not interested in pursuing the MDT screen itself, but they are interested in the AVL component. That is what we are exploring at the moment. It would give them the ability to identify the location of the vehicle on the CAD system.

MR SMYTH: And a likely timetable for the AVL?

Mr Foot: I cannot provide that just yet because we are in the middle of contract negotiations with our preferred tenderer at this point in time.

THE CHAIR: For mine and Hansard's purposes, because I missed it, what is MDT?

Mr Foot: Mobile data terminal, which is the terminal in the front of the vehicle. We download lat-long, street address, map coordinates and additional information to the responding crews.

THE CHAIR: A satellite basically picks up where the vehicle is.

Mr Foot: Correct. It is satellite driven. It just gives you a lat-long of the position and a screen-based shot of where the vehicle is at any given time.

THE CHAIR: That is latitude and longitude.

Mr Foot: Yes.

MR SMYTH: Again on the RFS, I note this year's report on page 60 says there are approximately 400 brigade volunteers. Last year's report said there were over 400 brigade volunteers and I think the report the year before said there were 450 brigade volunteers. How many actually are there in the brigades that we can call on? Is the number still continuing to decline and, if so, why?

Mr Woods: In terms of the number, we have had an increase in recruitment over the last few months. I think that has been the early onset of the fire season. It is fluctuating fairly rapidly. As late as last weekend we have sent contingents out of the territory to assist in fires in the Blue Mountains. Depending on the circumstances, the time of day and the day of the week—

MR SMYTH: But weren't they parks officers—not volunteers?

Mr Woods: No—parks, brigade and the volunteer brigade.

MR SMYTH: Approximately how many brigade volunteers do we have now?

Mr Foot: I think at this stage we have about 570 volunteers with the RFS, but that does not include the retained firefighters with Territory and Municipal Services.

MR SMYTH: So to have recruited and trained 170 between this going to print and being delivered in September—

Mr Foot: I think as part of the seasonal preparedness undertaken by the Rural Fire Service there were 70 new recruits actually engaged in basic firefighter training, which took it up to that 570 number in the RFS.

MR SMYTH: So where did the other 100 come from?

Mr Corbell: I think you are using a figure from two years ago, aren't you, Mr Smyth?

MR SMYTH: No, I am using a figure from page 60, the second paragraph of this year's annual report, which says approximately 400 volunteers.

Mr Foot: That may be linked to the surge that our office experienced just pre the fire season, heading into it as well.

MR SMYTH: Okay. This was delivered to the Assembly on 30 September.

Mr Corbell: Can I suggest that we give you an accurate reconciliation of the figures, Mr Smyth, and that can put your mind at rest?

MR SMYTH: I look forward to it.

THE CHAIR: There are some other things I wanted to ask questions about but we backtracked a little and got distracted from them. Part of the redevelopment at the Hume helibase is a training centre. Is that a training centre for the Emergency Services Agency across the board, or is it an ambulance aero medical training base?

Mr Foot: It is the joint training centre for all agencies.

THE CHAIR: What were the decisions that led to that being located there rather than at Fairbairn?

Mr Foot: I think this has probably been covered off under the Auditor-General's report into accommodation. Under the revised heads of agreement lease with Fairbairn, there was a decision taken to relocate the training facility to the Hume precinct at the time and I believe that was a decision taken when the last heads of agreement was revised.

Mr Corbell: There were a range of factors, as I have previously indicated to the Assembly or the committees. There were some concerns about whether certain training activities could occur in close proximity to the airport operations, and they needed to be taken into account. There were also concerns about the desirability of having training at the airport location or at a slightly more central location such as Hume, so that was also taken into account, and also there are a range of budget considerations about the ability to deliver that training centre at a site that would be

cheaper than doing so at Fairbairn.

THE CHAIR: Mr Foot touched on the Auditor-General's report. The Auditor-General raised a number of issues about Fairbairn and you also touched on that there—that there were concerns. Paragraph 5.74 states that concerns were raised about the isolation of Fairbairn and there were staff association and union concerns about whether Fairbairn was a good place to put the headquarters because of that. What is your response to that, minister? It has been a concern of some people that it seemed to be on the wrong side of town.

Mr Corbell: These are issues that have been explored at length by the government, and the decision was taken, I think in late 2007, to confirm Fairbairn as the location for the headquarters. It did that for a range of reasons, including the fact that a contractual obligation had already been entered into. That was not the only consideration but it was one of them.

In terms of concerns from staff and concerns about operational issues, the government took the view, firstly, that in relation to operational issues we would put in place a range of measures to ensure that operational capacity was not compromised. Additional funding was provided to a range of these services and some changes made, with funding provided to those services, particularly the Fire Brigade and the Ambulance Service, to ensure that operational capability was maintained and that there was no change to the response capability as a result of relocation of the headquarters function to Fairbairn.

It is important to stress that for a large part of the day-to-day operations of our emergency services they do not need a physical interaction with the headquarters, because the Fire Brigade, the Ambulance Service and indeed the other services are located at a range of locations, stations and bases across the city and they respond from those locations; they do not respond from Fairbairn. But there are reasons for crews that are on duty to go to headquarters at times; it might be for an element of training or a meeting with other personnel that requires them to be there, and in those instances the government put in place additional funding measures to ensure that any absence could be covered by extra personnel in the field, if you like, to maintain operational response.

In relation to the concerns about staff who would be located at Fairbairn in the normal course of their duties, the government has put in place a range of measures to ensure that there are a range of facilities and services to accommodate the needs of staff.

THE CHAIR: Such as?

Mr Corbell: We have negotiated arrangements with the airport, for example, for parking, to make sure that parking issues are appropriately accommodated and so on.

THE CHAIR: What does that mean? Are they going to have to pay to park at Fairbairn?

Mr Corbell: No. It will be done through the ESA so it will not be a cost for staff directly.

THE CHAIR: It won't be a cost borne individually by staff?

Mr Corbell: It will not be borne by staff.

MR SMYTH: I have had complaints from some volunteers that they have to pay for parking.

Mr Corbell: They do at the moment, Mr Smyth, until the headquarters is completed, and due to the fact that only a small proportion of the ESA is located at Fairbairn. The airport has recently introduced pay parking arrangements on all of its car parks in Fairbairn. That is new—it previously was not doing that—but the RFS in particular has made arrangements for visitors, for example volunteers that are visiting the centre as part of their duties as a volunteer, to be reimbursed for any costs incurred.

MR SMYTH: But to be reimbursed you have got to drive from Fairbairn to headquarters to get your money back.

Mr Corbell: No. They can be reimbursed at RFS.

MR SMYTH: Is that a recent change?

Mr Corbell: This was raised in one of my most recent meetings with volunteers and the Deputy Chief Officer RFS advised that reimbursement can occur at RFS.

MR SMYTH: The Auditor-General says in paragraphs 5.48 and 5.49 of the report that the all-up costs currently will be about \$75.3 million from the date of lease plus the base rent. But she goes on to say:

Audit expects the final costs of this project will be much higher, when including the costs of transferring some HQ functions to other sites in Hume and Fyshwick.

What will be the all-up costs of the project, of the works at the airport, at Hume and in Fyshwick?

Mr Corbell: I can provide you with that figure. I do not have it to hand. It is important to stress that the project is not complete. There may be unanticipated costs that we are not yet aware of and there may be other costs incurred that were not factored into the original budget. I will give you a reconciliation of what we anticipate the costs will be.

THE CHAIR: They are capital costs. You mentioned, minister, that there was money from the government—I am paraphrasing; correct me if I have got the paraphrasing wrong—being made available to cover operational issues when people were not in their normal place of work but at headquarters.

Mr Corbell: Yes.

THE CHAIR: So that is a recurrent cost. And what will that be?

Mr Corbell: Yes. That has already been appropriated. That was appropriated two budgets ago.

THE CHAIR: How much was that?

Mr Corbell: I will have to check the detail; it was about two years ago that that decision was made.

THE CHAIR: But all of those things add to the cost of the transfer of the facilities. What facilities are going to be located at Fyshwick?

Mr Corbell: The facilities located at Fyshwick are the USAR capability for the ACT Fire Brigade, the urban search and rescue capability. The Fire Brigade have a cache of equipment which is specifically used for urban search and rescue, building collapse functions. That is highly specialised equipment. It will be stored at Fyshwick.

THE CHAIR: Where is it currently stored?

Mr Corbell: At Mitchell. The other important piece of kit at Fyshwick is the new hazmat vehicle to deal with hazardous material incidents. Fyshwick is the most sensible site for that capability. It is a very central site and allows what is essentially a dedicated capacity just for those very specialised incidents to be easily deployable from a central location to wherever the incident is in Canberra.

THE CHAIR: Does that include the large fire-fighting equipment as well, the Bronto?

Mr Corbell: Yes, the Bronto also, for the same reasons, is located at Fyshwick.

MR SMYTH: Just on the Bronto, modern theory—tell me if I am wrong—said that, particularly in, say, a search and rescue incident in a high rise, you actually need two Brontos; you need one to carry the personnel conducting the rescue and one for fire support and suppression. Given that in the last seven to 10 years a large number of high rise arrived in Canberra, is there an intention to have a second Bronto and, if so, when?

Mr Corbell: I will ask Mr Kent to explain the reasoning behind what our capability is.

Mr Kent: The new Bronto has significantly increased our capability over and above our 20-year-old capability. We are looking to ways in future that we can supplement it. Whilst our new one has now come on line, the old one is still in reserve at this stage. Obviously not a full front-line vehicle is still available, but we are looking at other, more adaptable type units, not exactly the same as the Bronto because we feel that we need to be able to coordinate resources and the capability by different types of aerial type appliance or capability.

MR SMYTH: But is the theory correct that to fight a fire in a high rise ideally you would have two Bronto type vehicles?

Mr Kent: Not necessarily, no. We are very fortunate in the ACT, with the age of the city and the building regulations, that if we get into the high-rise situations in those public type buildings we have inbuilt fire protection measures within the buildings that assist the firefighters. Obviously, we put our main strategies on life safety and the rescue, and then the fire-fighting comes second.

MR SMYTH: Did ESA or the Fire Brigade bid for a second Bronto?

Mr Corbell: No.

MR SMYTH: So there aren't plans for a second one in the near future?

Mr Corbell: No.

MS HUNTER: In the last paragraph of page 60 it says that the SES received 777 requests for assistance, up from—it looks like—one in 2007-08.

Mr Graham: They had a very busy year.

MS HUNTER: That is a significant increase. I am assuming it is some sort of typo. What was the figure?

Mr Corbell: I think that was an error. I will ask Mr Graham from the SES to assist you with it.

MS HUNTER: The SES are very good at finding those people in need.

Mr Corbell: The SES would be the busiest of our volunteer services in terms of actual operational response. They are busy not just because of storm events and flooding events but also because of the very important assistance that they provide to police and other emergency services in support, whether it is through lighting towers, assistance with search and rescue activity, searches for the police in relation to evidence and criminal matters. They are a wonderful service and they provide a very high level of capability to us in a very dedicated way. So I can assure you it is more than one. Mr Graham can probably give you more details.

Mr Graham: The number of responses that we attend varies year by year. In 2004-05, 2005-06 and 2006-07, our average number was about 1,200 per year. Since then, our numbers have declined. We are not really sure why that is. We would like to say that it is because of better community education programs; that the community are more self-reliant and do not need our services. We could say that there are fewer storms, but there is probably any number of reasons. But our average for those first three years was about 1,200 per year and our average in the three years since then is probably around 600 per year. I cannot be any more precise without going back to the figures.

MS HUNTER: So it has probably gone from about 600 to 777.

Mr Graham: In that vicinity. For example, at the moment, measuring from 1 July this year, we are on about 340. We had one significant storm event within that period which saw us get about 250 calls, so between 1 July and now, if we took that event

out, we are looking at about 90 calls. We are certainly in the period of our heightened storm season and the likelihood of us getting more responses within the next two or three months is fairly high.

MR SMYTH: My favourite typo is on page 92 where we refer to parliamentary counsel as “parli counsel”. I like the friendly approach inside the department to the parli counsel! Minister, the Auditor-General delivered a report on the Ambulance Service this year about response and response times. When an ambulance is not available, it is accepted practice to send a Fire Brigade vehicle, as they are often trained in first aid techniques. How often has an ambulance been unavailable in the last financial year and how often was a Fire Brigade vehicle sent for an ambulance call?

Mr Foot: I could not provide you with the exact statistics right now on how often we have had to respond in the brigade. Certainly, the first responder program undertaken by the ACT Fire Brigade is not unique to the ACT. That is seen as an extremely valuable strategy right across Australia. The brigade officers on those vehicles are trained to a senior first aid level. We also took the position two years ago to fit out the brigade pumpers with the automatic defibrillators as well. That way, if we have a delayed response from an intensive care unit and we can get the brigade on the scene first and it is a cardiac risk scenario, it is proven statistically that early defibrillation saves lives. As for the exact amount of occurrences in the last 12 months, I can’t tell you.

MR SMYTH: You will take that on notice?

Mr Corbell: Yes, we will take that on notice. The Auditor-General’s finding that it was not a desirable practice, I must say, was of some frustration to the government because I would have thought the ability to send first aid responders who have the ability to get someone breathing again, in the event of a cardiac arrest, was a better strategy than just waiting until the next intensive care ambulance was available. That is one of the reasons why the government did not agree with a number of the conclusions of the Auditor-General in relation to that report.

MR SMYTH: I noticed from consecutive reports that there were 144 ambulance officers in 2007-08 and this year, according to the chart on page 90, there are 148. Is that adequate given the concerns of the auditor about our ability to respond?

Mr Foot: Ambulance has actually been funded under successive budgets to take the FTE to 156. Obviously, we have staff moving in and out. One of the issues that Ambulance in the ACT faces is that, because of the level of training we provide to our staff here in the ACT, it makes them quite attractive to interstate services, to the point where we have had to introduce clauses into the relevant certified agreements that if we bring someone here and provide them with the intensive care training, which takes about 12 months for a bridging course for an officer in New South Wales, they are then required to remain within the ACT for a further three years, as part of that training commitment.

MR SMYTH: When will we get to the 156 officers?

Mr Foot: I believe our FTE establishment right now is 152, and we are recruiting at the moment.

THE CHAIR: Could I move on to ESA communications. As we know, with the 2003 fires, there were issues in relation to communications. Similar issues appear to have arisen in the Victorian bushfires. What is the current situation, minister, in relation to ESA communications compatibility across agencies and with our interstate colleagues as well?

Mr Corbell: We have fully implemented—indeed, the project was completed a number of years ago—the TRN or trunk radio network project, which provides a digital radio network across the territory. All the services run off that network. They have their own dedicated channels within that. But the TRN gives us capacity to create a very large number of channels. So, unlike in 2003, when we had a very limited number of channels available, and those channels became overloaded and ultimately they failed because of the sheer volume of traffic, we now have the ability to have a very large number of channels so that various aspects of a single incident, or indeed multiple incidents, can be managed off that network without overloading of that network and with clear delineation. Obviously, not everyone has to talk to everyone else, when it comes to an incident. Indeed, it is desirable that you only have a small number of units or activities operating on a particular channel, and it should be related to the incident they are all trying to deal with.

So we have that TRN in place. We have very good coverage now in place across the territory, including in rural and remote areas of the territory. In terms of compatibility with New South Wales, the TRN is compatible with the GRN, the government radio network that is in place in New South Wales. They use the same technology and it is now available to us to be able to communicate with services in New South Wales, should they come here or should we go there.

THE CHAIR: You spoke about the TRN. How reliable is it?

Mr Corbell: I have not had any adverse feedback in relation to TRN for well over 18 months to two years. My understanding is that it is working very well, even in parts of Namadgi which are quite difficult to deliver good radio contact to in any event. But I understand we have very good coverage.

THE CHAIR: That was the problem that I have been alerted to in the past—that there were holes because of the terrain.

Mr Corbell: There were issues because the Mount Tennent transmitter was not up and running for an extended period of time. That was reliant on the delivery of permanent power to that transmitter. That project was completed about 12 months ago to put underground power to the summit of Mount Tennent to power that transmitter. Since that transmitter has been in place, the coverage has been very good in the southern area of the ACT. We are still in the process of finalising a tower for Mount Clear as well, which is right down the bottom of the territory. It is actually going to be in New South Wales; I think it is on the New South Wales side of the border. Mount Clear is right on the border.

MR SMYTH: The rural fire shed for Tidbinbilla: minister, you said earlier in the year—I know you have been waiting for this—that it would be dealt with in the budget but it did not appear in the budget. What is the status of that project and when can those volunteers expect these facilities to work out of?

Mr Foot: ESA has been working with the volunteers to sort out the issues at Tidbinbilla. Tidbinbilla have identified a number of issues with drinking water, spider infestation and a range of other issues which have now been addressed to the satisfaction of the brigade that occupy that area. We have also installed a warning light on the approach road into the shed. Obviously, we will be assessing the continued survivability of Tidbinbilla as we head forward.

MR SMYTH: Is there a new shed coming or not?

Mr Foot: That is being discussed with the department at the moment. Obviously, the volunteers would be very keen to see a new facility established. At this stage it is still very early. Obviously, it would be considered as part of the government's deliberations on the budget side.

MR SMYTH: That is slightly different from your answer earlier this year, minister.

Mr Corbell: No, it is not. As I indicated to you previously, Mr Smyth, we were not in a position in the lead-up to the most recent budget to have a properly scoped project for which capital funding could be provided for construction. Detailed assessments are occurring as to what Tidbinbilla need in terms of their physical building and, more importantly, or just as importantly, where that building will be located.

At the moment the Tidbinbilla shed is located, as you know, on a private rural lease. There is, surprisingly, a limited range of sites available on public land in that general location where the brigade wish to remain, and they should remain in that general location. So discussions currently are ongoing between that brigade, my department through ESA, and with government land managers to identify a suitable site for a permanent new building. I anticipate that those discussions will be completed in time for the government to give consideration to funding for a new building in the coming budget cycle.

MR SMYTH: I will pursue that in other ways. Could I ask the finance people about volume 2. Minister, on page 28 of volume 2, your employee expenses have increased by 24 per cent over what was budgeted. They have gone from almost \$45 million to almost \$56 million. Why is that so?

Mr Corbell: I will ask the officers to assist with that.

Ms Crowhurst: Could you repeat the question?

MR SMYTH: On page 28 of volume 2, employee expenses, the original budget for 2008-09 was \$44,979,000. The actual outcome was \$55,742,000—a 24 per cent increase. What is included in that 24 per cent increase?

Ms Crowhurst: Included in that increase was an increase in the rec leave and long

service leave liability. That was part of the whole-of-government accounting measurement change for leave liabilities. The department's impact of that was about \$10 million, and what related to ESA was just over \$6 million. With respect to the other increase, part of it related to the Victorian bushfires. There was about \$500,000 in employee expenses associated with the Victorian bushfires, which was recovered through a billing to Victoria.

The other expenses mainly related to overtime allowances and leave adjustments, which was managed bottom-line within ESA by savings in other areas of the budget. We had savings within supplies and services in particular. If you look at the bottom line, the operating deficit increased by about \$6 million. So the net was that leave provision, with some movement in the other expense lines, and also we had increased revenue for user charges.

MR SMYTH: Could you provide a reconciliation of that, a written reconciliation?

Ms Crowhurst: Yes.

MR SMYTH: On page 28, and the notes are on page 46, there is a breakdown of user charges. In the table on page 28, the non-government user charges total \$14.4 million but in note 5 on page 46 the obvious thing is that the emergency services charge totalled \$13.4 million—fire protection fees, transport and DVA. What makes up the balance of the almost \$1 million?

Ms Crowhurst: I gather you have counted them all up. So we have got fire protection fees, ambulance transport fees, fire alarm—

MR SMYTH: That comes to about \$13.4 million.

Ms Crowhurst: And the DVA fees.

MR SMYTH: Yes.

Ms Crowhurst: I would need to check. Another increase is for the Victorian bushfires—\$700,000.

MR SMYTH: On page 55, note 21 sets out your receivables. Receivables have increased by \$2.7 million. What is the reason for the \$1.5 million increase in bushfire-related debtors? Is that payments expected from Victoria?

Ms Crowhurst: Yes, that includes the payment from Victoria, and other ESA-related billing. So we charge for fire alarm monitoring, and obviously the ambulance billing. There is a range of charges that ESA bill for. The biggest one besides the ambulance billing would be the Victorian bushfires one. That was billed at the end of the year, so it was still owing.

THE CHAIR: Are there any further questions on the ESA?

MR SMYTH: I could keep going but I will put them on notice.

THE CHAIR: I think we have just about flogged ESA to death. Minister, I noticed in the annual report for ESA that there is activity reporting for the Fire Brigade but there is no activity reporting in a tabular form which is easily accessible for the other agencies. Could I suggest that in future years we might see something there? I notice, Mr Foot, that there was a figure of 357 for SouthCare this year. I am always interested in the breakdown. Some of it would be collecting and retrieval and some of it—

Mr Foot: Primary taskings.

THE CHAIR: Can we have a breakdown of that 357?

Mr Foot: I can give you that now, if you like.

THE CHAIR: That would be great.

Mr Foot: We undertook 357 missions last year. Sixty-four per cent of those were secondary retrieval into hospital, hospital to hospital. Thirty-one per cent of those total missions were primary taskings—that is, by the side of the road for a 000 call from a New South Wales car—and five per cent were search and rescue undertaken on behalf of AusSAR.

THE CHAIR: Thank you. You had something else for me, Mr Foot?

Mr Foot: I do. I remember you requested a copy of our annual report. I have that with me.

THE CHAIR: Thank you. As there is nothing further, I thank Mr Foot, Mr Graham, Mr Woods, Ms Crowhurst and everybody else.

We now move to the Independent Competition and Regulatory Commission. Mr Baxter and Ms Schreiner, welcome to our hearing in relation to your annual report. I would like to ask some questions about the role and functions of the commission. The commission has a lot of functions under the Utilities Act. The commission has the capacity to investigate and report on government-regulated activities and competitive neutrality issues. Are there issues of competition that are current that are of particular concern or are they matters that are raised by the public that you deal with?

Mr Baxter: The commission receives terms of reference on issues relating to competition matters from time to time and becomes engaged in providing comment or advice in that area. On competitive neutrality matters, these are usually matters that are brought to the commission as part of complaints. I must say that over recent years we have not seen any complaints in that area—not that there are not some issues around, but some of the major causes of concern several years ago were dealt with at that time so we have not seen much more in that area.

Certainly, we are asked to comment from time to time on matters of competition. For example, the commission has been included as a member of the current working group working on matters arising out of the government's supermarket competition policy, providing more of a watching brief, if you like, in terms of competition policy-type matters and how that policy might be implemented. That is the sort of role.

THE CHAIR: You are not necessarily limited to an interest only in utilities-related issues.

Mr Baxter: No, not at all.

THE CHAIR: Your remit is much broader.

Mr Baxter: The remit is as broad as can be taken in terms of that. Certainly, some of those competitive neutrality matters that we were dealing with early in the piece covered a wide range of activities around town. There are still matters that are sometimes raised in that context, but these days there is a much better understanding within government in that broader sense and within the community as to some of those issues. We tend not to get complaints and formal reviews as had been anticipated at the time of the COAG review back in the early 1990s.

THE CHAIR: In relation to investigating and reporting on government-regulated activities, do you have any investigations in that area afoot where there might be complaints or inquiries as to whether government regulation is overly onerous and imposes costs? What is your remit in that area?

Mr Baxter: Again, these are matters that are usually referred to us by way of terms of reference either from government or the Assembly. Indeed, there may be matters that we may be able to take on ourselves, given the particular circumstance. Issues to do with regulation in general and whether overregulation exists are not things that we go to. They are not part of our remit in terms of our responsibilities. It may be that some of those matters that were referred to us were asking for advice—that we would give advice on those issues.

THE CHAIR: Again, your remit is not limited to utilities.

Mr Baxter: Again, it would not be at all. It is quite open in terms of the references that might come to us.

THE CHAIR: In relation to things referred to you by ministers or the Assembly, you currently have an inquiry, which has just been referred to you, on the robustness of the costings for the enlarged Cotter Dam. Have you commenced that investigation?

Mr Baxter: Yes, we have. Work has commenced on that. At this stage the work is in terms of planning how we are going to undertake that. The intention is to have a draft report available by the end of March. There will be some public hearings in May. We have called for public comment and input at this stage. We anticipate there will be more once the draft report becomes available. We are in the process of appointing some advisers to work with us. We have already had discussions with Actew and have their in-principle commitment to the provision of all documents and all papers in a pristine form—in other words, without any blocking out. We have some issues there to do with confidentiality, which we will have to deal with as we go through, but that is quite normal for the work that we do. That inquiry is underway now.

THE CHAIR: When did you first become alerted to the possibility of this inquiry

rather than the actuality of the inquiry?

Mr Baxter: I think the issue of a possible inquiry was mooted, as it were, by Actew 12 months ago when they first started to talk about the possibility of costs being much higher than had originally been anticipated. At that stage they had no idea what those costs might be. They raised it in the context of the price determination that had been made and to what extent that determination allowed for adjustments because of increases in costs on this particular project. The determination, in actual fact, did not foresee that there would be increases in costs that would require a reopening. So the discussion at that time—and that discussion continued into earlier this year—was along the lines that Actew had the opportunity to request us to reopen that matter if they wished and we would consider that once the information was available, and of course it did not become available till later in the year.

THE CHAIR: But this precise inquiry.

Mr Baxter: This precise inquiry. It was something that was broadly mooted around the time that the matter was brought to the attention of government and the Assembly and people started to talk about what might be a way of looking at that matter.

THE CHAIR: Were you consulted before the matter went public about your capacity to—

Mr Baxter: No, not beyond the discussions with Actew—the quite normal discussions we would have had. We did not have any discussions before the matter went public.

MS HUNTER: The original determination you made, \$145 million—did you understand that to be an estimate at the time or did you understand that to be the total outturn cost?

Mr Baxter: We understood that to be the total outturn cost, but recognised that at that stage there were some numbers that needed to be further firmed up. Indeed, the process that Actew goes through, and indeed has gone through for the last 14 years that I have held this role, has been one where estimates are built up over time and are subject to some change. But because there were deadlines for the determination we looked for the best possible estimate at the time. We had that independently reviewed, but acknowledged in the decision that that cost could be 30 per cent higher than the 145 we included in the price. But at that time—and I have gone back and checked this—our understanding was that that was the total cost.

THE CHAIR: With respect to the \$145 million, my recollection is that the report said that Halcrow verified that. Did Halcrow say that was a robust costing or did the ICRC say that? The words “robust”, “\$145 million” and “Halcrow” all appeared in the one paragraph. Could you clarify that?

Mr Baxter: I would have to double-check to see whether Halcrow put that in the report, but the commission was satisfied regarding the work that Halcrow had done, and bear in mind that when you are endeavouring to review these matters and put estimates over the top of them there are always some differences of view from

different cost accountants and engineers. But with respect to the task that Halcrow was set, the commission was satisfied that it had looked at this thing in such a way that we felt the costs were reliable to the point that they could be. Notwithstanding that, we recognised that—

THE CHAIR: You built in the 30 per cent?

Mr Baxter: There was the 30 per cent provision, which effectively then meant that the commission was signalling that it understood that it could be higher but we would look at that when we did the next review in five years time.

THE CHAIR: Did you anticipate that it would be 220 per cent or 250 per cent higher than the original—

Mr Baxter: Our report would indicate that we did not anticipate that.

THE CHAIR: In your investigation—I do not know whether this is part of your investigation—will you be going back to look at the circumstances under which Halcrow decided this was a robust figure?

Mr Baxter: We will review all the material that was looked at and was part of the inquiry at that time and the more recent estimates, to work out just what has happened, where the numbers have gone and why the numbers have changed in that process, to understand it. That will be part of the process.

MS HUNTER: On page 5 of your annual report, you outline the gradual movement of responsibility for energy regulation towards the national regulator and away from state and territory based regulators. Is this having some sort of impact on your ability to retain staff at the ICRC?

Mr Baxter: The commission has always been run as a very small organisation which brings in expertise as it is required, to try and get the most efficient arrangement possible. Certainly, it has been a concern to the commission for some time that we try to have some sort of career path for staff that are with us, or at least some process whereby they have opportunities to spend some time with us and go on and do other things elsewhere.

We have clearly noticed the issue of the extent to which we have an ongoing future, as it were. Bear in mind that that is not unique to us. Each of the jurisdictional regulators in the other states has gone through the same process and has been dealing with the same issue. We have managed to handle that by keeping our eyes very much focused upon a number of inquiries that are underway, with the occurrence of a number of matters that have been referred to us that have been quite interesting and challenging matters, and by trying to produce good, sound reports which the staff and all of us can be proud of and happily say, “Yes, we’re part of that.” In other words, building up the esprit de corps and the overall workplace environment that make it attractive for people to want to be there and stay. To that extent we have been fortunate. We have had some good people work with us. Some have come back for short periods of time to help us out during difficult periods. But as with all organisations, we are always looking out for good people to come and work with us.

MS HUNTER: On page 7 it says there were no competitive neutrality complaints in 2008-09. Is that good news or is that telling us it is too difficult to complain?

Mr Baxter: As I was saying before, the issue of competitive neutrality complaints tended to be something that was very much at the forefront of policy makers at a federal and state-territory level back in the period up to the Hilmer report and shortly afterwards, because it was a major issue. Many of those matters were then addressed early in the piece, and indeed within governments in general across the nation there was a recognition that things had to change in terms of how they ran their various businesses and other activities. So reform was underway.

I think you will find that our experience in the ACT is very similar to that elsewhere across Australia. Having dealt with a number of those pressing problems at the time, the questions start to go away because different approaches were adopted by governments in running their businesses. It does not mean there is not an issue out there or potentially an issue. From time to time, in discussions with agencies, matters come up where we draw their attention to the possibility that this could lead to a problem. But that is really part of the implementation of that commitment to that policy that was made by all governments back when the competition principles were being agreed.

MS HUNTER: With respect to full retail electricity contestability, on page 6 you explain the ongoing operation of the transitional arrangements for small electricity customers who are not confident to negotiate their own contracts with energy retailers. These protections were meant to end in 2006. They are still in place. Is this a good thing or should we be moving on?

Mr Baxter: The commission has expressed concern about this matter quite publicly in terms of the worry that we have that, in putting in place regulatory arrangements in a market which is open to competition and in which competition can occur, we can potentially create prices and circumstances which discourage competition and discourage best outcomes for consumers. This is a worry for us. It is not unique to us; indeed, it is a worry for other jurisdictions as well, as to how they deal with it. But there are other factors which governments take into account when they make decisions in relation to whether they continue with these programs or not.

Under the national arrangements, the Australian Energy Market Commission is conducting a series of reviews in looking at the issue of competition in markets and whether or not to recommend that full competition be allowed—in other words, we remove these regulatory prices. The ACT will be subject to that review by the AEMC next year, 2010. That will provide a public opportunity for that matter to be examined.

At this stage it is best to leave that matter to that review and see what they say, as someone completely outside. The commission has made its comments on a number of occasions; let someone else now have a look at it and comment upon where we are today with respect to where we maybe have been over recent years, and where maybe the market is going in terms of some of the issues that are happening in other jurisdictions which impact upon us, although we are not directly under their control. The reality is that we live and work in a national market, notwithstanding we have

jurisdictional regulation.

THE CHAIR: Thank you very much. We will now go to the Human Rights Commission.

Good afternoon, Dr Watchirs, Ms Durkin and Mr Roy. I take it that all the officials attending are aware of their responsibilities and the privilege implications et cetera. Could I begin by asking you, Dr Watchirs, to point to what you would consider to be the highlight of the past year's activities.

Dr Watchirs: Are you talking about page 5, the strategic summary of agency—

THE CHAIR: No, I was actually asking for your assessment of the highlight.

Dr Watchirs: Our three commissioners all have equal status. I do not think we picked out the favourites. One that I would pick would be the unification of the commission with their own communication plan and having corporate banners, pamphlets—something for the commission as a whole. I know we have been in existence for three years, but I think we really have taken that—having a human rights commission that affects all commissioners plus staff. Probably the PSU review was the biggest review that came out during that period. Of course, there was the national consultation on human rights, where we did hearings and forums. I will ask my colleagues to give you their views as well.

Ms Durkin: The PSU review was one of the highlights of my functions in the commission. It was a services review conducted as Health Services Commissioner but there was also a human rights aspect to it, with the assistance of Helen and her people. That made a number of recommendations to improve the situation of people in the Psychiatric Services Unit. Since that was completed, the department has provided us with a six-monthly report and an action plan. It seems that the majority of the recommendations have been implemented. A couple have been delayed. But ACT Health has certainly been very cooperative in implementing the recommendations from that review.

Mr Roy: For me, I think it has been the success of our campaign to engage with the community, and particularly to engage with children and young people. Over the last 12 months we made a concerted effort to become more visible, more accessible. We have developed a range of promotional material which is accessible to children and young people. We get out and about much more and talk to children and young people on their own turf as such and engage with the sector.

We have developed a number of mechanisms to consult with children and young people, both face to face and also moving into the digital world. We have consulted with children and young people on a range of issues, some to do with government policy, some to do with issues of interest to children and young people. I think we have had nine or 10 successful consultation activities directed at children and young people, which has been tremendous.

THE CHAIR: You said you have had a number of successful consultations. On what and by what mechanisms? What made them successful?

Mr Roy: We have done a number. They are outlined on pages 13 and 14 of the annual report. With respect to the ones that I thought were particularly interesting, we did one very early in my term where we literally hung out at bus interchanges during youth week. We asked young people—

THE CHAIR: Did you get arrested?

Mr Roy: I'm used to that sort of thing! We hung out at bus interchanges and asked young people where they were having hassles, whether they had ever been treated unfairly and, if they had been treated unfairly and wanted to complain, did they, and were they successful. That gave us an idea of where young people were or if they felt they were being treated unfairly in the public arena, because young people exist, obviously, in the public arena as much as adults do. We looked at whether they felt confident, whether they had access to complaints mechanisms and, if so, did they resolve their complaint. We had about 600 young people respond to that survey, which is not bad for hanging around at a bus interchange.

We have recently done some consultation, again, at bus interchanges during anti-poverty week, asking young people what poverty meant to them. We had a very successful commissioner for the day competition where we had three winners undertaking some wonderful activities—spending a day with the police, doing a fundraising activity for the paediatric ward at the Canberra Hospital. We have consulted on our new promotional material. We have taken it to youth centres and schools and asked young people what they think is the best or most attractive to them. We also co-hosted a forum with the Commissioner for Sustainability and the Environment, inviting young people to come along and tell us their issues of concern with respect to the environment and taking that forward with the commission also.

We have done a whole range of things. As I said, some are to do with government policy—for example, smoking in cars was one we did early on. You are aware that the health department is looking at whether it should be okay to smoke in a car with children. We asked children what they thought and they said that no, you should not smoke in a car with kids present—all the way through to what kids think is of interest to them.

Dr Watchirs: Can I highlight one change? We moved from a primary school art award to a high school one, which you will see on the cover, and ironically the front page is the young woman who won the first art award as a primary school student in 2004. The front is the commissioner's award and the back was done by an online survey.

Mr Roy: Yes. We had an online survey to choose the Children and Young People Commissioner's choice award and I think we had 500 or 600—I will check the figures—voting for that; it was the overwhelming winner. So again it was just engaging with young people, seeking their views.

If I could give one more plug on that, we also recently did some consulting with children and young people. It is the 20th anniversary of the convention on the rights of the child. A book was launched last week at the NAPCAN conference in Perth and

we will be doing a local release in two weeks from now, summarising the key concepts and principles of the convention on the rights of the child. We asked children and young people around Australia to draw pictures and we had 17 entries from the ACT, which was the second highest of all jurisdictions. They are wonderful drawings and the ages in the ACT ranged from four to 17. They are beautiful descriptions of how young people see their rights—

MS HUNTER: So this is a way of making the convention into a form with pictures to be child friendly?

Mr Roy: Absolutely. We just asked young people to describe how they would see their rights in simple terms. There is a thing called “What’s up Croc?” which is a kind of kids’ version of what the conventions on the rights of the child is. We discussed that with children and young people. They can be simple little stick figures. There were some beautiful drawings of young people’s sense of identity. I would have to show them to you, but they are just fantastic.

Dr Watchirs: The whole point is that human rights are there to be celebrated and enjoyed. It is not just all about violation. It is very important to take that positive approach. We also use Survey Monkey on a number of items. Following Alasdair’s lead, we surveyed government employees through the whole-of-government email and got 250 respondents, with 81 per cent in favour of the ACT Human Rights Act. Through the community notice board we got 100 people and there was 84.5 per cent support for the ACT Human Rights Act.

MS HUNTER: I want to move to some of the challenges that you outline in your report. The first is on page 6 and it expresses a concern over the name of the commission as it does not fully represent the roles and functions of the commissioners. What sort of work are you undertaking to address that?

Mr Roy: That is something that we come across. We are called the ACT Human Rights Commission. Everything we do obviously operates within the human rights framework. We are proud of that and we want to promote that. To deal with the visibility and accessibility, within the commission we have a broad range of responsibilities: strict human rights, discrimination, health, children and young people with a disability. Trying to market yourself, literally, and badging yourself appropriately to those subgroups is quite challenging. It is a big difference from me, for example, as Children and Young People Commissioner, being available to 15-year-old kids to Mary as the Health Services Commissioner being available for people in a hospital setting or in a disability setting or across the human rights setting. It is a matter of trying to match up the fact that we are all within the human rights context, as I said, but we all have different client groups and markets.

Ms Durkin: We are about to go live with the new website and we are also developing banners for each of our jurisdictions so that we can brand ourselves as separate commissioners within a commission. We made the point that because the title does not fully represent all of our functions it does present challenges, because people do not immediately think, “I have a health complaint. I’ll go to the Human Rights Commission,” or whatever.

Dr Watchirs: The original bill was for a human rights and services review commission, but it was felt that was too long; that is my understanding.

MS HUNTER: And you identify that it is about a community education engagement campaign. Do you have the resources to be able to carry that out?

Ms Durkin: What human rights commission ever says it has plenty of resources?

Mr Roy: We struggle. We do the best we can. Obviously if we had more we could do it better, we could do it brighter, we could do it bigger; but we do what we can with what we have.

MS HUNTER: I also noticed on page 7 it talks about struggling to operate within your allocated budget, and that was primarily due to paid parenting leave. That is a concern. What is being done to address that?

Ms Leigh: This issue was brought to my attention shortly after I arrived and it is a real issue for small agencies. I have asked the department to have a look at how we might pool the responsibility across the department so that we do not have the situation of a small agency having to face a large proportion of its budget going to this in any one year. We are still developing the exact model for doing this but that is what we will be doing.

Dr Watchirs: In terms of specifics it has been four staff, amounting to about \$125,000. I understand the federal model is pooled across an agency, so that is what we were hoping would happen.

MS HUNTER: Mr Roy, I note that on page 8 you say you are concerned about the capacity to develop in a timely manner the risk management policies and procedures needed to safely and appropriately engage with children and young people. Could you give us a bit of background on that?

Mr Roy: As Children and Young People Commissioner, one of the things I am obviously concerned about is how child safe and how child friendly are all organisations. There is a training program available in New South Wales which the New South Wales children's commission runs which is all about child-safe, child-friendly training, and it is an initiative I am very keen on looking at in the ACT.

I suppose what I mean by that is that, before we can go out and train other agencies to be child safe and child friendly, I would also like to have a look at myself, to make sure that we are also child safe and child friendly. Do we have the right recruitment strategies? Do we employ the right people? Do we have the right policies in place to minimise risks without becoming so risk averse that it is just ghastly? Do we have the right policies and procedures to respond if something goes wrong? We just need to have a look at ourselves.

If we are going out to bus interchanges, for example, and talking to young people, it is not just as simple as standing there and talking to young people; there are issues in terms of how do we address an issue if a child becomes upset or becomes ill. Can we give them an ice-cream? Can we give them a Chupa Chups for their time? So it is

looking in detail at how we engage with kids in a safe way.

MS HUNTER: So you will be taking on the working with children checks? You will be playing some role around—

Mr Roy: I understand that will be going to ORS—

MS HUNTER: Okay, so ORS will be taking that on board. I have been out there working many years with youth workers and so forth and a police check and so forth is just one form. You need to surround that with supervision, policies and procedures and so forth. It cannot be just an end in itself. Does the Children and Young People Commissioner have a role in looking at what that might look like out there across government agencies but also the community sector, for instance?

Mr Roy: I could have a role. Resources permitting, I would like to have a role. I mentioned the child-safe, child-friendly program. It is operated by the New South Wales commissioner. The New South Wales commissioner also operates the working with children checks; they run parallel. They work quite well together. But you are quite right: the working with children check, or working with vulnerable people check as it will be called in Canberra, is only that. It is a one-off check and it operates on the assumption that you can assess a safe individual. That is all well and good.

I question that assumption. I also think it is more important to talk about creating safe organisations, creating an organisation that lives and breathes an ethos: “We’re friendly for kids. We’re safe for kids.” That is far more than just checking whether someone has had a particular offence in the past. I am not dismissing checks—absolutely, do them. But if you do them in conjunction with child-safe, child-friendly training, you increase your chances of reducing abuse and neglect of kids in an organisation.

MS HUNTER: What would be needed to get that going in the ACT? Is that about resourcing? Do you need to purchase it?

Mr Roy: We had a meeting with commissioners just recently and the New South Wales commissioner offered me the opportunity to take their training program holus-bolus from New South Wales, which was quite exciting. They have said that I can use their training material, the DVDs et cetera. What I need to do is tweak it so that it is suitable to the ACT context, to make sure it fits our legislative and policy environment, and then ideally roll it out into the sector with a campaign. But I need to give some thought to how we do that.

MS HUNTER: That would mean having some people on the ground to—

Mr Roy: It is quite a significant task. You can describe it in one line but it takes a fair amount of work, and there is only me and one other in my office, so it could pose problems.

MS HUNTER: Would that be something for a budget—

Mr Roy: We could look at that, yes.

THE CHAIR: Dr Watchirs, last week or the week before you made a public intervention in the debate about civil unions.

Dr Watchirs: I made a press release last week and I did an opinion piece on Monday this week.

THE CHAIR: That is right; it was an opinion piece. You did a radio interview as well that I was aware of.

Dr Watchirs: Yes.

THE CHAIR: In the press release and I think in the radio interview—that was last week, was it?

Dr Watchirs: Yes.

THE CHAIR: You said words to the effect that the debate on the issue had been robust and some people needed to pull back. I think you said that some commentary was skating on thin ice and people needed to pull back. Can you outline the particular comments that caused you concern, that caused that intervention?

Dr Watchirs: It started off with the Christian Lobby having an opinion piece, I think, two weeks ago and then letters to the editor were getting increasingly heated. It really was a reminder that people needed to be aware of the sexuality vilification provisions in the Discrimination Act. I was very mindful of the 2006 debate when there was vile material on the *Canberra Times* blog site. It involved a case before the Discrimination Tribunal where we intervened because people in a same-sex relationship were described as “subhuman”, “perverts” and “mentally ill”. I was very cautious as we did not want that to happen again. I thought it was better to get in there, as it was getting closer to vilification, before waiting for a case, having a formal process and then waiting several years for the tribunal to get around to making a decision.

THE CHAIR: Was this a precautionary intervention? I think you said that some of the commentary was beginning to skate on thin ice.

Dr Watchirs: Yes, I did.

THE CHAIR: What was the commentary that you thought was skating on thin ice?

Dr Watchirs: That heterosexual marriage was the only real contributor to society because that is how you raise children. In my mind, that implied that people of single families or same-sex families were inferior in terms of their contribution to society.

THE CHAIR: Was there any particular instance where that was—

Dr Watchirs: There were a number of letters that got close to that. I could take that on notice if you would like me to.

THE CHAIR: Thank you; I would appreciate that. You probably touched on this in

your commentary—that there is, I suppose, a fine line between people’s rights to free speech and free expression and what you characterise as thin ice. There is also the risk of you appearing to be the thought police, which I think would cause some people some concern. How do you mitigate that?

Dr Watchirs: The thing about a debate is that it is something that happens in public. In terms of the Discrimination Act, private thoughts are absolutely your own business and your behaviour in your private home. When you enter the public domain you still have freedom of expression, but there are limits. That is in all UN treaties—that you cannot go to the point of racial vilification, which is probably the strongest. Our Discrimination Act was amended a number of years ago to include sexuality, HIV-AIDS status, as well as racial vilification.

In my view, we need amendments. I do not think they are a good fit with the Human Rights Act. I think we should be looking at some of the federal and UK provisions. We did an issues paper back in 2006 to make it clearer what people’s obligations are—not to be the thought police, but that people know where the boundaries are in terms of the debate, that they do not get offensive or vilify or get to the point of making those people stigmatised in the community.

THE CHAIR: Do you believe that your intervention was to prevent groups being stigmatised in particular ways?

Dr Watchirs: That was my intention. I think that it has toned down a bit, although in terms of action it appears that the commonwealth will be intervening. The debate has taken the heat out of it, but the seriousness has gone up.

THE CHAIR: Is it possible the debate has toned down because, in a sense, the debate has moved on? A decision was made by the Assembly and after a time people ceased to comment. I suppose it will arise again because of other actions that you have alluded to. Is it a cyclical thing or is it that people took your message?

Dr Watchirs: Last time the issue was being debated in the Assembly, and that has followed this time, but it has gone further because of the possibility of commonwealth intervention. The 2008 act did not include a celebration element. Therefore, there was not the possibility of the federal government intervening.

THE CHAIR: In your radio interview you undertook to call people in. Have you carried through on that?

Dr Watchirs: We have drafted a letter to some key stakeholders. They have not been posted out. Hopefully that will happen tomorrow. I am also keen to look at racial vilification. In lots of other jurisdictions international students have been subjected to violence. We have spoken by phone to international students and their representatives and they are saying, “No, it’s not a problem here.” But I think a roundtable would be a good idea to check that it is not that they are too busy working and studying and that they can do something about it.

THE CHAIR: Have you initiated the process of calling people in? On radio, when asked whether you were going to call in people, you said words to the effect, “That

doesn't seem like a bad idea; I'll do that."

Dr Watchirs: Yes, we have. We have drafted a letter. We have only made phone calls in relation to racial vilification, but we have got a letter and are just drafting up a list.

THE CHAIR: Last week, when you were talking about people skating on thin ice, you were asked by the interviewer, "Would you call people in?" Are you going to call people in in relation to that issue, not the racial vilification issue?

Dr Watchirs: My intention was to do vilification generally and to include racial vilification as well as sexuality vilification. I wanted to use it as an opportunity to relook at the 2006 issues paper by calling people in, whereas last time we did it as a submission on a formal basis. I thought this time if we got a roundtable that may be more consultative.

THE CHAIR: In that case I somewhat misunderstood what you seem to have said on radio because it gave the clear impression to me and to others that you were contemplating calling in those people who you thought had skated on thin ice in relation to the civil unions debate.

Dr Watchirs: I have a power to do an own-motion complaint and that could be on discrimination or vilification grounds. That is not my intention. My intention is to have a roundtable with people to talk about the issues so that we are clear where the boundaries lie. I may have not been clear on radio.

THE CHAIR: I have to say it did sound a bit schoolmarmish. It gave the impression that you were calling people in to reprimand them.

Dr Watchirs: That was not my intention. It was to get people talking about it.

THE CHAIR: Thank you very much, minister, and Ms Leigh—and you did manage to get into the *Hansard* this afternoon—for your sterling efforts. I thank the officials for attending.

The committee adjourned at 5.35 pm.