



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**SELECT COMMITTEE ON ESTIMATES 2017-2018**

(Reference: [Appropriation Bill 2017-2018 and Appropriation \(Office of the Legislative Assembly\) Bill 2017-2018](#))

**Members:**

**MR A WALL (Chair)**  
**MS B CODY (Deputy Chair)**  
**MR A COE**  
**MS C LE COUTEUR**  
**MR M PETTERSSON**

**PROOF TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**FRIDAY, 23 JUNE 2017**

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**Secretary to the committee:**  
**Mrs N Kosseck (Ph 620 50435)**

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

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

## APPEARANCES

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## **Privilege statement**

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*Amended 20 May 2013*

**The committee met at 9.18 am.**

Appearances:

Gordon, Mr Ramsay, Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors

Justice and Community Safety Directorate

Playford, Ms Alison, Director-General

Kellow, Mr Philip, Principal Registrar, ACT Law Courts and Tribunal

Field, Ms Julie, Executive Director, Legislation, Policy and Programs

Costello, Mr Sean, Director, Civil Law, Legislation, Policy and Programs

Garrison, Mr Peter AM SC, Solicitor-General for the Australian Capital Territory, and JACS Statutory Office Holder

Chief Minister, Treasury and Economic Development Directorate

Snowden, Mr David, Chief Operating Officer, Access Canberra

Stankevicius, Mr Adam, Director, Government Reform, Policy and Cabinet

Esau, Mr Lloyd, Director, Major Projects, Infrastructure, Finance and Advisory Division

**THE CHAIR:** Good morning, and welcome to the sixth day of public hearings for the Select Committee on Estimates 2017-2018. Today we will examine the revenue estimates for the Justice and Community Safety Directorate which relate to budget statements D.

With questions that are taken on notice, could you please state clearly that you will take the question on notice, just to make it easier for the committee secretary. I ask everyone to please familiarise themselves with the pink privilege statement and indicate that they are aware of its implications. I dare say everyone has been here more than once, so we can kick on from there. Minister, would you like to make an opening statement?

**Mr Ramsay:** Thank you. The 2017-18 budget demonstrates the government's commitment to a justice a system that is accessible, timely and transparent. The budget's investment in critical services will deliver more accessible justice by providing additional funding to those services to support the most vulnerable and the most marginalised members of our community.

Community legal centres and their clients have suffered through several years of uncertainty regarding their core commonwealth government funding. The ACT government is restoring this certainty by providing nearly \$2½ million for our community legal centres over the next four years. The government will continue to support Canberra Community Law and the Women's Legal Centre to provide legal services for disadvantaged groups within the ACT community and to fund the Street Law early intervention legal outreach service. The government will also provide support to the Environmental Defender's Office for two years.

The budget includes \$1.243 million for Street Law, nearly \$1 million for Canberra

Community Law and the Women's Legal Centre, ACT and region, \$285,000 over two years for the Environmental Defender's Office ACT, and business support of \$20,000 in 2017-18 to assist the community legal centres to implement proposals developed during the service planning process. This initiative is additional core funding to the community legal centres. Although the commonwealth has recently announced additional funding for community legal centres to deliver family law services and family violence related services, that is not core funding and will not entirely offset the commonwealth's cuts to core funding under the national partnership agreement on legal assistance.

Given the unstable nature of commonwealth funding to the legal assistance sector since 2014, the ACT government has acted to ensure these vital community legal centres can respond to the growing demand for their services. Of all Australian jurisdictions, the ACT is one of the highest financial contributors to its legal assistance sector. In 2016-17 the ACT contributed approximately 60 per cent of the government funding provided to Legal Aid ACT and ACT community legal centres. The ACT government is also one of the few state or territory governments to supplement commonwealth funding to the Aboriginal Legal Service, and the only one to provide recurrent funding to that service.

However, innovation in our justice system is also critically important to maintaining access to justice. This budget includes funding of \$400,000 for scoping and design of a drug and alcohol court, in collaboration with the justice and health service sectors. The government has committed in the parliamentary agreement to establishing a drug and alcohol court and associated support programs for the ACT as part of the goal to reduce recidivism by 25 per cent by 2025. This initiative provides funding for phase 1, comprising initial model design work. The effectiveness of drug and alcohol courts in achieving long-term behavioural change in offenders is supported by a substantial body of research and includes reductions in reoffending, reduced incarceration rates and improved community safety outcomes.

This budget delivers further improvements to government transparency by funding the introduction of the new Freedom of Information Act 2016, the FOI Act, which commences on 1 January 2018. The new FOI Act will strengthen the community's right to access government-held information unless, on balance, releasing the information would be contrary to the public interest. The act is a significant departure from the current legislation as it adopts a push model, through an open access scheme. The act includes greater proactive and routine release of information, new right to information and maximum disclosure of non-personal information. The scheme involves a significantly different structure and a substantial new role for the Ombudsman.

Funding of approximately \$900,000 per year for two years will ensure that the Ombudsman is able to fulfil these new functions, which will include developing guidelines to assist understanding of the new act, reviewing decisions about access applications, deciding requests for extension of time, referring matters for mediation, monitoring compliance, investigating complaints and undertaking reporting. The Ombudsman will need to recruit and train staff before the FOI Act commences on 1 January next year to ensure that it is able to fulfil its legislative functions under the new act. Future funding will be determined by the outcome of a review of the volume

of work that is undertaken.

Finally, I am committed to our system delivering timely justice. This is enhanced in this budget by additional funding to key organisations in the justice system. Legal Aid and the Office of the Director of Public Prosecutions will both receive increased funding to help facilitate timely and fair resolution of matters before the court. The budget includes more than \$1 million over the next four years for Legal Aid to improve its capacity to create legal assistance to vulnerable people who cannot afford the cost of private legal representation.

The government will provide funding to increase the capacity of the Office of the Director of Public Prosecutions to better support prosecutions in the territory. This funding will assist the Office of the Director of Public Prosecutions to keep pace with demand and respond to the needs of the court, the police and other investigative agencies and the criminal justice sector more broadly.

It is important for the committee to be aware that a review is underway into the ODPP's capacity to deliver services on behalf of the ACT government and the broader community into the future. That review will provide advice to government on a way forward in supporting the office.

Across these initiatives, and more broadly in the development of new policy and legislation, this budget confirms the government's commitment to a justice system that is accessible, transparent and timely.

**THE CHAIR:** I will kick off with a question on output class 3.1, courts and tribunals. There is a significant increase in funding to this output class. What is the expected reason for those changes? Is it a change in workload or is it directly related to the courts project?

**Ms Playford:** I might ask Philip Kellow, the registrar from the court, to come to the table.

**Mr Kellow:** The main feature of the increase in the appropriation for the courts reflects the move to the new facilities. The accounting for the PPP complex has now come into our budget as an ongoing cost.

**THE CHAIR:** What is the cost of the PPP?

**Ms Playford:** I have just found those figures. I understand that the interest expense associated with the PPP is \$5.3 million and the operating impacts are \$4.2 million. There are some new initiatives, where the court had funding over this budget or the last budget, which reflect through, which is about \$2.6 million of the increase to that output class.

**THE CHAIR:** What were those initiatives?

**Ms Playford:** The new initiatives funding is the drug and alcohol court, and funding related to the retrial of David Eastman, primarily.

**THE CHAIR:** Are the figures that you gave for the interest repayment on the PPP pretty much indexed each year, or are they on a sliding scale? Do they change dramatically from—

**Ms Playford:** Yes, there is an index where it would get adjusted.

**THE CHAIR:** Are you able to provide—I am happy for you to provide it on notice—a schedule of what the forecast costs are on the PPP going forward?

**Ms Playford:** Yes. We will take that on notice.

**THE CHAIR:** Where is progress with the development of the new law courts up to at the moment? Are we on track?

**Mr Esau:** I am working on the ACT law courts project. With respect to progress at the moment, the contractor has recently advised us that they are unlikely to reach the original scheduled completion date of November this year and are targeting completion by the end of this calendar year. Internally, we are taking the view that we need to mitigate for completion to occur early in 2017 of the stage 1 aspect of the project. Stage 2 follows through, and any delays to the stage 1 completion will delay access to the stage 2 worksite and will have a consequential knock-on into the completion of stage 2.

**THE CHAIR:** So at this point stage 1 is now due for completion. Is there a revised completion date?

**Mr Esau:** There is. It has been monitored, as it progresses. The structure has been extremely complex on that project, and it has been challenging for the contractor. The completion now is subject to how fast the internal fit-out works will advance once the structure is complete. The structure is due to be topped out next month, so that is a major milestone for the project. We will be monitoring it going forward, for the remainder of this year, to get an increasingly more accurate sense of when we think we will be able to take possession of that first stage of the works.

**THE CHAIR:** Who bears the risk in those delays? Is there any penalty to the consortia for failing to complete on time, or does the territory essentially bear the costs of that delay?

**Mr Esau:** Under a PPP arrangement, we only commence payment of a monthly service charge for the availability of the facility once the facility is available to us. Obviously, we were initially due to commence payment for stage 1 on 24 November this year. That payment will not commence until the completion has been achieved.

There is a second step up when stage 2 is complete, on a split of roughly 65 per cent for stage 1 and 35 per cent for stage 2, but we do not pay those amounts. Those, therefore, are lost revenue for the private contractor and they flow through to their consortium as financial penalties that will apply through their mechanisms at both equity and contractor level. So, yes, they make losses.

**THE CHAIR:** There is no essential penalty or incentive for them to complete on time,

other than that revenue imperative from the territory's perspective?

**Mr Esau:** It is a significant financial incentive, both in terms of the lost revenue and in terms of the prolongation of overheads and prelims for the contractor, for it taking longer. So, yes, there are significant financial incentives for them accelerating, to the extent possible, the completion of the project.

**MR COE:** I have a supplementary. What is the period for the availability payments? What is the total period?

**Mr Esau:** The period runs for 25 years from the completion of stage 2, which is August next year, in the contract. The payment period does not get extended because of a delay to the start. It is the total period—

**MR COE:** So that is actually a penalty. There is actually a penalty?

**Mr Esau:** It does not all shift back in time, no.

**MR COE:** It is not just a financial penalty; it is actually an income—

**Mr Esau:** A total loss of income for that period where availability has not been provided, yes.

**MR COE:** What is the monthly payment for stage 1?

**Mr Esau:** I may need to take this on notice or at least check this. It is in the order of \$36,000 a day. That is the monthly service payment for stage 1.

**MR COE:** A working day or seven days?

**Mr Esau:** Seven days. But those figures need to be resolved, because they are subject to elements of indexation and other adjustments that occur quarterly through the year. So it is an approximation.

**MR COE:** Have there been any variations which have led to increases in the availability payments?

**Mr Esau:** Not so far. We are still working through the commercials on various modifications, but those changes have been extraordinarily minor. They would not move the needle on the MSP.

**MR COE:** Is there a one-off capital payment at any point?

**Mr Esau:** No.

**THE CHAIR:** Ms Le Couteur, you had a supplementary?

**MS LE COUTEUR:** Yes. It is about the operations of the courts, as distinct from construction. Is that okay?



**THE CHAIR:** Let us try to get the court questions out of the way. We can move on because there are various outputs in this time slot.

**MS LE COUTEUR:** What is the current backlog of criminal cases in the courts? That is what I am really interested in. What is the backlog? How long does it actually take for a case to be tried in the magistrates and supreme courts?

**Ms Playford:** Philip Kellow, the registrar, is probably the best person to answer those questions.

**Mr Kellow:** Within the budget papers there is the record of expected outcomes on the strategic indicators and accountability indicators. They deal with backlog and the age of backlog. In terms of actual numbers, I would need to take that on notice. We are still in a bit of a state of flux, moving across to the ICMS. It is a new case management system that has been implemented for some of the jurisdictions but not for criminal. We need to get reports from two different systems to try to reconcile them.

In broad terms, in respect of the clearance rate, which is how many we are finalising compared to how many are coming in, we are getting close to 100 per cent across all the jurisdictions—criminal and civil in both courts. But there is still some backlog in the older cases. That is between five per cent in the Magistrates Court and up to about—

**MS LE COUTEUR:** So you are finalising, but in what period? How long on average do you have to wait if you are going to court? Am I waiting a week, a year?

**Mr Kellow:** Again, in the indicators we have indicated the median times for disposition. For example, 50 per cent of matters in the Magistrates Court have been disposed of within about 40 days. It does vary and it is partly about how we measure that.

**MS LE COUTEUR:** Yes, but that is the median. Do we know the average?

**Mr Kellow:** I can certainly take—

**MS LE COUTEUR:** Do you know how much it costs the taxpayer? You talked about our still having the backlog from before, which was not in that. How much is that backlog costing us?

**Mr Kellow:** I am not sure. It is not a way of quantifying. The indicators that are used and the approach that is also taken by the Productivity Commission in the *Report on Government Services* are to look at the average cost per finalisation in each jurisdiction, and that is reported. But in a way it is a difficult measure in that most of the costs of the courts and the tribunal are fixed. The main variable is how many matters may be finalised in a particular 12-month period. That may depend on the nature and complexity of the cases.

We are also downstream; so the courts do not control how many matters come into the jurisdiction. Both courts have been focusing very much on trying to resolve the older

cases. If you resolve the old cases, it means the cases that are behind them get a bit older too. So it is a gradual process to increase our velocity, for want of a better description.

**MS LE COUTEUR:** Yes.

**Mr Kellow:** But the courts are getting there. Both heads of jurisdiction have been working very hard on their listing practices to try to push that through. We have had the appointment of a fifth judge in the Supreme Court. The new associate judge will commence next week, which will give us some stability and certainty now around the judicial resources in that court.

**MS LE COUTEUR:** I note that the backlog indicator is higher, up at 10 per cent for the civil cases and a lot higher for the Coroner's Court. Do you think that the drug and alcohol court, when it comes into operation, will make an impact on the backlog?

**Mr Kellow:** I think the underlying principle for the drug and alcohol court is directed at a higher judicial supervision of particular therapeutic justice options. It is actually to try to rehabilitate and support offenders. In that sense, it is probably a more intensive approach to dealing with people. I think the longer term outcome is to reduce recidivism and to help people return to the community with a stronger base than may otherwise be possible. No, I think, is the short answer to that. I do not think it will improve the sort of velocity of the courts, but it will deliver better outcomes.

**MS LE COUTEUR:** I will put some more questions on notice, I guess. I am really trying to find out—I have the page and I have the percentage, but I cannot work out from this how much there actually is.

**MS CODY:** I have a supplementary here. Mr Ramsay mentioned in his opening statement, as did Mr Kellow and Ms Le Couteur, the new drug and alcohol court. Can you expand a little more on that? Have you worked out how that is going to work?

**Ms Playford:** I am happy to start on that one and then other people can jump in. Justice Burns from the Supreme Court has established a working group, which includes me, members from corrections, members from Legal Aid, members from the DPP and a Health representative. That working group visited the New South Wales Drug Court and has had a briefing from somebody from the Victorian Drug Court, and it is doing some research around different models across Australia.

There was funding in the budget, which Minister Ramsay talked about. We have seconded a person from our legislative policy area to work directly to Justice Burns in developing a model which will then be used as a basis for some further consultation and to present to government in the form of potentially a budget proposal for what it might look like and what it might cost. There would be further work to do in that area. That is the sort of process we are going through at the moment.

**MS LE COUTEUR:** So no community representation in this working group?

**Ms Playford:** The Health person sort of has a community focus, but at this stage I think Justice Burns thought to keep it at a core group. Then the intention is to have a

broad paper that goes through what the different model options are and to go through a broader consultation process at that stage.

**MS LE COUTEUR:** If the Health person has a community focus, not a health focus, that seems—

**Ms Playford:** Well, they are—

**MS LE COUTEUR:** to me like you clearly would need someone with an actual health focus, possibly a physical and a mental health person.

**Ms Playford:** Yes; sorry, it is someone from ACT Health but they also have a good understanding of some of the community services that would need to be involved in providing services for a drug and alcohol court. The intention is to do some further consultation, which would include the community sector.

**MS LE COUTEUR:** Good; badly needed.

**MS CODY:** You said you looked at the New South Wales and Victorian models of the drug courts. Obviously, we are taking learnings away from both those jurisdictions, the ACT of course being slightly different again.

**Ms Playford:** Yes.

**MS CODY:** In this budget the announcement is for the scoping work and costings for one; is that correct?

**Ms Playford:** Yes. The money in this budget was for scoping and for some research and consultancies, as required, to try to develop a model which is fit for purpose for the ACT, noting the differences that we have and what the different options are. We are not just looking at New South Wales and Victoria. Some of the other smaller jurisdictions like Tasmania and South Australia also have drug courts. So we are looking more broadly. New Zealand is another example that we are looking at.

**MS CODY:** What are some of the findings coming out of this that have led us to believe this could be a good thing for the territory?

**Ms Field:** I think the evidence is very strong. As the minister said, the evidence is quite strong. There is substantial research around long-term behavioural change in offenders. I think perhaps the most telling thing is that Queensland had a drug and alcohol court. They got rid of it as part of cost cutting. They are now looking at putting it back because they have realised that it does make a difference.

That really goes to the question that you were asking Mr Kellow about whether it will save time and whether it is not actually about saving time. Mostly in therapeutic jurisdictions we find that things take longer but then they have a downstream effect where they reduce the number of people who are coming back into the system. That is the kind of thing we are finding. There is a very good evidence base for the validity of a properly set up drug and alcohol court.

**MS CODY:** I have a substantive question but it is not about courts.

**THE CHAIR:** Yes, that is all right.

**MS CODY:** In your opening statement, minister—

**MR COE:** Actually, can I ask a quick supplementary on courts, then?

**THE CHAIR:** Yes.

**MS CODY:** Yes, that is why I thought I would mention it.

**THE CHAIR:** Yes. That is okay.

**MR COE:** Yes, thanks. My question is with regard to all the digital projects that are on the go within the courts relating to digital lodgement but also with regard to wi-fi. Is there anything in particular to report?

**Mr Kellow:** It would be fair to say that if you drive around London Circuit, you will see that we are in a bit of a state of flux at the moment. We have the two old buildings which are still fully operational while we have the new building works. Part of the building works has been to upgrade the technology in all the Magistrates Court courtrooms. Eleven courtrooms in that building have now had full AV equipment installed. When I came a couple of years ago, we had only a couple of courtrooms with that equipment. That is now throughout the building. We are installing wi-fi capability. We have some interim arrangements for that with the completion of the new building that will be fully provided and properly maintained as part of the PPP.

**MR COE:** That will not just be the CBRfree public wi-fi; that will actually be a court-specific service from which practitioners will be able to upload or download more than 100 meg a day?

**Mr Kellow:** Yes. We have worked with ACT Shared Services to come up with an arrangement to provide access to the wi-fi for practitioners. As I say, we will have technology-enabled courts. There are different ways, depending on the nature of the trial, of dealing with electronic material that we can set up.

An example in the ACT has been the Eastman litigation following from the inquiry. That has all been run in an electronic form. There are providers and specific courtroom technology that you can use. It is sort of a case of proportionality; it is looking at the needs of particular cases and working through them.

We will also have much higher quality facilities for remote witnesses or vulnerable witnesses in terms of being able to give evidence via audiovisual but still have access to look at materials, being able to annotate and so on. There will be a better quality there.

**MR COE:** I am particularly interested in the lodgement of documents and also the access to wi-fi.

**Mr Kellow:** Yes.

**MR COE:** What is specifically happening in that space?

**Mr Kellow:** Yes. As I say, with the wi-fi we have a basic service rolled out now in the existing buildings that will be fully ramped up as the new buildings come online and the old Supreme Court building is refurbished.

**MR COE:** Between now and then, what is in place?

**Mr Kellow:** I do not know the technical things, Mr Coe, but we have the WAPs—the wi-fi access points—in both buildings that practitioners can access. It has been primarily used in the Supreme Court, on the usage figures that I have seen.

**MR COE:** And do practitioners have access to that or is that just for staff?

**Ms Playford:** Yes, practitioners.

**Mr Kellow:** No, that is for practitioners.

**MR COE:** Is that just the CBRfree wi-fi or is that actually something that has greater capacity? A few practitioners have told me that when you have got limits like those in place for public wi-fi you get there pretty quickly when you are uploading or downloading documents.

**Mr Kellow:** I do not know the limits but it is certainly not off the CBR public wi-fi. It is a separate installation that we have put in. In terms of the electronic—

**MR COE:** Are you able to take that on notice, just what the current limitations are on the service?

**Ms Playford:** Yes, we can take that on notice.

**MR COE:** Thank you.

**Mr Kellow:** In terms of the electronic lodgement, very quickly, the integrated courts case management system that we are implementing includes online functionality. There are three elements to that that the ACT will be implementing. The first will be a criminal portal, which is allowing information for the DPP, corrections and other people within the criminal jurisdiction. There is an electronic forms functionality which will allow people to complete forms online and submit them.

Then there is an electronic lodgement facility. The court term would be that it is similar to the commonwealth courts portal. That is the portal which will allow practitioners not only to lodge documents but also to track their particular cases. They will have an account. They will be able to log in and not only exchange documents with the courts but also track events—have access to orders and other matters. We will roll out that functionality. In respect of first tranche, we are just arranging consultations with the legal profession now.

We have had higher level discussions with the professional bodies. We are now actually going out to individual law firms to find out what their needs and interests are. The aim is to have a basic tranche of services in the middle of next year when we go live with the final stage of ICMS and then to build on that as we go through.

**MR COE:** Couldn't you just piggyback on the Federal Court system or on another jurisdiction's system?

**Mr Kellow:** We are building it as part of the integrated courts management system, which is the one that WA has developed and is using. It is built into the case management system. For example, when a practitioner logs into their account, they will actually see the information that is in the court system. It will be direct access to the information that we are all working from. So it will be a single-source solution.

**MR COE:** Thank you.

**MS CODY:** Minister, you mentioned in your opening statement the community legal centres. Obviously they are going to deliver a whole bunch of services. How do they differ from the Legal Aid services?

**Ms Field:** I think Legal Aid are appearing. You might want to ask them. But they provide means-tested support, and that is quite stringent. I might ask Sean to come up as well.

**Ms Playford:** Legal Aid have a mandate, particularly in relation to criminal law, to provide defence, and that is a big part of what their practice is. They also have a number of other parts of their practice, including civil law and family practice. As Julie alluded to, you will be talking to Legal Aid this afternoon. You can chat with them.

**MS CODY:** Yes, absolutely.

**Ms Playford:** I guess a lot of their work is court based, although not all of it is. They do have a very large component of work which is the legal helpline and hotline services. The community legal service often provides a kind of way into the justice system and support and guidance for people. They have some court-based services and duty lawyer services at the court, but a lot of it is more advice type of service and it probably is broader. Each of the different parts of the community legal sector has a different focus, obviously.

**Ms Field:** Legal Aid, because it is a statutory organisation, has requirements to meet certain levels or thresholds of service. Its business model is much more about getting bulk numbers of people through and providing services very effectively. Community legal centres have quite a strong client focus and because they are part of the community sector rather than a statutory authority they have a different focus and a slightly different model.

**Mr Costello:** Probably echoing what Alison and Julie have already said, the community legal centres are there to complement in some ways what Legal Aid provides. We do service planning with Legal Aid and the community legal sectors on

a regular basis so that everyone is aware of the service system that is available to disadvantaged people.

As Julie and Alison said, the community legal centres tend to have a particular focus. Canberra Community Law will focus on debt and social security, and tenancy matters. The Women's Legal Centre obviously provides a very dedicated specialised service for women. There has been quite a bit of evidence to show that women in particular circumstances require that level of legal assistance.

The Tenants Union provides a very specialised service for tenants, to give them advice about tenancy and dealing with landlords and, as Alison suggests, not always appearing for them in matters but giving that advice so that they can often deal with matters themselves outside the tribunal process. Street Law is a new service which has been recurrently funded for the first time.

**MS CODY:** I was about to ask you about that.

**Mr Costello:** And that is about going out to places where homeless people or people at risk of homelessness may be and pre-emptively trying to speak to them about what their legal issues might be, to try to avoid homelessness and find secure housing.

**Ms Field:** Yes, it has a strong outreach model. That is quite different to other organisations who have outreach as part, whereas the whole point of Street Law is going to where homeless people tend to go.

**Mr Costello:** There was a piece of national work done a couple of years ago now on legal need and it found outreach is a critical component of that. Those people that are most disadvantaged and most in need of legal services are often outside the city centres and often do not know that they have legal problems. The Street Law model provides that outreach to go and find those people and hopefully help them before they become homeless, for example.

**Ms Playford:** And you might want to ask Legal Aid. They have also, I guess since that Productivity Commission report, enhanced the number of outreach services that they offer.

**MS CODY:** I have got a whole bunch of questions for Legal Aid this afternoon. I am glad you raised Street Law because that was something I was also interested in. I saw listed here in the priorities: "support when it matters". I know you did just briefly explain. Is there any more information you can give me? How long has Street Law been—

**Mr Costello:** I believe it is seven years.

**Mr Ramsay:** I was going to say Street Law has been going since 2010. This is the first time that Street Law has had recurrent funding. One of the significant things through this year's budget is that there is that security of funding for them going forward. They are able to develop and to embed their service delivery in the ACT, which is, I think, a particularly significant impact for our vulnerable people.

**MS CODY:** That is fantastic. I have one further supplementary. How does the funding boost the capacity of these community legal centres? I know that you noted that, particularly for Street Law, it helps those who may become homeless or are homeless already. What are the other areas of help? I know you mentioned tenancy arrangements.

**Mr Costello:** Part of the issue for community legal centres in recent years has been uncertainty over commonwealth funding. And obviously the commonwealth has announced that there was a concern about a 25 per cent cut in commonwealth funding, which now appears will not occur. But the nature of that funding is still a little unclear and it looks like that restoration of the 25 per cent funding is going to be very focused on family violence matters. We are still working through with the commonwealth what that means to the community legal centres. Part of the ACT government funding really provides that certainty now so that they can plan into the future for hiring staff, retaining staff, service planning, knowing that they have got that core. They have the funding that perhaps was at risk previously.

**Mr Ramsay:** One of the things that came out of recent conversations with them is certainly the intention that they can now have that security of staffing, which has been a key concern for them. In some of the planning that the directorate has been doing with community legal centres recently, one of the areas of focus was service delivery and legal assistance to Aboriginals and Torres Strait Islanders, especially Aboriginal women.

What has happened is that some of the funding that is going to the community legal centres is able to specifically develop that particular area of the practice and that particular program. It means that our vulnerable Indigenous population are able to receive the legal assistance but often the broader social type of support that is needed. One of the impacts of the community legal centres is that they work together on both legal and social work, at times trying to alleviate the legal issue but often the root cause behind it as well. That is one of the key focuses.

**Ms Playford:** I was just going to add that as well as the ACT funding providing that certainty, the additional funding that the commonwealth has announced for family violence is obviously welcome in the context of increases in family violence cases that we know have occurred. There is the family safety package and greater awareness within the community and a range of other initiatives at a national level. For some of the community legal sector, particularly the Women's Legal Centre, that is a primary focus of their service delivery for those clients.

**MS LE COUTEUR:** What steps have been taken to make prosecutions less traumatic for victims of family violence and sexual assaults?

**Ms Field:** There is actually a whole package of work and, again, you might like to ask the Minister for the Prevention of Domestic and Family Violence this afternoon. But certainly, particularly around prosecutions, something like using pre-recorded evidence-in-chief is one of the biggest things we have done recently. That is where police will interview someone at the scene of the incident. That gets provided and played to defendants and that can be used in prosecutions. Really what we find with that is that it reduces the tendency of things to go to trial. That actually helps a lot.



We have been working around this area for a long time. We have a lot of supports. DPP has specialised officers and has a family violence unit. Women are supported through that. There is a wraparound service for women that helps as well. That is all I can think of at the moment.

**MS LE COUTEUR:** I have one specific question. I know you have video links for giving evidence. Is there any circumstance where victims can be compelled to give evidence in court rather than via video link?

**Ms Field:** No. There are the remote witness rooms. I do not believe so.

**MR COE:** I will get straight to the account billing indicators in 1.1 in budget statements D. The targets that you have got there seem a little arbitrary. I was wondering how they are actually developed and what is the rationale for the setting of the 92 and 97 per cent.

**Ms Field:** Sorry, the 92—

**MR COE:** The percentage of legislation requested by JACS and the proportion of surveyed users for restorative justice. It is applicable, I think, to all the indicators you have got. What is actually the rationale for those percentages?

**Ms Field:** On the 92 per cent, a major part of the work of legislation policy and programs is providing legislation and generating new policy ideas. That indicator is supposed to reflect that and provide that in a timely way so that—

**MR COE:** I understand what it means, but why is it 92 and not 94 or 100?

**Ms Field:** Basically, if we have about 10 bills, what it does is reflect that if we get 90 we can fail on one bill. That is really—

**MR COE:** I do understand what it means, but I am just wondering why you can fail on one bill. Why is it actually a target? I do not really see how applicable having those sorts of targets is. Why are you not striving for 100 per cent? Why is the target not 100 per cent?

**Ms Field:** We always strive for 100 per cent. What it is reflecting is that you cannot get 100 per cent if you fail on one thing and it is quite possible that, given the number of priorities and things like that, you might not make everything and we think that is a realistic target.

**Ms Playford:** With all the targets, we have gone through and tried to be pragmatic about what is achievable.

**MR COE:** It must be a language issue, because the principle of having a target and failing one in 10 is a bit odd, I reckon, and it may be better to have some information about the reasons why the one in 10 is not being achieved as opposed to that being the target in and of itself.

**Ms Field:** I am happy to take that on board. What we have to do if we depart from that by a certain amount is explain why we have done it. Really what we are saying is that, if I can just repeat it—

**MR COE:** There are timely legal services provided by the ACT Government Solicitor, an 85 per cent target. It just seems a bit odd. I understand these as reporting mechanisms, but to actually have them as targets is—

**Ms Field:** On things like compatibility with human rights, we have got 100 per cent because that is our target and we do achieve that and we consistently achieve. We know we can achieve that. Really what we are not going to do is set ourselves up to fail because we know that sometimes there can be things outside our control where we might not achieve. What we do is also monitor achievement rates. Things like restorative justice, we have monitored that. We look at how we go. We have the follow-up surveys around that and we adjust the rate for that, depending on how we are going, and we try to increase if we can.

**MS LE COUTEUR:** I want to talk about restorative justice services because, again, it seems they are not particularly useful: 97 per cent of people are satisfied. I am sure that is great, but you could presumably do that by just having one or two very well managed incidents. It is not a target that gives us any idea about how restorative justice is going, whether it is being used or anything like that.

**Ms Field:** The annual report talks about how many cases go through, and that will help to inform your picture of how it is going. They are not as qualitative as they could be, and certainly that is something that we are looking at. It challenges us to think about what is important for us to deliver. Again, although it is a different portfolio, when we looked at the restorative justice data it showed us that we were not meeting our targets for Aboriginal and Torres Strait Islander people, so we had to respond to that and put in new measures.

**MS LE COUTEUR:** Given that this target is your one accountability indicator for restorative justice and there is 97 per cent user satisfaction, this incentivises you to do a very small amount of restorative justice and to make sure it is done in the places where it will work exceptionally well.

**Ms Field:** Except that it is a referral-based service, so we assess everyone who comes in. It is a bit like the courts in that restorative justice does not get to pick and choose; anything that is suitable it runs.

**MS LE COUTEUR:** Who decides what is suitable?

**Ms Field:** It is legislatively based. Sorry, that should wait; I have restorative justice people turning up for a later session.

**MR PETTERSSON:** I have some questions about the ACT Government Solicitor. Can you provide a broad overview of the role of the government solicitor?

**Ms Playford:** I will ask Peter Garrisson, the Solicitor-General, to respond to those questions.

**Mr Garrisson:** The ACT Government Solicitor is established under the Law Officers Act and is the principal legal services provider for the ACT government and its agencies. The work encompasses all aspects of the government's business, including all of the municipal matters for which the territory is responsible. It is an office of approximately 110. It is funded partly by the budget and partly by revenue arising from those agencies that are obliged to operate commercially and therefore are billed, as well as other funding arrangements through special projects and the outposting of lawyers to various directorates. It conducts all of the territory's litigation.

Some of our legal services are outsourced to the private sector—low risk, high volume work that can be done more cost effectively by the private sector. Also some major projects require particular expertise or resourcing that can be more effectively delivered by the private sector. There is what I would regard as a reasonably healthy mix in terms of the source of legal services for the territory. Most of the territory's work is done by my office. We also engage counsel from the private sector. It is a fairly complex undertaking and it has grown, of course, as the complexity of government has grown over a number of years.

**MR PETTERSSON:** Could you go over who the ACT Government Solicitor represents?

**Mr Garrisson:** It represents all of the ACT government agencies and statutory authorities. It will act for individual territory employees from time to time. We act for other Crown law officers in other jurisdictions when they are engaged in proceedings in the ACT from time to time. The class of persons for whom the ACT Government Solicitor can act is specified in the Law Officers Act.

**MR PETTERSSON:** Can you outline your duties in relation to members of the Legislative Assembly?

**Mr Garrisson:** I have no duties in relation to members of the Legislative Assembly.

**MR PETTERSSON:** Has the government solicitor ever represented members of the Legislative Assembly?

**Mr Garrisson:** We have from time to time, in my memory, over the last 18 years.

**MR PETTERSSON:** Can you outline some of those instances for me?

**Mr Garrisson:** No.

**MR PETTERSSON:** No?

**Mr Garrisson:** No. It would be disclosing personal information on behalf of the members concerned. Some of the matters were of a highly sensitive nature, and I do so at the request of the Attorney-General.

**MR PETTERSSON:** So your representing members of the Legislative Assembly is a decision of the Attorney-General?

**Mr Garrison:** Yes.

**MR PETERSSON:** Can you outline the costs of this coverage?

**Mr Garrison:** In 18 years I can remember only three instances, so there is not a tremendous cost involved. The assistance to members of this Assembly is administered in the court in one of two ways: either through the resolution of the Assembly that determined the representation or legal assistance to ministers and members—that is a process which involves making an application to the Attorney-General for assistance in relation to liabilities or claims that arise in the course of a member's official duties—or they may also be covered by the territory's insurance arrangements, which is an alternative way of achieving representation. Of course, the territory's insurance arrangements came into play well after the guidelines for the provision of representation and assistance were agreed by the Assembly, which, if memory serves me correctly, was back in 1997 or thereabouts.

**MR PETERSSON:** You will have to forgive me; I am somewhat new to the Assembly. You said a petition of the Assembly to the Attorney-General is how—

**Mr Garrison:** No, a member can apply to the Attorney-General for assistance in relation to a claim or threatened claim that is made against the member.

**THE CHAIR:** Attorney, what is the threshold you use to determine whether or not that assistance is given to a member when a claim is made against them?

**Mr Ramsay:** The key thing I do on that is take legal advice from the Solicitor-General. But it is a matter of it arising out of the duties or the responsibilities of the person in their role as a member.

**THE CHAIR:** So it is a claim made against a member because of the office they hold rather than them as a private individual?

**Mr Ramsay:** That is right, and in accordance with the advice that I receive.

**MR PETERSSON:** Going back to a point I made before, can you take on notice the costs involved in representation? I was represented by the ACT Government Solicitor when the result in Yerrabi was challenged. Is it possible for me to get those costs?

**Mr Garrison:** Our office was, in fact, representing the Electoral Commissioner and the Electoral Commissioner was the only party to that proceeding. The members who were affected by that proceeding were certainly notified of the proceeding, and to my knowledge none sought or were given formal representation or advice in relation to that proceeding.

The costs depend entirely on what the matter is. For example, you could have a claim where a member was attending an official function and an accident occurred and the member was sued for having caused that accident. These days that would be governed by the territory's insurance arrangements, most likely. If it were a small personal injury action, it may not cost very much to deal with. If it were a large personal injury

action, it could cost a great deal to deal with. It is impossible to articulate what the cost is going to be; it depends entirely on the nature of the matter.

The source of the funding will be either through the territorial legal expenses account or through the insurance arrangements. If it is covered by the insurance arrangements then, clearly, that is preferable and that is literally at the cost of the insurers. If it is not a claim addressed by the territory's insurances, then it is dealt with through the other avenue, which is the application to the Attorney-General and instructions to my office. Indeed, it is entirely possible that it may not be my office that represents the member. There might be a conflict of interest or something giving rise to some inability of my office to act for that member, in which case I would instruct a private law firm to act for that member in relation to the matter.

**MR PETTERSSON:** I appreciate that, but I still do not think you are getting to the crux of my question. I want to know how much money has been spent on some of these cases. Can you take that on notice for me?

**Mr Garrison:** Yes, I can attempt to. There was one case back in the early 2000s of which I am aware, where there was representation of two members in relation to wrongful dismissal proceedings, and there might have been one or two others. As to the amount involved, I can certainly try to find the information but it could be a bit difficult, given the fact that they do not come up very often. We will certainly try to find that for you.

**MR PETTERSSON:** Are there any ongoing representations for members?

**Mr Ramsay:** As Attorney-General it has been my policy all the way through not to comment in any way on whether there are or are not matters being pursued. I think it gets into the area of disclosing personal information and entering into matters that are before the court. It is simply not a matter of commenting at this stage.

**MR PETTERSSON:** Minister, have you ever been petitioned or lobbied by a member for representation?

**Mr Ramsay:** In my time a request was made, but it is not appropriate for me to say in what way that was resolved.

**MR PETTERSSON:** Thank you.

**MR COE:** Can I just have a supplementary? Does the Government Solicitor subscribe to the model litigant policy?

**Mr Garrison:** Yes. There are in fact model litigant guidelines.

**MR COE:** In line with that, are Calderbank offers consistent with the model litigant policy or guidelines?

**Mr Garrison:** Yes.

**MR COE:** Will you provide to the Assembly how the model litigant guidelines

support the use of Calderbank offers?

**Mr Garrison:** I am not quite sure what the question is, because a Calderbank offer is part of the ordinary process of conducting litigation, and the model litigant guidelines, which are in fact a notifiable instrument and are on the legislation register, make it very clear that the guidelines in no way impede the proper conduct of litigation. They set a range of obligations and expectations of the territory as a litigant—I might add obligations now that generally are expected of most litigants, particularly with the introduction of section 5A of the Court Procedures Act. The territory routinely conducts litigation for the territory. It routinely makes offers of settlement. It routinely puts Calderbank offers, which are simply offers of settlement, as indeed there are formal offers of compromise now under the court procedure rules. I am not wishing to decline to take something on notice, but I do not, respectfully, understand—

**MR COE:** I think many would argue that the manner in which Calderbank offers are being used by the government, with deep pockets, is perhaps not consistent with the model litigant guidelines.

**Mr Garrison:** Can I say, with respect, Mr Coe, that that has not been put to me by any litigant with which the territory has engaged in litigation. It might be that litigants are unhappy with the position that the territory takes in litigation. There are cases where the territory considers that it is not liable. Of course, the legal services directions require the territory to have assessed a matter as having a realistic prospect of liability before you make offers. The practice of “let’s just throw some money at this matter and make it go away” would not be consistent with the legal services directions.

Litigants always have a different view of each side’s case, and it is not uncommon for litigants who are litigating against the territory to be unhappy that the territory has not agreed to pay money. However, my obligation, and the obligation of my lawyers, is to act in the territory’s best interests, to assess cases fairly, and to determine whether (a) a matter should be settled or (b) it should be pursued. We do run cases. We sometimes lose cases. That is the nature of litigation. But a Calderbank offer is simply an offer of settlement. It is an offer of settlement which says, “We offer you this amount, and if you do not beat that offer there will be cost consequences, or may be cost consequences, at the conclusion of any trial.”

**MR COE:** That is potentially quite intimidating when there is a matter before the courts where the applicant is not seeking a financial settlement.

**Mr Garrison:** I am not quite—

**MR COE:** If somebody is in effect appealing a decision, that can be quite intimidating. In those matters where the outcome is not seeking funds or finance but they are actually seeking a decision, to suddenly have costs threatened can be extremely intimidating and perhaps potentially deter others from seeking for administrative decisions to be appealed.

**Mr Garrison:** It is a little difficult without specifics, and of course we cannot go into specifics here. Obviously, Mr Coe, there is a matter that you have in mind. But can

I just say that—

**MR COE:** Are you able to tell us how many times Calderbank offers or settlements with Calderbank characteristics have been made?

**Mr Garrison:** We conduct several thousand pieces of litigation for the territory, and offers—Calderbank offers, offers of compromise, mediations, settlement negotiations—are conducted in all of those pieces of litigation. There are different ways of approaching the resolution of a set of proceedings. In administrative law proceedings, assessments are made of the prospects of success, and sometimes there will be a settlement offer made to a party that is litigating against the territory. That settlement offer could take a range of forms. It might, for example, be that a settlement offer has been put and that it has not been accepted by a party, in which case, to properly protect the interests of the territory, a decision may be made to make either a formal offer of compromise or a Calderbank offer. Of course, the two are more or less equivalent.

Offers of compromise have been in place in other jurisdictions for many years; they have been introduced in the ACT only relatively recently. They have the effect that if the offer is put and if the offer is not accepted, at the conclusion of the trial, if the plaintiff has not bettered that offer, there may be—not necessarily, but there may be—cost consequences in relation to failing to have accepted that offer. Whether or not there are those cost consequences will depend upon an examination and analysis of the circumstances in which the offer has been made, the point in time when it was made, and a range of other criteria.

Of course, the courts tend to look very carefully before they impose a costs penalty arising from either a Calderbank offer or an offer of compromise. The authorities make it very clear that you have to have a very clear case to succeed in an argument on a Calderbank offer. These days the offer is required to be a comprehensive document. You have got to set out why you think the offer is good, why you think it should be accepted and why you think that the plaintiff will not do better than that offer at trial, so that the plaintiff is in a position to make an informed decision in relation to the offer that is made.

The plaintiffs, by and large—almost all of them—will be legally represented, so they can take advice. So a Calderbank offer in itself is no more than one of the many aspects of the conduct of litigation which is quite an ordinary process. There is no unfairness arising from relying on an offer of compromise or a Calderbank offer, and of course the fundamental obligation of a model litigant is to act fairly. That does not mean that you cannot take proper defences. It cannot mean that you do not pursue the defence of the case properly and fully. It does not mean that you gather the appropriate evidence that is necessary to protect the territory. In other words, being a model litigant does not mean that you just roll over. There are some litigants who seem to think that that is what it means.

**MR COE:** I would simply say that on administrative matters, where a citizen is appealing a decision of a government official, that attitude, I think, can be quite intimidating and, in effect, make the courts inaccessible for people seeking to get a review of government decisions.

**Mr Garrison:** With respect, I do not understand the point. If the person is litigating against the territory in a jurisdiction that has a costs jurisdiction—that is, the Magistrates Court or the Supreme Court—then there is a costs obligation. The tribunal is not, for example, a costs jurisdiction. There are some very particular circumstances where costs might flow in a matter before the ACAT, but generally speaking each side bears its own costs. And of course, as some of the members here will be aware, most of the planning litigation, for example, and most of the other administrative law disputes, are dealt with in the tribunal, where there is no cost consequence.

**MR COE:** There are many that go to the Supreme Court as well.

**Mr Garrison:** Not that many.

**MR COE:** You can take that on notice, then. How many?

**Mr Garrison:** What sorts of matters are you speaking about?

**MR COE:** I do not want to talk about the specific one, because that would in effect go to your earlier point, but I am curious to know where Calderbank offers are used against citizens who are appealing an administrative decision in the Supreme Court.

**Mr Garrison:** It simply would not be possible to answer that question, because it would involve—

**MR COE:** You said they were relatively few.

**Mr Garrison:** Yes, but you are not describing which type of matter we are talking about. For example, we have appeals from Children's Court matters that are in the Supreme Court. We have judicial review applications. We have appeals from the ACAT, which includes a whole raft of matters.

**MR COE:** I will refine my question and submit it on notice.

**Mr Garrison:** Thank you.

**THE CHAIR:** Before we move on, Mr Hanson, do you have questions that relate to this area, or are you happy to start on gaming and racing?

**MR HANSON:** I am happy to move to gaming and racing.

**THE CHAIR:** Minister, do you have an opening statement?

**Mr Ramsay:** Sure.

**THE CHAIR:** As we have a couple of new witnesses, can you indicate that you are familiar with the pink privilege statement that is in front of you and its implications?

**Mr Snowden:** I am.



**THE CHAIR:** Thank you, Mr Snowden. Minister, would you like to make an opening statement?

**Mr Ramsay:** Thanks, chair. I thank the committee. I would like to make a brief statement to inform the committee about the progress of some high profile pieces of work in areas of the gaming and racing portfolio. These commitments relate to a few important areas: firstly, animal welfare—specifically the ending of the operation of the greyhound racing industry in the ACT; gaming machine harm minimisation; and supporting our small to medium-sized community clubs to diversify their revenue streams away from gaming machines.

Committee members may be aware that I made an announcement earlier this morning relating to the future of the ACT greyhound industry. We will have legislation in place to prohibit greyhound racing and trialling, to take effect before 30 June 2018. The precise timing on this will be established during the transition process. The ownership, the breeding and the training of greyhounds in the ACT for racing in other jurisdictions will be subject to ACT animal welfare requirements and will be monitored closely over the next two years.

The government is setting up a task force, headed by Leesa Croke, to administer the transition process for the local greyhound industry and animal welfare groups. Approximately \$1 million has been allocated to the transition program to assist industry workers to be supported and to re-skill, and also to implement a welfare plan for greyhounds, including training and rehoming.

Earlier in the year I commissioned a report by the ACT's former health services commissioner, Ms Mary Durkin, to recommend options for the government in transitioning to the end of greyhound racing in the ACT. The government is committed to ending the greyhound racing industry. There is no future for greyhound racing in the ACT. The days of the taxpayer propping it up are over and this is in line with community expectations, as demonstrated by the report.

Informed by Ms Durkin's report, the government have now had an opportunity to consider the steps that we will put in place to support the transition to end the greyhound racing industry in the ACT. We will continue to engage with the local greyhound racing industry and animal welfare groups during this transition process, through the newly established task force.

Just over \$1 million has been allocated to the transition program to assist workers in the industry to re-skill and to implement a welfare plan for greyhounds, including retraining and rehoming. Our approach to end the greyhound industry in 2017-18 is part of the ACT government's implement of the parliamentary agreement for the Ninth Legislative Assembly in the ACT. The funding allocated in this budget will be used to support workers and others in the industry to transition out. It will also be used to ensure that greyhounds remain protected and are rehomed at the end of the industry.

In harm minimisation, in addition to meeting the government's commitments on greyhound racing, this budget also implements some key policies in relation to gaming. As the minister with responsibility for racing and gaming, I have to acknowledge the importance of the independent advice that I receive in this portfolio

## PROOF

from the Gambling and Racing Commission. A key focus of the commission relates to harm minimisation. The government recognises the importance of minimising and preventing the harm that can arise from gambling.

We have a strong harm minimisation framework and we are always looking at ways to make improvements. As I have previously informed the Assembly, the government is exploring a broad range of options and working to ensure that the territory's gaming regulations continue to offer meaningful and effective harm minimisation.

Part of the work on harm minimisation measures has focused recently on cash withdrawals in licensed venues. I asked the Gambling and Racing Commission, through Access Canberra, to undertake compliance checks across 46 licensed gaming machine venues and to prepare a report for my consideration. That report showed that while the restrictions around ATMs were largely being complied with, there were some troubling findings showing that some licensees were using EFTPOS facilities to get around the ATM withdrawal limits.

There was also evidence that, while some clubs complied with the letter of the law, their actions ran counter to its intentions. Following further analysis by my directorates, I will consider changes to legislation or other measures to improve our harm minimisation measures and to reduce the harmful impact of gambling.

Further to this, the Gambling and Racing Commission has recently adopted a public health approach to address the effects of gambling harm. This means recognising that gambling harm can have a wide and invasive effect on the community well beyond the individual gambler. This is a different way from the way that we have addressed gambling harm before.

Focusing on individuals and people classified as problem gamblers has been shown to stop people seeking help, especially those who could really benefit from it, and it does not reduce or prevent the harm that is being experienced by others. A public health approach also looks at the wider effects that can extend through families, friends, workplaces and our community. A public health approach will guide the commission's work in preventing and reducing gambling harm for all Canberrans.

Another element of the government's harm reduction approach is to help clubs transition away from gaming machines as a source of revenue. This will both reduce the impacts of problem gambling and improve the long-term viability of Canberra's clubs. This budget establishes a package to support small to medium clubs to achieve diversification. It includes a 50 per cent gaming tax rebate to clubs and club groups with gross gaming revenue below \$4 million per year.

Small to medium clubs will also be eligible to apply for the \$10,000 community club grant to assist them to diversify away from gaming machine revenue. The government will soon be consulting all club gaming machine licensees to advance our commitment to reduce the number of electronic gaming machine authorisations to 4,000 licensees under the parliamentary agreement. This will help shape our plan on how we achieve this goal.

I thank you for the opportunity to provide you with an update on some of the

important work that is underway in the racing and gaming portfolio. This budget offers clear and strong support for improving animal welfare and minimising harms from problem gambling.

**THE CHAIR:** Thank you, minister. We will continue around the table from where we were. Mr Parton, the first question is yours.

**MR PARTON:** Thank you. Can the minister please explain to the committee the process that is required to end and ban one of the racing codes here in the ACT? What legislative processes must be fulfilled? It was my understanding that there needed to be a full inquiry by the Gaming and Racing Commission. Please explain.

**Mr Ramsay:** The process that is underway is that there is work that is being conducted at the moment in accordance with the recommendations that were provided through the independent report—the Mary Durkin report—which has been released and responded to today. The legislation provisions that are included in that are being worked on at the moment. I anticipate being able to introduce legislation in the coming months.

**MR PARTON:** If we end up going down this path, as has been outlined this morning, and if a greyhound racing track is built very quickly six kilometres west of the current track in Queanbeyan—certainly, discussions I have had this morning with people over the border suggest that is probably the case—and New South Wales makes the call to secure all that revenue and everyone that is involved just hops six kilometres over the border, can I ask generally: what was the point?

**Mr Ramsay:** The point is that the ACT sees no future for the greyhound racing industry in the ACT. Through the McHugh report, there have been demonstrated failures in New South Wales. We see that it has been unable to divorce the Canberra racing industry from that broader failed industry in New South Wales. We are not intending to prop up that industry. We are not intending to have any public funding or any support of that in the ACT in the future.

**MR PARTON:** The ongoing revenue that the government gets from the sale of ACTTAB includes a large component of money that comes from the betting on greyhound racing. I am assuming that if the government has this outrage, it will be contacting Tabcorp and explaining to them that we do not want the greyhound revenue any more, that our accepting that money would fly in the face of community expectation; or would it be like the money from the Labor clubs and The Tradies club—in public we will stand up and talk about the evils of poker machines but we are happy to walk around the corner and take an envelope of money? Will we be knocking back the greyhound money from Tabcorp?

**Mr Ramsay:** The ACT government is absolutely committed to ending the greyhound racing industry and—

**MR PARTON:** That was not the question.

**THE CHAIR:** Minister, will the government be ending its dependence on the revenue derived from greyhound racing in the ACT?

**MR PARTON:** Can we diversify from that evil income stream?

**Mr Ramsay:** We are diversifying in the sense that we are ending the greyhound industry. We are supporting the other clubs, and the funding that comes in through Tabcorp is part of the government revenue. It is part of the matters that are—

**MR PARTON:** So we will continue to accept revenue from greyhound racing, despite the fact that it is well and truly outside community expectations?

**Mr Ramsay:** The expectation that the Canberra community clearly has is in relation to the way that animals have been cared for or not been cared for that has been demonstrated in the McHugh report. That is the reason, that is the clear motivation, behind our decision, which we took to the election and which is embodied in the parliamentary agreement—that we will not have greyhound racing here in future.

**MR PARTON:** I do not own a greyhound, but if I bought one and I still had it post the ban, would it be illegal for me to own a racing greyhound in New South Wales?

**Mr Ramsay:** No. As I indicated in my opening statement, and as I have made public today, the ownership, the breeding and the training of a greyhound in the ACT for racing in another jurisdiction will not be illegal. It will be monitored—

**MR COE:** You have achieved a lot.

**Mr Ramsay:** It will be monitored carefully under ACT animal welfare and it will be monitored particularly closely over the coming two years.

**MR COE:** If there is an issue, it is not at the track. How much—

**Ms Field:** Sorry, just something supplementary; can I clarify my understanding and I will go away and confirm it? It is that we only receive a licence fee from Tabcorp. We do not actually get a cut of any racing that they do or any income that it receives.

**MR PARTON:** Clearly that licence fee comes from turnover, a percentage of which comes from thoroughbred racing, a percentage comes from harness racing and a growing percentage comes from greyhound racing.

**Ms Field:** No. My understanding is that it is a flat fee.

**MR COE:** Yes, but how they derive those funds is from the racing industry, which includes greyhounds, does it not?

**Ms Field:** But they could get it from anything, and it is—

**MR COE:** Well, they could, but they obviously are drawing a considerable income. When ACTTAB was sold and a one-off or annual licence fee was negotiated, the turnover of greyhound racing was part of that determination, was it not?

**Ms Field:** Sorry, I do not have background on that.

**MR PARTON:** Because it would be like if we got a large donation from The Tradies club, potentially. I would assume that not all of that money came from food and beverage; I would assume that some of the money came from gaming machines.

**MR COE:** Or from its interests in forestry and mining, perhaps.

**THE CHAIR:** Who has got supplementaries—anyone?

**MR COE:** Yes, I certainly do. With regard to the greyhounds, is the concern actually with gambling, minister? Is your concern with gambling or is it with animal welfare, or is it with both?

**Mr Ramsay:** In relation to greyhound racing and trialling in the ACT, the concern is, as has been explained beforehand, in relation to the demonstrated failure of the greyhound racing industry across New South Wales, as made particularly clear in the McHugh report. It is no longer the case that we will have any relationship with that. What we have seen is a demonstrated failure in the way that animals have been cared for and the regulatory oversight.

**MR PETTERSSON:** Minister, can you—

**MR COE:** But the question was: do you have a concern with gambling on greyhounds?

**Mr Ramsay:** The concern that we have with harm minimisation in gambling is primarily in relation to other areas. It has not been the driving influence in any way in relation to the greyhound industry. Our concern with the greyhound industry has been in relation to the manifest failures of the New South Wales industry in the care and treatment of animals.

**MR COE:** Sure, but with regard to the ACT industry, which is what you have control of and what you are responsible for, what breaches have occurred at the ACT track, because that is really all you are banning here, is it not? It is really the ACT track. All other operations are still permitted. Therefore, with regard to the ACT track, what impact is your decision today going to have on animal welfare?

**Mr Ramsay:** With regard to animal welfare, there are two things. The first is the demonstrated failures of the New South Wales industry that have been made clear in the McHugh report and been followed through. What we see there is that the system which is the New South Wales greyhound racing industry is a flawed system. That has been acknowledged by the New South Wales government, which is now looking to invest \$41 million in trying to do something or other about it. What we see is that, because of the size and the nature of the ACT system, it is impossible, while our animal welfare provisions here are strong, to separate and divorce the two.

**MR COE:** What are the components of the system that operate here in the ACT? Obviously, the track is a part of that system. What are the other systems which form part of the broader New South Wales system that are present here in the ACT?

**Mr Ramsay:** Sorry, could you repeat that?

**MR COE:** What aspects of the New South Wales greyhound system, as you call it, are present in the ACT? Obviously, there is a track, but if there is a problem with the whole system, what are the other system components in the territory?

**Mr Ramsay:** Many of the people who are racing here in the ACT have their greyhounds in New South Wales. So it is the way that the oversight of the entire system is happening that affects us here in the ACT. It is impossible to divorce the two in any way. It is operating as one and we, as a government, have no intention of being part of that system any longer.

**MR COE:** So with regard to—

**MR PETTERSSON:** Minister, can you explain the transition package?

**THE CHAIR:** If you want a supplementary, Mr Pettersson, I will come to you after Mr Coe has finished.

**MR COE:** The system might include breeding, rearing, training, sales and transfers, racing itself and gambling—and I am sure there are other aspects—of which, in the ACT, you are only interested in banning the racing component. The breeding, rearing, training, sales and transfers and gambling are all still permitted here. Is that correct?

**Mr Ramsay:** What is still permitted is the owning, the breeding and the training of greyhounds—

**MR COE:** And the gambling?

**Mr Ramsay:** Indeed.

**MR COE:** What actual impact in animal welfare is your decision going to have if you are still allowing the breeding, rearing, training, sales, transfers and gambling?

**Mr Ramsay:** There are two sides. One is that we are no longer part of that overall system. The second one is that as—

**MR COE:** You are part of the system, because the breeding, rearing, training, sales, and gambling, which are all crucial components of the New South Wales system, are still going to be permitted, are they not?

**Mr Ramsay:** The second thing is that the ownership, the breeding and the training of greyhounds will be subject to the ACT animal welfare provisions. You will see in the Durkin report that there are a number of areas where there has been confusion, uncertainty, inconsistency in the way that the ACT animal welfare legislation has been applied by those people who are racing greyhounds in the ACT. There is going to be very close attention over the next couple of years to that as well. There is increased attention to animal welfare, as well as ending the greyhound racing and trialling.

**MR COE:** Why did you not ban all these other things—

**MR PETTERSSON:** This is not fair. We have got 30 minutes for this, and you are going to take all of the time.

**MR COE:** Why did you not ban—

**MR PETTERSSON:** I have got some questions.

**THE CHAIR:** A final question, Mr Coe, then Mr Pettersson.

**MR COE:** Minister, why did you not ban the breeding, the rearing, the training, the sales, the transfers and the gambling? If it is about animal welfare, how could you possibly allow those components to continue?

**MR PARTON:** Because it was not in the agreement. That is why.

**Mr Ramsay:** There are a number of matters that have come through in the Durkin report. When we considered the advice that was before us, the most appropriate way of ending the industry was through the actions that we have taken today.

**MR PETTERSSON:** I was wondering if you could tell me what the assistance package consists of.

**Mr Ramsay:** The assistance package? There has been approximately \$1 million set aside in this year's budget. Leesa Croke is the person who has now been appointed to head up the task force. The task force is going to also include people from Transport Canberra and City Services, the Community Services Directorate, the Justice and Community Safety Directorate, as well as treasury. It is making sure that there is a broad approach to that.

One of the things that came out of the report by Mary Durkin was the importance of individualised attention. We know that there are a relatively small number of people, but the very clear thing is that we need to be able to address and pay attention to each person as an individual because the circumstances are changing, the circumstances for each person are different—those people who are owners, those people who are direct employees, those people who are casual employees, those people who provide down-line services in relation to the industry as well.

There will be further information coming from the task force over the next few weeks in relation to people being able to make contact. There will be an information session so that people can come and find out more information about the transition. But what we are looking to do is work with those individuals to see what forms of support, what forms of re-skilling, what forms of transition for them as individuals are required and then, in addition, what forms of support, retraining and rehoming of animals are required. It is a broad-base package. It is a package that attends to people specifically in relation to the industry in the way that they may need the assistance.

The report talked about the one-on-one assessments that would be taking into consideration a number of things: the redundancy and the other entitlements of the

employees, the hours that have been worked by staff, the other employment or the contracting activities that have been undertaken by the participants, the participants' training and the re-skilling objectives, the income that has been generated from participation in the industry and the opportunity costs that have been associated with the cessation of activities, the asset valuations and the opportunities for resale of assets and infrastructure, and the counselling and support needs of participants. It is a broad approach and will be targeted particularly at each individual.

**MR PETTERSSON:** Something that I think is worth maybe explaining a little better is: as you have mentioned numerous times, the ACT industry is deeply entwined with the New South Wales industry, with a lot of these trainers being heavily involved across the border. How does this assistance package differentiate between those that are losing their source of income from the ACT industry and those that are still managing to operate interstate?

**Mr Ramsay:** The assistance package is for those people who are exiting the industry. That is step one. Following through from the recommendations of the report, the report has recommended that we look at people who are directly employed in the ACT by the Canberra Greyhound Racing Club, the contractors and the businesses who provide services to the CGRC that are directly related to racing industries, where those activities comprise a significant component of their business income, and also ACT residents who have been registered with GRNSW as owners or breeders or trainers. They are the focus as we help people exit the industry. This is where the attention of the ACT government funding and the ACT government will be.

**MR PETTERSSON:** One of the things you mentioned was the support and retraining for people in the industry. Could I have some examples of the support and retraining?

**Mr Ramsay:** Mary Durkin consulted quite broadly as part of the lead-up to the report as well, and one of the things that people were talking about was the things that may be needed. Is it some re-skilling that is needed to be able to engage in a different career, a different occupation in the future? They are the sorts of things. It will depend on what the circumstances are for any individual, but that is how the approach is taken. What are the issues for that individual and how can we best assist that person as they choose to exit the industry?

**MR PARTON:** And what level of financial compensation will be going to the club to compensate them for that 10-year lease that is still ongoing at the Narrabundah facility? I am assuming that will be quite high.

**Mr Ramsay:** There is a lease on the premises that is set to expire in November 2027; you are right. The club will be considering its options, but at the moment the government has not considered anything in relation to the use of that land, and that has not been part of the conversation. We would—

**MR PARTON:** But my question is about compensation of the club for that lease.

**Mr Ramsay:** That is right. We would certainly invite the club to speak with the transition team as part of that, yes.



**MS LE COUTEUR:** As a supplementary, I have a different take on this subject. Firstly, of course, I very much support the decision today, but what we have not been talking about is the dogs concerned. This obviously is an animal welfare issue. What rehoming programs—I guess that would be the word you would use for it—have you got in mind for the transition?

**Mr Ramsay:** Again, one of the things that came out in the report was that, when dogs are being rehomed, it is important for there to be a sense of confidence between the owner of the dog and the process that is then undertaken. There are a range of different organisations that do rehoming of greyhounds. There are three or four different ones that have been consulted already, and the transition package in relation to greyhounds will be overseen by Transport Canberra and City Services. The expectation is that they will be working with the owners and also with a range of different organisations so that that relational confidence can take place between the owner and the rehoming organisation.

**MS LE COUTEUR:** Is there any possibility that the New South Wales industry will try to, in effect, unload dogs who are injured, sick and no longer wanted onto the ACT, that being one of the bigger animal welfare issues with the industry?

**Mr Ramsay:** The report does consider that. The report did look at that as well, and the rehoming of greyhounds, if there is to be any—and it is uncertain as to how many there may or may not be—is certainly one of the open questions at this stage. But there are currently around 52 racing greyhounds that are kennelled within the ACT. We are then also looking at ACT residents who own greyhounds. That is where the level of support is. The transition package is for ACT residents in the ownership of greyhounds. It is certainly not broad based. We are not opening up and looking to rehome greyhounds from right across New South Wales or broader.

**THE CHAIR:** With seconds to go until 11 o'clock, we might run on time for a change. The committee will suspend for 15 minutes and resume at 11.15.

**Hearing suspended from 10.59 to 11.15 am.**

**THE CHAIR:** Welcome to the next session, where we are looking at output class 1.5, protection and rights, which consists of a lot of little sections. Then we will have the Human Rights Commissioner and the Victims of Crime Commissioner, so we will reserve questions for those areas until then. Minister, I understand an answer to a question you had taken on notice has been found.

**Mr Ramsay:** That is right. A matter arose from the previous session in relation to the Tabcorp licence fee. I can advise the committee that the ACT receives an annual totalisator licence fee from Tabcorp for the provision of totalisator services in the territory. The estimated revenue for 2016-17 is \$1.032 million, and that is subject to annual indexation.

**THE CHAIR:** Thank you. Minister, do you have an opening statement on behalf of Minister Rattenbury, given he is off running through a desert somewhere?

**Mr Ramsay:** Thank you. I do wish to open with a brief statement on behalf of

Minister Rattenbury in relation to the justice, consumer affairs and road safety portfolio. Prioritising vision zero to improve road safety is an important component of this portfolio. This approach prioritises human life and requires the ACT government to build and manage the road transport system in a way that recognises and makes allowance for human physical vulnerabilities and people's fallibilities.

Vision zero reflects the government's position that you cannot exchange someone's life or health for any other benefit. The government is working comprehensively to integrate vision zero across our community and within government policy and practices, together with a safe system approach. Vision zero is not a goal; it is a shift in the way we think and the way we approach road safety. It means we do not accept road trauma as being inevitable and it requires a road transport system which is forgiving and recognises human vulnerability.

The Justice and Community Safety Directorate, or JACS, is continuing to support the government as we push ahead with vision zero. Just last week the government opened a second learn-to-ride centre at Lake Ginninderra. The directorate has a number of other projects underway—including the development of a new road safety education campaign on sharing the road—such as the community grants program, which supports community organisations to deliver road safety initiatives with up to \$300,000 in grants, and the safer vehicles campaign, which promotes the uptake of 5-star safety rated cars for older and younger drivers who are at greater risk of being involved in a serious crash.

The government continues to prioritise the development of a more holistic and integrated criminal justice system, a system that is innovative and aspires to achieve a stretch target to reduce recidivism by 25 per cent by 2025. A comprehensive approach and commitment to a long-term plan includes changing people's contact with the justice system, diverting young people from the justice system, supporting recidivist offenders out of the justice system, and breaking the cross-generational offending that takes generation after generation of the same family into the justice system. Our commitment to developing an ACT justice reinvestment strategy strengthens our collective capacity to reduce recidivism. The development of the plan to reduce recidivism will draw on the ACT's specific evidence base that has been developed as part of the justice reinvestment strategy.

Justice reinvestment is about developing a smarter, more cost-effective approach to improving criminal justice outcomes by reducing crime, improving public safety and strengthening communities. The development of the justice reinvestment strategy involves identifying drivers of crime and criminal justice costs and then developing and implementing new ways of reinvesting scarce resources both in the community and within the prison system in a way that reduces crime and imprisonment, reduces recidivism, improves community safety and strengthens our most disadvantaged communities, all without breaking the budget. Our goal is make changes to the justice system and to run programs that prevent people from entering or re-entering the justice system. This could include diversions from court, strengthening programs connected to community corrections or post-prison release, specialist mental health services and drug and alcohol responses.

In considering the incarceration rate in the ACT and the ACT's geographic layout,

which has been described the Australian Bureau of Statistics as hiding disadvantage, three approaches for justice reinvestment have been developed in the ACT. The first one is place based, which is about understanding the impact of programs and supports provided where the people who need them live. The second is point in the system, which looks at the crucial points in the justice system where a change at that point could reduce a person's future contact with the justice system. The third is cohort, which is focusing targeted services and supports to a particular group in constant contact with the justice system, such as persistent offenders.

The ACT's approach to justice reinvestment is multifaceted. It involves a number of large projects being constructed through extensive consultation and data gathering. Rather than undertaking a single intervention, a cumulative approach is being developed that aims to deliver improved outcomes in the community and the justice system that culminate in reducing recidivism. The ACT evidence base for justice reinvestment is underpinned by strong planning and the development of an evaluation framework. The recidivism plan will be developed to set a pathway for success and clear recidivism targets for the ACT justice system. These targets will be constructed in collaboration with a broad range of stakeholders. This requires an understanding of what works, agreement on what recidivism means in the ACT, identification of current recidivism rates, acknowledgment of current commitments to reduce the recidivism rate and identification of new initiatives to reduce recidivism.

A shared and balanced approach across the justice system is required so that targets can be not only achieved but sustained. JACS will undertake research into the recidivism plans that have been developed in other Australian states and territories and internationally to see what we can draw from and apply to the ACT context. JACS will also engage in an extensive consultation that will include co-design of the recidivism plan with justice stakeholders, government, the community sector, academia and those with lived experience. This will ensure that we use our local knowledge and our local data to develop and apply strategies to reduce recidivism that have an impact in the ACT.

JACS is building on the work undertaken to develop an ACT justice reinvestment strategy and putting the ACT evidence base and operational programs towards a plan to reduce recidivism. By working together and with enhanced collaboration between government agencies and our community sector partners I am confident the ACT government can continue to provide a safe and inclusive society for all Canberrans.

Finally, I wish to highlight an important reform that has been progressed in this portfolio: the Discrimination Amendment Act 2016, the provisions of which commenced on 3 April this year. They make it unlawful to discriminate against someone in the provision of employment, education, accommodation or goods and services on the basis of their current or previous accommodation status, including periods of homelessness, occupancy or tenancy, not having a fixed address or secure accommodation, living in a caravan park or boarding house or being a public housing tenant or on the waiting list for public housing.

The Human Rights Commission has now published some guidance material to help clarify what this new law is really about: it is about not denying people jobs, housing

or essential services because they do not have a stable address. An example of accommodation status discrimination would include a person without a fixed address seeking to register at a medical practice but being told that in order to register as a patient and see a doctor they must provide a residential address, and thus they would be denied access to a doctor. Another example would be a person not being considered for a job on the basis that the employer assumes they are unreliable or itinerant because they live in a caravan park, or a person being denied consideration for private rental accommodation on the basis that their only past rental reference is crisis accommodation.

Further guidance on how to ensure businesses and members of the community can comply with the new protection is available from the Human Rights Commission, on their website. The changes expand protections against unfair and unreasonable treatment of people based on their background or personal circumstances. Canberra will be stronger by fostering a community where people are not held back by stereotypes, stigmatisation or unfair and unreasonable treatment. People who might otherwise have been discriminated against will have better access to opportunities and to services.

It is important that inclusion and fairness is promoted in the day-to-day lives of vulnerable Canberrans. The changes strike the appropriate balance between the needs of business, employers and service providers compared to the rights of individuals within our community. The government will continue to work to enhance the experiences of the most disadvantaged in our community.

**THE CHAIR:** Thank you, minister. I will defer my question to Mr Milligan.

**Mr Milligan:** Thank you. I refer you to the Aboriginal and Torres Strait Islander budget for 2017-18, where you promise a further \$5.3 million for the extended through-care program. Where does this appear in the budget and what percentage of this funding is targeted for Indigenous inmates?

**Mr Ramsay:** That through care is covered in the corrective services area, which will be dealt with later this afternoon.

**MS CODY:** A broad range of areas are covered and I am quite interested in a couple of them, but unfortunately they are not in the budget paper. I want to ask about the policy related to prostitution. A whole bunch of work has been done over the years in that area. Where are we up to with that work?

**Ms Field:** We have done a fair amount of work around that. I do not think there has been an announcement. It is quite developed and I would expect something to happen around that possibly next year.

**THE CHAIR:** Just a follow-on, there has been quite an extensive discussion and a committee inquiry at a federal level looking into modern-day slavery. Obviously prostitution is one of those lines of work that often sees some sort of servitude and modern-day slavery occurring in it. What level of inspection or oversight does the ACT government provide to the local industry to ensure we do not have instances of this occurring on our doorstep?

**Mr Snowden:** Through Access Canberra we have an ongoing relationship not only with ACT Policing but federal authorities such as immigration to assist in detecting folks that may not necessarily be registered while operating in that particular industry. That system of information exchange is infrequent but, nevertheless, it is treated as a reasonably high priority by our agency. There is ongoing liaison on a local level with ACT Policing, but ACT Policing normally take most of the lead in relation to that regulatory activity.

**MS CODY:** In relation to anyone that is experiencing slavery?

**Mr Snowden:** Correct. It is not something that falls generally within our regulatory remit because there is a broad range of criminality in relation to that aspect. It is more suited for criminal investigation by ACT Policing.

**MS CODY:** Obviously not all prostitution is slavery; there are women that choose that profession, and men possibly.

**Mr Snowden:** The regulation of it sits with Access Canberra and there is a licensing provision in relation to that. There is a register and, as such, if complaints are made to us of course we will investigate, to the extent of our powers. If they fall outside of our remit we will liaise with ACT Policing.

**THE CHAIR:** To what extent does fair trading conduct inspection of high-risk employment sectors for this type of behaviour?

**Mr Snowden:** We have it on our general program of inspection. Because most of the safety elements around this fall outside of our remit, WorkSafe have it on their program. They want to make sure that there are suitable work, health and safety practices within those registered premises. We will liaise with them if we get information in relation to matters which would raise the risk threshold. But, in general, it is not an industry sector where a large amount of harm and risk is raised with us. It does not appear on our radar on a regular basis but, nevertheless, it is still in our program of works.

**MS CODY:** Coming back to Mr Wall's supplementary about what the federal government is doing on slavery et cetera, I assume we will continue to monitor what comes out of that inquiry?

**Mr Snowden:** Absolutely, yes. We will monitor what is coming out of that inquiry very closely.

**MS LE COUTEUR:** On page 16 there is a table of accountability indicators. Victim Support ACT only has one indicator and it is basically a timeliness indicator. We had this discussion earlier, but this seems to be not a very useful indicator. It is just saying that administratively you can tick something off. Have you looked at developing something that is more useful?

**Ms Playford:** I note you have got the Victims of Crime Commissioner, who is responsible for Victim Support ACT, appearing at 12 o'clock, so he might wish to add

to anything I say. Victim Support ACT is now part of the Human Rights Commission, and, as I understand it, the commission is looking at the accountability indicators and how it might realign those. It is probably better for John Hinchey to answer that more directly.

**MS LE COUTEUR:** So he will create them rather than you creating them?

**Ms Playford:** Very much our statutory officers work with us in suggesting appropriate indicators. I guess the intention of that one is to ensure that people are dealt with in a timely manner, which had been seen to be quite an important thing and something that could be measured.

**THE CHAIR:** Mr Pettersson.

**MR PETTERSSON:** In the same table, I am looking at the Human Rights Commission and I am very curious as to what are the community engagement activities undertaken by the commission. What do they entail?

**Ms Playford:** Again I note that the Human Rights Commissioner will be appearing before you later, so she probably is in a better position than me to provide a fulsome response to that and it might be better to wait.

**THE CHAIR:** Mr Milligan, do you have a substantive question?

**MR MILLIGAN:** No, I will wait.

**MR HANSON:** The directorate has \$4.9 million of savings that it has to make over the next four years. I am interested in understanding where those savings are going to be coming from—which functional areas. Is it in staffing or administration? How are you going to make \$4.9 million worth of savings?

**Ms Playford:** Thank you for the question. Those savings are the portfolio efficiencies in the budget papers. It represents less than 0.3 per cent in 2017-18 of our whole JACS appropriation and approximately 0.5 per cent of our appropriation over four years. So when you put it into that context, it is relatively modest, I guess, for a large portfolio. It will be distributed across all of our portfolios, all of the output classes. There will be a range of initiatives. In the main they are things like reduction in supplies and services expenses, and contractors' consulting expenses. There will be some benefits that we will realise from investments that we are making currently in new ICT systems and re-engineering of business processes and vacancy management.

I will give you a couple of examples. With respect to the Government Solicitor's contribution to this, they have identified that they will be able to make savings for a project they currently have where they are digitising historical ACT public service records which are currently archived. So there will be savings in terms of archival fees and better business processes. They will be able to automatically search, and there will be efficiencies in their business practices from that process.

Within the courts and tribunals, we talked earlier this morning about the new ICT system that is being implemented, and the new court building. We are

anticipating that in the outyears, when those two things come online, there will be some efficiencies as the court registry looks at its business processes. A number of the processes are currently manual and—

**MR HANSON:** What is the quantum between new things coming online where savings perhaps can be realised as opposed to what we might call cuts, where there will be a reduction in backline services, the back-of-house stuff? I imagine that you are not cutting frontline services, but maybe you are.

**Ms Playford:** No, we are not cutting frontline services. There will be a range across the different business units. All of the business units have identified different ways they will meet the savings. In some of those there will be reductions in their supply and services expenses that they have identified.

**MR HANSON:** So you have gone through a process where you have gone out to the directorate to say that you have a flat rate, so everyone has to meet the same percentage cut? How does it work?

**Ms Playford:** We work it out on the basis of different sizes of the different business units; we have a formula. In order to give you a split, given the diversity of our business units, it is probably better to take it on notice.

**MR HANSON:** Sure, that would be good. It will be very interesting to see what the amount is in real terms as well as in percentage terms—what it represents of that element's total budget.

**Ms Playford:** Yes.

**MR HANSON:** I assume there might be some areas that make a greater contribution than others.

**Ms Playford:** There might be. Mostly, there is a general allocation based on size, and there are lots of sizes.

**MR HANSON:** Are there any areas that you have considered should be immune from this? There are some areas of particular concern—perhaps family and domestic violence, protection of rights and so on. There are reasonably small budgets in some areas and a cut would have a significant consequence.

**Ms Playford:** They will be reasonably modest savings and efficiencies.

**MR HANSON:** So everybody has to make a cut; there is nobody that is immune?

**Ms Playford:** In a way. Over the four-year period we will be looking at the capacity of the business units to realise those savings. That will be something we will work through over the four-year period.

**MR HANSON:** In 2013, when police were asked to make an efficiency dividend cut, it ended up in back-of-house staff losses—I think 14 in a year, and I cannot remember the amount in the next year. Will there be any reductions in FTE as a result of this?

**Ms Playford:** There may be some reductions in employee expenses. At this stage we are still working through that. There may be a reclassification of positions in some instances. That will be something we will work through with the unions in the particular cases.

**MR HANSON:** So there may be some downgrades, but you are also saying there may be some jobs cut? You are not ruling it out?

**Ms Playford:** There are not any that have been identified, but I guess—

**MR HANSON:** Sure, but everyone is trying to find their savings.

**Ms Playford:** We will try to avoid that. We have had a significant injection, with new policies, so that—

**MR HANSON:** Sure, but if someone comes back, in one of these functional areas, and says, “The best way we can do it is to cut jobs,” or whatever, that is on the table?

**Ms Playford:** It would be something we would have to work through with the relevant area and the relevant union.

**MR HANSON:** It is on the table: yes or no?

**Ms Playford:** Possibly, in the back office areas, not—

**MR HANSON:** So that is a yes? “Possibly” means yes, doesn’t it?

**Ms Playford:** Yes, but I do not expect that to be where we will find, in the main, the savings.

**MR HANSON:** ACT Policing probably did not expect that either.

**Ms Playford:** I am confident, given the proportion of these savings in terms of our total appropriation, that we will be able to work through and find efficiencies, which is what government expects of us in its overall fiscal strategy.

**MR HANSON:** That is just this year, though, the efficiency that you have to find. Are you still finding efficiencies from previous years’ budgets?

**Ms Playford:** Yes.

**MR HANSON:** I assume that this is \$5 million that has been imposed in this budget. What has been imposed in previous budgets that you are still paying? What is the cumulative effect of that?

**Ms Playford:** I would possibly need to take the cumulative effect on notice. There are previous savings related to the smarter modern strategic procurement savings. That is being worked through at a whole-of-government level. There have been a number of initiatives which have resulted in savings, and JACS has seen those savings in



contract management et cetera.

**MR HANSON:** When you take this on notice could you provide the total savings that you are finding within your directorate, not just the ones that are being imposed this year?

**Ms Playford:** Sure.

**MR HANSON:** Five per cent on whatever it is—\$5 million on \$5 million on \$5 million—starts to add up, doesn't it?

**Ms Playford:** It does.

**THE CHAIR:** I have a question regarding fuel prices. How can the ACT government assist in reducing fuel prices within the territory, given that it does not operate any fuel stations?

**Mr Snowden:** Thanks for the question, Mr Wall. You are quite right; we do not have the ability to influence most petrol price determining factors. The key thing for consumers is to shop around and take advantage of discounts when they see them. There are a number of apps now available that assist consumers to get that information on a day-to-day basis. We would advocate that they avail themselves of that electronic information. Petrol prices are not set by any jurisdiction in this country, whether it be commonwealth, state or territory. There is really no evidence in the ACT that there has been any anticompetitive conduct in relation to price setting. The real issue for consumers is to support those particular service stations which provide the cheapest petrol.

**THE CHAIR:** What initiatives has either fair trading or the government more broadly taken in this space to either help influence pricing in the marketplace or to, as you said, make available technology to consumers?

**Mr Snowden:** From the fair trading perspective, we provide information to consumers so that they have this information available to make those purchasing decisions. In relation to any price determinants which we think are irregular, we would refer the matter to the Australian Competition and Consumer Commission because they have the appropriate competition remit to look at those issues if there are potential price discrepancies or anticompetitive conduct.

More broadly, we have not considered our own technological solution in relation to providing an app. We think at this particular point in time the ACT market is well served by private sector participants that have developed this information. We are watching it, but at this point in time we have not determined to invest in a technological solution to provide more up-to-date information to consumers.

**THE CHAIR:** The website [actfuelwatch.com.au](http://actfuelwatch.com.au) has promoted on it and links back to [canberra.com.au](http://canberra.com.au). Is this website associated or affiliated with the government in any way? What is the relationship there?

**Mr Snowden:** Not to my knowledge, Mr Wall.

**THE CHAIR:** The Chief Minister, Andrew Barr, is listed on that site as a supporter. Does he appear on that page as an individual in his own right, as a private citizen, or on behalf of the territory as the first minister?

**Mr Snowden:** Mr Wall, I could not answer that question. You would have to direct that—

**THE CHAIR:** Could you take that on notice, given that this area of government is responsible for fuel prices and licensing of motor vehicles?

**Mr Snowden:** I will make inquiries.

**THE CHAIR:** Okay, thank you.

**MS CODY:** I note that the government made a commitment to civil unions and to marriage equality. Could someone update me as to how the marriage equality process is moving forward, and where we are at?

**Mr Costello:** The ACT government made its position very clear in what it attempted to do a number of years ago in marriage equality. Obviously, the High Court has made a ruling on that. Legislatively, the ACT remains quite limited in what it can do. To date, civil union has obviously been an area of focus and there have been progressive changes to that system. The High Court has probably suggested that the ACT has gone nearly as far as it can in that space at the moment.

**MS CODY:** We have managed to do some legislative changes, though, to help support same-sex couples?

**Mr Costello:** Yes, to recognise marriages entered into in other jurisdictions so that they can become automatically recognised in the ACT. That has been the most recent reform. Certainly, there are attempts and considerations about how that scheme can be improved, and that is the most recent change, but obviously appreciating that there is a limit to how far the ACT can go in that space constitutionally.

**MS CODY:** I know that there is a privacy issue here, so I do not want to know about names, but with respect to numbers of same-sex couples that have been married in other jurisdictions and now we have managed to recognise—

**Mr Costello:** It may be a question for Access Canberra. The way those provisions work is that it becomes automatic. The advantage of that change was that you would not necessarily need to apply. The recognition would occur, effectively. So it would not be something that is necessarily recorded, for example, unless someone came forward and wished to have some sort of certificate issued by Access Canberra.

**MR PETTERSSON:** I have a supplementary on that. Explain to me how the automatic recognition works. You have legislated it as automatic. What was it previously and what is the difference?

**Mr Costello:** I might take part of it on notice so that I am clear, but my understanding

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is that previously you would have to take an active step: you would have to go to Access Canberra and seek to have the marriage recorded in another jurisdiction registered here. Now that step is no longer needed.

**Ms Playford:** I might just give an example. A marriage that is conducted in a New Zealand jurisdiction—

**Mr Costello:** Yes, every jurisdiction.

**Ms Playford:** between a man and a woman has always been automatically recognised. If that couple then came to the ACT, they would not have to do anything. Now, just the same, a same-sex couple who are married in New Zealand no longer have to do something proactive in the ACT in order to get their marriage recognised. It is just the same as it would be for anyone else.

**MR PETTERSSON:** Once again, this is probably a question for Access Canberra, but how many people actually went through and made that step of going to Access Canberra and getting their relationship recognised?

**Ms Playford:** We will take it on notice?

**THE ACTING CHAIR (Ms Cody):** Do you want to add something, Mr Ramsay?

**Mr Ramsay:** Not on that. In the slight pause that we have, I note that earlier today a couple of questions were asked in relation to restorative justice. We mentioned that that would be able to be done in this session. I am just letting you know that the official who can talk with us about restorative justice is here if the committee is so inclined. If the committee is not, that is fine.

**THE ACTING CHAIR:** Thank you, Mr Ramsay.

**MS LE COUTEUR:** Thank you. I was going to ask about discrimination claims because I could not find anything in various bits of paperwork. My question is: have you got any statistics on discrimination complaints that have arisen since the broadening of the legislation?

**Mr Costello:** Yes. It is probably a question for the Human Rights Commission at 12. What I can say here, if it assists at all, is that they report annually in the annual report on the number of discrimination complaints made across each attribute in areas of public life. Those attributes commenced on 3 April, so in the upcoming annual report for this financial year that is something that you would anticipate the commission would be able to provide some data on. But, again, you may wish to put that to them at 12 o'clock.

**MS LE COUTEUR:** Can I ask another question, with the expectation that it is probably going to have the same answer. Yesterday I asked questions of the minister for children and young people regarding the Public Advocate and was referred, I thought, to this section. I am expecting it is going to go now for another half hour. The funding for the Public Advocate has increased. Is this because of the increase in apparent need in the care and protection of children section or is there another reason

for it? The funding has gone up.

**Ms Playford:** I am happy to take that one. The initiative provides funding related to anticipated changes to both the legislative and the service system, which includes increased family violence awareness, the implementation of the reportable conduct scheme, a review of the working with vulnerable people checks, and recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. They are all bodies of work that are happening which will have some implication for the Public Advocate's office, so they were given an additional resource to help them to respond to those bits of work that are happening across government.

**MS LE COUTEUR:** Okay; thank you.

**MR PETTERSSON:** I fear I am going to get the same answer. I was wondering if you could enlighten me, if we are asking in the right place, about transport regulation.

**Mr Ramsay:** Probably.

**MR PETTERSSON:** I was wondering if you could provide any updates on the implementation of the Uber reforms. Is there any feedback on how they are rolling out? Is it a success? Too successful?

**Mr Stankevicius:** We are working very closely with our colleague directorates across the ACT government on the introduction of ride-sharing reforms, and we are progressing quite well, although you can imagine that as a multinational—they are in a hypercompetitive space, I would characterise it as—they are less than forthcoming in the provision of regular data. In terms of the expansion of the market, we are definitely seeing that in the ACT. As to the exact numbers, we are trying. We are meeting with Uber next week, I think it is, to have a discussion with them about the impact.

I think what we are seeing, though, from early trends, is that there is an expansion in the number of people who are using ride-share platforms to take shorter trips that they previously would have used another transportation mode to do. So there have been some shifts in the market where we are seeing the more traditional elements of the ride-sharing industry doing the longer-trips, things like Tuggeranong to the airport, whereas if you are talking about inner south to inner north, you are probably talking about Uber as being the choice of ride-share platform that they are using.

What is interesting in the reflection is that the users of the market are being very savvy with the introduction of the new technology. We hear reports, for instance, that young people in particular are catching Uber to the city for their Friday and Saturday night outings, but because of price surging they are actually catching taxis home. So they are avoiding the kind of way in which Uber is regulating the demand for its services through the price surging mechanism and catching the flat-rate, regulated market transport home, but using the earlier, less demand-driven, probably cheaper prices of Uber early on in the evening.

I think the market is doing exactly what we wanted the market to do, which was

providing a range of options for users to get around Canberra. Hopefully, we will see further integration of that across the market. In the coming months, I think you will see the Minister for Regulatory Services announce the government's plans for evaluating how this is going across the market. We expect that to be a very comprehensive evaluation process so that everyone at every level, from taxi plate owners right through to users of Uber, will be able to be engaged in a very comprehensive evaluation process.

**MS LE COUTEUR:** Can I ask a supplementary? I am aware of at least one Facebook group which is based on ride sharing. Is that legal?

**Mr Stankevicius:** What do you mean by Facebook group?

**MR PETTERSSON:** They do not use an app. They just coordinate it.

**MS LE COUTEUR:** They are just on Facebook. It actually may be a page. It could be a page, not a group. You know Facebook?

**Mr Stankevicius:** Yes. I am not on it, but I am aware of it as a platform, yes.

**MS LE COUTEUR:** I would have to look it up, but whether it is a page or a group, what happens is that you put "I want a lift to X location." I have not personally used it, but I assume you then get a private message saying, "Yes, there in 10 minutes." I do not know that for sure because I have not personally used it, but it is certainly designed to put people wanting lifts together with people who want—

**Mr Stankevicius:** Certainly, it would—

**MS LE COUTEUR:** There does not appear to be any regulation.

**Mr Stankevicius:** It would completely depend on the nature of the kind of platform that was being facilitated by Facebook.

**MS LE COUTEUR:** Facebook.

**Mr Stankevicius:** If it is a bartering platform—"I give you two chickens and you give me a ride to Ainslie"—that is very different from actually proposing or presenting yourself as providing a particular kind of service and charging a fee for that service. It depends on what is being offered and how it is being offered. If it is a bunch of friends that are doing it together, it is different from the establishing of a commercial relationship. As to whether it should be regulated or not, I do not want to get Mr Snowden up to the table yet again, but it is probably a question for Access Canberra as to the way in which it falls within the current regulatory regime that we have.

**MS LE COUTEUR:** I would suspect it would fall outside, given what you have just said.

**Mr Stankevicius:** As I said, because I am not aware of the group, I do not know what is being offered in exchange for the ride.

**MS LE COUTEUR:** Money, largely.

**MR PETTERSSON:** No chickens?

**Mr Stankevicius:** It could be chickens.

**THE CHAIR:** Two chickens to Ainslie is a good deal.

**MR PETTERSSON:** To the airport? What a bargain.

**THE CHAIR:** Is there any consideration of changing the regulated fees that taxis are charging if there is now a second operator in the market that is able to adjust its pricing on a minute-by-minute basis, based on demand? The traditional taxi is essentially being priced out of the market for what I would imagine is the vast majority of the trading day.

**Mr Stankevicius:** I would not accept that they are necessarily being priced out of the market. I think that there are different influences and different forces that are coming to bear in what is now an expanded market. As I said at the beginning, I think there is a whole series of transportation access or ride-sharing access that is now occurring that did not occur before, as well as necessarily a sharing of the market between the traditional taxi market and the more flexible Uber-type market. As I indicated, I think everything is up for consideration as part of the evaluation. Government, once we have heard from everyone, through a comprehensive range of audiences and people who engage in this market, will consider what its options are going forward. That could certainly be one of those options.

**THE CHAIR:** Certainly, the feedback I have gotten from jumping into traditional taxis, as happens from time to time, is that whilst they were a monopoly operator, having a regulated price made sense, but now that that is not the case, they are still operating under a regulated market and they are finding it hard to adapt, react and remain competitive in what is now a half-regulated, half-unregulated pricing structure.

**Mr Ramsay:** It certainly was always the intention to have a review after two years, and we are approaching that period now. As Mr Stankevicius has mentioned, the flag is that we will be looking to review how things are operating. There will be an announcement on that review coming up soon.

**MR PETTERSSON:** With regard to this review, will that extend as far as the harmonisation of ride-sharing legislation across the country? If you go to a different state or territory, Uber is treated differently. There are different requirements. In some places you have to display stickers. In some places there are surcharges. Is there talk of, at some point, harmonising legislation?

**Mr Stankevicius:** Certainly, some jurisdictions have come to this very early. We are obviously ahead of the pack, and we led the country. Some jurisdictions have taken two years to think about whether they will come to the party at all. We are at very different stages across the country in terms of where jurisdictions are thinking about regulating the sharing economy generally, ride-sharing being a subset of that sharing

economy.

There may be one, but there has not been discussion that I am aware of yet about national harmonisation. There are still very differing views, particularly with the way in which it has impacted in places like Darwin versus the way it has been operating in Sydney, kind of regulation free but, we know, probably as the first step into the Australian marketplace. There are very different stages, very different considerations. Governments have also taken very different views. I think it is something for consideration, but we will press ahead on the basis of the government's commitment to engage with the community and work out what is best to meet the needs of ACT residents.

**MR PETTERSSON:** Thank you.

**THE CHAIR:** Mr Hanson, do you have a question in this area, or would you prefer to move to human rights?

**MR HANSON:** It is a bit of a segue, but I do not know if they will be able to answer it. It relates to the changes to the human rights structure. There were certain commitments that were made when that occurred with regard to savings in executive salaries so that we could do more on the front line. From the press release or statements in 2015, instead of having overhead costs of up to 24 per cent being spent on executive salaries, we were going to get that down to 11 per cent, that money to be redirected to frontline human rights complaints handling and human rights protection. I am interested to find out whether there has been an audit of the new structure to see whether that has in fact happened or whether all we have done is shuffle the deckchairs and there have been no savings realised.

**Ms Field:** You might like to talk to the Human Rights Commission about this, but certainly—

**THE CHAIR:** Is the commissioner here now so that we can roll into that?

**Mr Ramsay:** There are some observations to make.

**MR HANSON:** I am happy to do that, and I will—

**Mr Ramsay:** There are some observations first.

**MR HANSON:** I think that oversight from the directorate who give them the money is—

**Ms Field:** Absolutely. That is my next bit. Basically, after 11 months of operation, the proportion has reduced to approximately 12 per cent. That was for executive salaries. We have reduced the overall percentage of executive salaries. It had originally been anticipated to be 11 per cent, but part of that was the Remuneration Tribunal, and it did not take the government's advice on the level of salary. It set the remuneration for the commissioner slightly higher than anticipated. But there have been efficiencies from the new model, and it is clear already that resources have been better directed in the new structure and the commission.

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**MR HANSON:** Is there a review being done of the new structure?

**Ms Field:** There is a legislative review required after two years operation.

**MR HANSON:** Where are we at? How long has it been operating?

**Ms Field:** It is coming up to 12 months.

**MR HANSON:** Is that going to be an internal review or are we going to get someone from outside to do it? Or has that not been considered?

**Ms Field:** We have not really considered that.

**Ms Playford:** We have not made a final decision on that.

**MR HANSON:** I will put the rest of the questions to the Human Rights Commission.

**THE CHAIR:** We will change over and head to the Human Rights Commission and the Director of Public Prosecutions.



Appearances:

ACT Human Rights Commission

Watchirs, Dr Helen OAM, President of the Commission and Human Rights Commissioner

Hinchey, Mr John, Victims of Crime Commissioner

Griffiths-Cook, Ms Jodie, Public Advocate and Children and Young People Commissioner

Justice and Community Safety Directorate

White, Mr Jon SC, Director of Public Prosecutions and JACS Statutory Office Holder

**THE CHAIR:** We welcome the Human Rights Commission as well as output class 1.4, public prosecutions. I am happy, Mr Hanson, if you want to kick off with a question and continue your former questioning.

**MR HANSON:** Before I start, I would like to thank the commissioners for the advice that they provided to us when we were putting together the legislation for images. It was excellent advice. That was quality advice that you were providing to people in the community. Well done! We have asked a few questions about the change in structures and we have had some updates. Have there been any changes, any learnings that you have had since we last spoke?

**Dr Watchirs:** We have conducted an internal review of our corporate team. That is the team most impacted by the merger of the Human Rights Commission with the Victims of Crime Commission and the Public Advocate. There are some recommendations there that we are hoping to implement in the next few months. There may be savings through that directly to service provision. Certainly there have been changes because of the new financial assistance scheme, which started on 1 July last year, and the new scheme, which starts on 1 July this year. That puts more pressure on the resources. But I am happy for other commissioners to talk about their own work. We have been working on a strategic plan as a whole of commission and we are meeting this afternoon to hopefully finalise that strategic plan. That is a big piece of work.

I think I already told you before that we have worked on the governance and corporate support protocol with Justice and Community Safety and we have now got a draft operations protocol. But we are expecting to have that strategic plan on our website in the next few weeks.

**Mr Hinchey:** I think the submission that the commission made to the opposition's bill on image use is an indication of how the commission has come together with its different functions and different commissioners. We are seeing the benefit of that within the commissions, particularly within Victim Support ACT, because before last year we were not part of the Human Rights Commission. I think that is leading to some benefits that we hope will be realised. We have also made other joint submissions on information sharing which I think provide a more fulsome analysis of the issue and a balanced view.

**MR HANSON:** If there is a disagreement within the commissioners and you are providing a submission like that, do you articulate that in the submission? It may not have arisen yet, but I anticipate that at some stage it probably will. You will just note the difference in views, will you?

**Dr Watchirs:** The commissioners are free to make their own separate submission, and there have been cases where some commissioners have made submissions to the royal commission but other commissioners have not. There is complete freedom; we do not force people to agree to a joint statement. If they do not feel like that, they can not sign it.

**Ms Griffiths-Cook:** In addition to the joint submission work that we have pursued on a number of occasions, I think some of the other benefits are being realised from the work with individuals who come to the commission as well. There have been a number of opportunities where referrals have been made from one team to another to enable a better outcome to be pursued for a particular individual who may have approached the commission. I certainly see that as another benefit that has occurred.

**Dr Watchirs:** Another area would be oversight. I think being in the same location means that information is shared about things that are happening at Bimberi and the Alexander Maconochie Centre. I think that is a stronger oversight function because we are together.

**MR HANSON:** Is your strategic review, or whatever it is going to be, internal-looking or is it more looking at the ACT to say that these are gaps in what we are doing in the protection of rights and these are gaps in the legislation or these are opportunities? Is it more of an internal document or is it more looking at the ACT?

**Dr Watchirs:** No. We are required under the Human Rights Commission Act to place it on our website. That is our intention in the near future so that it has our vision of an inclusive community that respects and realises everyone's rights, making human rights relevant to everyone, particularly victims, not just detainees. We achieve this vision by leading positive systemic change, engaging and educating community, delivering accessible services that empower and support people and providing effective oversight and then—

**MR HANSON:** I suppose what I am looking for is: is there a body of work that you will do proactively to say that the ACT would benefit if we were to do X or Y? I know you have put submissions into governance and things like that, but is part of your strategic plan going to articulate that or is that more a corporate document?

**Dr Watchirs:** It is about leading systemic change, and systemic change is through policy and law reform. I am a member of the Law Reform Advisory Committee. We have done reports on the Discrimination Act, on the guardianship act and currently on restorative justice, looking at the case studies of child protection and housing. We do work in different areas, but probably the commissioners would like to talk about the areas that they specialise in.

**Mr Hinchey:** I think you were referring to a strategic review in your earlier question.

I am not quite sure what—

**Dr Watchirs:** Under the Human Rights Commission Act we are required to have a review after two years because the change process normally takes two years. We are halfway through that process.

**MR HANSON:** And this is the thing you are working on this afternoon? Or that is something different?

**Dr Watchirs:** No, the strategic plan we did internally and it is required under the act for us to put that and our operations protocol and client service charter on the website. In the bill there was a requirement for a two-year review. That is separate to us putting our own documents on the website. And the review is something that will be tabled in the Assembly, I imagine, after two years.

**Ms Griffiths-Cook:** Outside of that, each of our business units looks at particular priorities that might have arisen through the nature of the work that is brought to our attention. Certainly in my business unit, I undertook at the beginning of the year to identify what would be the strategic priorities that I would be pursuing throughout at least this coming year, potentially longer. Sometimes change takes longer than 12 months to achieve. That is certainly something that each business unit individually pursues to identify what is going to be of most benefit to the community, based on the information that we receive.

**MR HANSON:** Finally, there was a deficiency dividend being imposed on the directorate and the advice we got in a previous session was that no-one is going to escape that. Have you started looking at how you are going to make your savings and have you quantified what that is? Have you been told, “Cough up \$50,000 or \$100,000?” What have you got to find?

**Dr Watchirs:** We would have to take that on notice. I am not sure what the amount is, but certainly the aim would be to have it in the administrative area rather than frontline staff.

**Ms Griffiths-Cook:** We have got it submitted, but I just cannot recall the—

**Dr Watchirs:** There was a successful budget bid for a new child advocate.

**Ms Griffiths-Cook:** Yes, we did submit that advice some time ago, I believe, when that was first requested by government. I do not have the figure off the top of my head either.

**MR HANSON:** If you could provide that on notice that would be good.

**THE CHAIR:** I can see Mr White sitting there in the second row. We might invite you up. A few of us have got questions relating to public prosecutions. I do not know where other questions might lead. If you wanted to stay at the table, that would save bouncing back and forth.

**Dr Watchirs:** There was a question earlier about what kinds of activities we do for

community engagement. I did make a note of that. Would that be helpful while we wait for Mr White?

**THE CHAIR:** Please.

**Dr Watchirs:** We have International Human Rights Day in December, the UN Declaration on the Rights of Indigenous Peoples event in September and closing the gap events in March. We do discrimination and human rights training throughout the year; we have stalls at events like NAIDOC, mental health, older people, SpringOUT. We do events at schools and universities; conferences; consultations; roundtables; NGOs, like the National Council of Women and CARE; professional groups like social workers in society; and unions.

**THE CHAIR:** Mr White, I have a question about the resourcing of the Office of Public Prosecutions. In your annual report you highlighted serious budgetary issues and stated:

The growing ... population is mirrored in an increase in serious offences in the Territory. The government has responded by increasing the number of beds at the prison, by appointing a fifth resident judge in the ACT Supreme Court, and by increasing resources available to the police. However our pleas for increased resources have gone unanswered.

In particular, you stated:

It is ... disappointing to note that although I cautioned as long ago as my 2012-13 report that the appointment of a fifth judge would require additional complementary prosecutorial resources, this was not given priority in the recent budget. Similarly, the announcement of additional police resources is not complemented—as it surely must be—by an increase in resources for my Office. This does not say a lot for the agility of the budgetary processes in the Territory.

I note that there is an increase for the DPP in this budget. Is it sufficient to cover your needs?

**Mr White:** No, is the straight answer. Essentially, leaving aside specific funding, tied funding, the increase is for one grade 4 prosecutor. That obviously is welcome but goes nowhere near meeting the needs of the office. It is in the context of continuing efficiency measures that have been imposed on the office over the years. To put it in context, the last real infusion of resources for the office was in the 2009-10 year. There has been no significant increase of resources for the office since that time and there has been a climate of efficiency measures. We have been subject to efficiency measures which have stripped resources out of the office over that time. The short answer is: the one FTE that has been added to the office is nowhere near sufficient to compensate for the matters that you have outlined and for our current situation.

**THE CHAIR:** What resourcing do you feel the office needs to carry out its function adequately and serve the community well?

**Mr White:** There are two issues. First of all, we need an increase in the number of personnel. We were expected to cover all the courts. To take the example of the

additional judge, 90 per cent of the time that judge is sitting there will be at least one prosecutor in front of that judge. That means that a certain number of hours preparation will have to have been gone into to allow that prosecutor to be standing in front of that judge. That alone is a clear, significant increase in the amount of resources that we need.

It is disappointing that the budget model cannot anticipate those kinds of flow-on effects. Appoint an additional judge, appoint more police officers—those are wonderful outcomes for the territory, but if they are not reflected in an increase in resources to my office then my office is not able to maintain the level of service to the community.

**THE CHAIR:** So I would imagine compromises have to be made to balance the restrained budget and the over-strenuous workload?

**Mr White:** Yes.

**THE CHAIR:** How do you do that? Is it that you are more selective in the cases that you take on or is it that there is just a greater backlog and justice is delayed in some instances?

**Mr White:** We will have to react to the situation in a variety of ways. Obviously I have never been keen to discuss these issues in terms of matters that we might not prosecute because it is inappropriate to send to potential wrongdoers any signal about any of that, but the reality is that we cannot be expected to cover everything that we now cover, with the increase in judicial resources and so on. There is an aspect of selection of cases; there is an aspect of compromise to the level of preparation of cases. Clearly those are real factors that we have to deal with.

**THE CHAIR:** In real terms, then, what resourcing needs to be added to allow your office to function effectively?

**Mr White:** I would estimate, say, a 20 per cent increase. But I should add, and I should have added to my earlier answer, that there is also the aspect of our difficulty in attracting senior prosecutors on the current pay scales that we offer. That is another aspect. It is not just straight resources; it is also an issue of the seniority of people within the office.

We find ourselves in a much more complex prosecution environment than we have in the past. There are more complex matters that are being run in the ACT now. It is partly a function of the ACT growing up; it is partly a function of increased sophistication of the commission of crime and so on and so forth. What that means is that it is more difficult nowadays to prosecute matters and we need prosecutors at a higher level.

We find great difficulty attracting people with our current structure. We grow excellent prosecutors. I am very proud of the job that they do and I have to say that the staff at the moment are of a very high standard, but I also have to say that we do have difficulty attracting people appropriately qualified at high levels.

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**THE CHAIR:** I would imagine a great strain on resources in the coming year is the retrial of the Eastman case. What kind of additional pressure is that going to place on your office to litigate that effectively?

**Mr White:** The Eastman matter is separately funded and we are satisfied with the level of support that we are getting in relation to that.

**THE CHAIR:** I guess a question that has been on a lot of people's minds in the community and colleagues here as well is: what is the motivation to retry that case, given that there has already been a considerable custodial sentence served and the outcome as it has been reported in the paper is potentially that even if a guilty verdict is handed down further time in prison may not eventuate? What is the motivation for—

**Mr White:** I understand your questions and I understand community interest in that, but it is inappropriate for me to comment on a case that is currently before the courts. The matters that you refer to are obviously weighed in the balance by prosecutors in determining whether to proceed with a matter. There are clearly other matters that prosecutors take into account. But I really think it is inappropriate, if I might say so, given that that case has been a very controversial one and will shortly come before the court, for me to say anything further on that at this stage.

**THE CHAIR:** We can respect that.

**MR HANSON:** With regard to the cuts, you think you need another 20 per cent.

**Mr White:** Yes.

**MR HANSON:** Is there an indication of what percentage of prosecutions is not occurring? Are you suggesting, therefore, that if it is 20 per cent of prosecutions you are doing only 80 per cent of your workload because of that?

**Mr White:** Yes. I do not think it can be reduced quite to those terms, but clearly the resourcing pressures on the office are forcing us into that place.

**MR HANSON:** So in broad terms, if you had the resourcing you require, there would be another 20 per cent or whatever of prosecutions occurring?

**Mr White:** Yes. We are facing the prospect not only of the additional jails but also of additional jury rooms becoming available in the new Supreme Court. There is a wonderful initiative to build a very modern courtroom; it will increase the efficiency of the criminal justice system greatly, but as presently resourced we will not be able to fully meet the capacity.

**MR HANSON:** How do you make a decision? You are saying, "We will prosecute this one; this one we won't."

**Mr White:** Yes.

**MR HANSON:** Is it based on the nature of the crime or is it based upon the

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likelihood of a successful prosecution? How are you saying, “We will do this; we won’t do that”? What are the factors?

**Mr White:** As I said in answer to Mr Wall, I really prefer not to get into those issues, because I do not want to send any messages in terms of persons who might be considering engaging in activities—

**MR HANSON:** Sure. I do not want a specific list that we are going to do armed robberies but we are not going to do this.

**Mr White:** I appreciate that. Yes.

**MR HANSON:** But you are saying that there are prosecutions that are not going to occur because of resourcing. I am just wondering, then, whether you are saying that it is being done by the nature of the offence or by the likelihood of the prosecution being successful, or a mixture.

**Mr White:** I think it would be fair to say that it is a mixture. I will come back to my earlier answer that it is not just about the raw numbers; it is also about the degree of preparation that is put into it and, indeed, the degree of expertise which is brought to particular cases.

**MR HANSON:** In the prosecutions that you do conduct, I assume that you are taking on extra risk of those prosecutions being unsuccessful. If you are down on resources in terms of preparation, experts and so on, some prosecutions may now be less likely to be successful as a result. You are taking a greater risk.

**Mr White:** If an appropriate level of resourcing is not given to my office, the standard of prosecutions will suffer.

**MR HANSON:** And we have had this—

**THE CHAIR:** Mr White, just pause for a second. This is an area that I and colleagues on the committee feel should be explored in some further depth, but we respect your unwillingness to do so in a public manner. If you have additional time today or at another date, would you be prepared to come and give this committee some further evidence in camera?

**Mr White:** Certainly.

**THE CHAIR:** Okay; we might look to schedule that on another date.

**Mr White:** That might be more convenient. Thank you.

**THE CHAIR:** Just to give us the time to explore the veracity and manner appropriately but also respect the desire not to broadcast the internal workings of the DPP more broadly.

**MR HANSON:** We have had this conversation now a number of times.

**Mr White:** We have.

**MR HANSON:** Is this affecting morale within the organisation? You mentioned your ability to attract based on salary levels, but I would have thought it must be a pretty tough gig at the moment in the DPP.

**Mr White:** As I said before, I am very satisfied with the commitment and, I have to say, level of morale of the prosecutors that I have. They are very committed; I do not have anything negative to say about that. But obviously if you are in an environment where resources are always an issue, that is something that will affect performance and could ultimately affect morale.

**MS LE COUTEUR:** Mr White, again, this is regarding the bail review laws, which obviously are new. When they passed, the government was very clear that it anticipated they would rarely be used. However, the DPP first sought to use this power on 2 May, which was the day after they were introduced. Can you explain why you did this so promptly for something which we were assured was basically not going to happen?

**Mr White:** The short answer is that they were not used.

**MS LE COUTEUR:** You applied.

**Mr White:** Sorry?

**MS LE COUTEUR:** Sorry, I should not interrupt, but the public record suggests you applied.

**Mr White:** No, that is incorrect, and I do not think the public record shows that.

**MS LE COUTEUR:** It says—

**Mr White:** I can explain to the committee. The legislation that we were ultimately burdened with in relation to this is fairly complex. It was not exactly, by any means, the model that we had supported. But the model that we have requires an indicative notice to be given during the court hearing if the prosecution is anticipating possibly exercising the review power. That indicative notice has been given a couple of times. It was first given, as you say, Ms Le Couteur, very soon after the onset of the legislation. An indicative notice has been given on one other occasion. But on no occasions has the DPP gone forward with the review. I think there was a commitment, for the former legislation to be under review. I am hoping that those issues can be taken care of and that a more workable arrangement can be come to.

**MS LE COUTEUR:** Is this under active review from the government's point of view?

**Mr White:** I hope so. You will appreciate that those matters are for the government, not for me.

**MS LE COUTEUR:** I was wondering if Dr Watchirs or any of the other



commissioners had any concerns about how it was used, given the change to our bail laws.

**Dr Watchirs:** We did not make any public comment on it, but I note that the UK has similar provisions and it has a Human Rights Act. We did not make any substantive comments on the bill.

**Mr Hinchey:** I supported the bill. I supported the bill as the Victims of Crime Commissioner. I think the fact that it has not been used is an indication that the intent is that it is used only in exceptional circumstances, for serious matters. A lot of domestic violence offences and bail hearing decisions are very risky decisions, as we all know. For that purpose, I think we should give it a run and see how it plays out.

**Mr White:** Could I just supplement that answer, if I may. The clear advice that we gave to government was that we expected that the use would be rare. When asked to quantify it, we guessed that it might be once or twice or year.

**MS LE COUTEUR:** The legislation was only in May, and it is June.

**Mr White:** That is right. It has not been triggered. It has not been triggered yet. That is the clear message. Can I also supplement what Dr Watchirs said? There is similar legislation in Victoria, which also has a human rights charter. There is no suggestion that this is some way incompatible with human rights. Quite the contrary: the protection of victims from the deleterious consequences that can flow from a poor bail decision are very relevant considerations in the human rights context.

**THE CHAIR:** That draws us to the conclusion of the allotted time for this. Thank you, commissioners and staff, for your time in coming in before the committee. Mr White, I dare say the committee secretary will be in touch. Tentatively, we are looking at 3 July, if that suits you.

**Mr White:** Yes, I think that is convenient.

**THE CHAIR:** That concludes this session. We will resume at 2 o'clock.

**Hearing suspended from 12.31 to 2.02 pm.**

Appearances:

Gentleman, Mr Mick, Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal

Justice and Community Safety Directorate

Lane, Mr Dominic, Commissioner, ACT Emergency Services Agency

Brown, Mr Mark, Chief Officer, ACT Fire & Rescue, ACT Emergency Services Agency

Quiggin Mr Jon, Chief Officer, ACT Ambulance Service, ACT Emergency Services Agency

Allen Ms Tracey, Acting Chief Officer, ACT State Emergency Service, ACT Emergency Services Agency

ACT Policing

Saunders, Assistant Commissioner Justine APM, Chief Police Officer

**THE CHAIR:** Good afternoon and welcome to this afternoon's session of estimates. We are looking in this session at output class 4.1, emergency services and also ACT Policing. I trust that everyone has had a chance to familiarise themselves with the pink privilege statement and are aware of it. Minister, I throw to you to kick off.

**Mr Gentleman:** Thanks very much, Mr Chairman, and thank you, members, for the opportunity to provide you with information on the budget this afternoon. The government is keeping the Canberra community safe by investing in emergency services and planning for the future of these services. Important initiatives specific to our ACT Emergency Services Agency in this year's budget include \$7.3 million for more front-line firefighters, including returning firefighters to the road; capital works to accommodate a second crew at Ainslie and a second rescue station; and a recruit college to deliver 16 new firefighters and to work towards a 50-50 gender balance; \$2.9 million over two years to upgrade the backup ACT Emergency Services Agency communications centre and non-emergency patient transport facilities; \$1.4 million to construct a water reticulation system to provide emergency firefighting water to Tharwa Village; and \$1 million for mental health services for emergency services personnel and a health and fitness subsidy for ACT Rural Fire Service volunteers.

I want to take this opportunity to thank all of our emergency services personnel for the work that they do to care for and to protect our community. I am sure all members share my gratitude for the outstanding work that all our emergency services personnel—our firefighters both urban and rural, our paramedics and SES volunteers and our ESA staff—provide to the ACT community.

I would particularly like to commend the work of our ESA Commissioner Dominic Lane and his staff for being dedicated in their efforts to ensure that ESA changes and evolves to meet the needs of a growing modern city and to support ESA staff to perform at their best.

I will say that it is extremely disappointing to see those efforts undermined through

inaccurate pictures of the ESA's operational staffing levels. It undermines also the good work that all of the staff do in ESA. The commissioner has assured me that there has been no decrease in staffing levels for any front-line operations across each of the ACT ESA's four services and I welcome scrutiny of the performance and structure of our emergency services. Thank you for that opportunity. I welcome the committee's questions on emergency services.

**THE CHAIR:** Thank you, minister. I will defer my question to Mrs Jones.

**MRS JONES:** Thank you. Minister, table 3 on page 5 of budget statements D relates to the reduction in the level of crime. I would like to ask about a couple of different elements. In particular, do you have any understanding of the number of drive-offs by people who have not paid for their petrol in the ACT? How are ACT Policing dealing with this particular level of crime?

**THE CHAIR:** Mrs Jones, we were going to try to do emergency services for the first portion, up until about 2.40.

**MRS JONES:** Sorry, I thought we were doing police first.

**Mr Gentleman:** I was ready for it, though.

**MRS JONES:** That is okay. We can go to emergency services.

**THE CHAIR:** We will come back to policing, please.

**MRS JONES:** No problem. My question in relation to emergency services relates to the increase in the number of public servants, office-based workers, as part of the emergency services section of JACS. To start with, could you please explain the rationale behind the 465 per cent increase in the number of office-based employees since 2014 to the reporting period during annual reports hearings, which was through to, I think, January this year?

**Mr Gentleman:** Yes, indeed, and that is why I touched on this topic in my opening statement. As you have heard from the emergency services commissioner, he indicates that all of the people in ESA are operational staff. It depends in this particular circumstance on the numbers that you are referring to in the question on notice—which line they actually report to. But I will hand over to the commissioner to go through those numbers for you.

**MRS JONES:** Thank you.

**Mr Lane:** Thanks very much, chair. I will go back to the fundamentals in relation to operational versus bureaucratic. I think the main thing I would like to point out is that, yes, back in 2015 we did change two positions.

**MRS JONES:** Sorry?

**Mr Lane:** Two positions.

**MRS JONES:** Right.

**Mr Lane:** We changed the position of the old deputy chief officer, Fire & Rescue, and the old deputy chief officer, ACT Ambulance Service. That was a very deliberate decision at the time based upon extensive analysis and feedback in relation to a range of reviews as well as internal consultation, the main element of that being with the workforce through what we call the enabling services review.

What we found at the time was we had our four emergency services that, of course, report to the commissioner. Each one of those services did its best—it certainly was the case at the time—in relation to a range of what were more administrative functions across human resources, logistics support, workplace health and safety, training and all of those things. Each service was trying to do a bit of it.

I can provide copies, minister, if required of that particular report of the time to the committee if it is helpful. It recognised that we needed to reformulate our executive structure so that we could actually specialise people into people areas—that is, our people and culture area which covers off training, workforce planning, rostering, workplace health and safety, our overall welfare area. This is starting to show some real benefit as one team.

The second area is what we call our logistics and governance area. We removed the old project cert position and we created a new finance position. That also leads up supporting our workshops, our actual people who provide the logistics support to people on the road. It also includes our accountants, because we do have accountants. We do have bureaucrats, but they are very much trained in that particular area. And it includes our policy area in relation to our governance.

Then we created the third area. We have people and culture, governance and logistics, and risk and planning, which relates very much to our communication centre reform and the intent to create a single area within ESA which has high-level responsibility for our ICT. We have really significant ICT functions in our comms centre and our backup comms centre, which through this budget will be enhanced.

The government has also announced its transition to one ComCen. That person will head that up. That commences on 1 July this year. It includes a range of other support functions, particularly for our MAPS volunteers.

**MRS JONES:** Yes.

**Mr Lane:** Where I am going to in relation to the question is this: those two deputy chief officer positions at the band 1 executive level were used to create two of those executive positions. From that we have simply transferred people from their current Fire & Rescue reporting line within Fire & Rescue, as the minister acknowledged. This gets back to your point in the questions that were asked earlier this year about the changes. People, for example, in our fire safety area, which used to report up through Fire & Rescue, now report up through risk and planning. So a significant number of people—

**MRS JONES:** Could I clarify—

**Mr Lane:** roughly about 16—12, yes.

**MRS JONES:** Mr Lane and minister, can I clarify the position? You have stated that all your people are operational. What is your definition of “operational”? Obviously, your accountant is not operational. Clearly, Neil Johnson sitting in media is not operational. He is not going to be put behind a fire line or on a fire hose. What is your definition of “operational”? How many people who are currently sitting in ESA headquarters are what you would term as operational?

**Mr Lane:** Everyone, and so I will explain that—

**MRS JONES:** Including Mr Johnson?

**Mr Lane:** I will explain that, chair, in a moment.

**MRS JONES:** Would you put Mr Johnson on the fire front line?

**Mr Lane:** Yes. No, that is not—not everyone who is operational—

**MRS JONES:** You just said everyone was operational.

**Mr Lane:** has to be on the front line—yes—

**MRS JONES:** So is everyone operational—

**Mr Lane:** Yes.

**MRS JONES:** or is everyone not operational?

**THE CHAIR:** Provide some extra clarity, please.

**Mr Lane:** I think the question—the question is—I will go to that, and I am happy to—sorry.

**THE CHAIR:** Yes, if you can expand on that, please, a little bit, Mr Lane. Just give some context.

**Mr Lane:** Thanks very much. I get what you are saying in terms of, well, are they a firefighter and a hose holder? No, they are not. But let us remember that examples such as the outcomes of the 2009 bushfires royal commission remind us that in order to be operational—that is, protect the community during times of emergency—requires more than just people holding the hose.

Someone like Nigel, who has a critical role as a media support officer, when we are operational is also trained to provide media alerts and warnings. We know how important that is in times of emergency. Yes, I accept your point that he is not a firefighter fighting with the hose—

**MRS JONES:** Yes, but just to finish on this point, don't you think it is a little

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confusing for the community to state that everyone is operational? Of course, everybody has a job at ESA, but isn't it a little—

**Mr Gentleman:** Mrs Jones, there is a definition for “operational”, as the commissioner was stating in regard to that federal report.

**MRS JONES:** I would love to be provided with that definition, please. If that is provided on notice, that is fine. Thank you.

**MS CODY:** I have a few questions here. Minister, in your opening statement you spoke about the recruit college for firefighters.

**Mr Gentleman:** Yes.

**MS CODY:** I know that it is only a new initiative. It was announced not long ago. But can you inform the committee where that is at?

**Mr Gentleman:** Yes, certainly. Thanks so much for the question and your interest in the college. It is important, of course, as we go forward that we continue to look at expanding those operations of actual firefighters on the ground as well as the other work that ESA does. So we have recognised an opportunity here to do a recruit college for 11 new firefighters in the ACT.

**MS CODY:** Eleven?

**Mr Gentleman:** Eleven at this stage.

**Mr Lane:** Sixteen.

**Mr Gentleman:** Sixteen, my apologies.

**MS CODY:** I was going to say that the budget did say 16.

**Mr Gentleman:** Page 11 I was given the note for.

**MS CODY:** I was going to say that the budget announcement was 16, minister.

**THE CHAIR:** Five disappeared somewhere.

**Mr Gentleman:** It is 16. That is much better than 11, actually.

**MS CODY:** It is, much; probably an increase of five, I hazard a guess.

**Mr Gentleman:** Of course, it is important that we do that work. I am looking forward to the college going forward. Mr Brown can provide you with the details.

**Mr Brown:** Thanks, minister. We hope to open applications for that recruit college early in the new financial year. What we have done to date is conduct information sessions for intending candidates. There are six scheduled. The last one is actually scheduled to be held tomorrow at the Hume training centre. They were open to up to

50 people at each session. Two of those sessions were specifically set aside for female candidates for the recruit college.

We are also finalising the engagement of a recruitment company to help us with the aspects of the bulk recruitment that is required, given that last year we had over 800 applications. We need to get that down to 16 people who meet all our criteria. So it requires the assistance of some recruitment specialists to help us do that. That is where we are up to at the moment. As I said, we hope to open applications early in the new financial year.

**MS CODY:** Mr Brown, you mentioned the fact that there were two information sessions that specifically targeted women. I know that the ESA has the women in—

**Mr Gentleman:** Women in emergency services strategy.

**MS CODY:** Thank you. Can you expand on that a little? Are there compensations for women to join the firefighting—

**Mr Brown:** At the moment we obviously have a very male dominated workforce. That is the norm across most urban fire and rescue services in Australia. Through the women in emergency services strategy, we want to take real steps to increase the diversity of our workforce. We have a target of recruiting 50 per cent men and 50 per cent women in all future recruitments.

Last year we were successful in getting only 25 per cent of our recruits. This year we are confident of getting 50 per cent. What that means in practice is that eight positions in the final 16 are set aside for female applicants. Provided they pass all the elements of the selection process and are deemed as suitable candidates, then eight of those positions will be filled by women.

**MS CODY:** Excellent. I am very pleased to hear about that. How is the—

**MRS JONES:** I have a supplementary when you are finished.

**MS CODY:** Sure. How is the women in emergency services strategy tracking?

**Mr Brown:** This is probably about a two-year project. Obviously, the Fire & Rescue recruitment is progressing well. We have learned some lessons from the 2016 recruitment initiative. At the moment, we are planning to deliver gender bias and stereotype training to all managers across the four operational services in ESA. We hope to have that program developed and delivered by the end of this year.

I will also be working with the other chief officers across ESA to set diversity targets for their services, which may be expressed in a very different way to Fire & Rescue, given the volunteer nature of two of those services. So the WIES strategy is progressing well.

**MS CODY:** I have one last question before Ms Jones asks her supplementary—I hope. Does the peer support program help to support the women in emergency services plan? Can you expand on that a little more as well?

**Mr Brown:** The peer support that Fire & Rescue had is more about the welfare of staff who are exposed to traumatic incidents. But we do have some arrangements for existing female staff to support their new female colleagues who come on board. There is a range of activities they undertake with the support of the Chief Officer.

**MS CODY:** Sorry, Mrs Jones. Thank you for the information on the Fire & Rescue side of things. But is there one that covers the whole of the Emergency Services Agency or are there many different pockets of peer support?

**Mr Lane:** Yes. I will explain that in a little more detail. As well as the good work that Mark has mentioned there, one of the other programs we are looking to implement is what is called an ambulance service peer support program.

**MS CODY:** Okay.

**Mr Lane:** All of our services, of course, are really good in terms of the team-based environment and helping each other. Everyone knows what it is like when we all go through those traumatic incidents that our people on the road sometimes have to deal with. Of course, we do our best at the senior level to provide the support mechanisms around it. But let us remember, of course, that it is everyone's colleagues that get in behind each other through those tough times.

We are looking very much to formalise that with the ACTAS blueprint for change project. I think it would be worth while getting John Quiggin, our ambulance chief, to speak about some of the work he has been doing and what we could bring.

**MRS JONES:** Before we go on to that, could I ask my very simple supp before you change people at the table? Firstly, with regard to the eight positions you are hoping to fill with women, if you do not have eight applicants that pass, do those spots get filled by men? Secondly, the men who were appropriate from the previous college, what happens to them if they have been ticked off as possible firefighters? Is it not possible to have an all-female round where you put in people who have passed in the previous round for the eight male positions?

**Mr Brown:** In answer to your first question, yes, those positions will be filled by men if there are insufficient female applicants who pass the selection criteria. In regard to the previous merit selection list from the 2016 recruitment, merit lists are only allowed to be in place for 12 months, and that list reached the end of its expiry period before we were able to progress the 2017 recruitment.

**MRS JONES:** Have those people been sought out to reapply?

**Mr Brown:** Those 22 male applicants have all been contacted telling them that they need to reapply.

**Mr Lane:** If I may, chair, I will take Ms Cody's question in relation to the peer support program because Jon can update on the most recent work that has been done on that within ACTAS.



**Mr Quiggin:** Over the past 18 months considerable work has been undertaken through the blueprint for change program in relation to welfare for ambulance staff in particular. The peer support program is something that has been brought forward by staff through project working groups underneath the blueprint for change work. They are looking at ways of implementing that currently to roll that out for staff. We are anticipating modelling it after the highly successful Queensland Ambulance Service peer support program.

In addition to that, we have done a range of other initiatives in the service to improve people's understanding of mental health and awareness of mental health. Many of our managers have undertaken what is called a respect program offered by the Black Dog Institute. That is aimed at managers to have a greater understanding of mental health and mental health issues as well as a greater understanding of and skill in how to manage people they identify in the workplace who may be suffering from a mental illness.

We have also introduced an operational debrief policy and a release-from-duty policy where there has been a significant incident in the workplace. Later this year we will be rolling out some additional training for our staff to assist in some of the interpersonal relation issues to manage conflict early and at the lowest possible level. Another component of that is that next year we are anticipating the rollout of psychological first aid training for all ambulance staff and modelling that after a very successful program that has been used within the ambulance service in Victoria.

**MS CODY:** That is really excellent.

**MS LE COUTEUR:** My question is in relation to the recent report from Dr Jason Sharples about the bushfire risk assessment for Ginninderry. I assume you are aware of the report and its conclusions?

**Mr Gentleman:** Yes.

**MS LE COUTEUR:** Do you agree with the current bushfire assessment which is informing the structure and design of Ginninderry? Do you agree that the current assessment is adequate?

**Mr Gentleman:** I can say that in our preparation for planning for new estates that could go near bushfire-prone areas the ESA works very strongly with our planning directorate and uses the most up-to-date data available for it. I mentioned when we did some media on this just the other day the work our MAPS team does in looking at dynamic work of fires on the ground, including fuel load and direction of fires, especially in regard to where they are operating near built-up areas. I will ask Mr Lane to give you more detail on how he liaises with EPSD.

**Mr Lane:** Two critical elements of that are that the government has a decision in place whereby any new development in the territory needs to be built to the Australian standards. But to go over and above that the government has also amended emergency legislation and implemented policy through what is called the strategic bushfire management plan that allows the commissioner of ESA to set standards in relation to that as well. So should issues arise for new developments where my technical experts,

particularly from within ACT Fire & Rescue and the Rural Fire Service, provide advice that additional standards need to be taken into account depending on the location, aspect and the like then we are in a position to do so. We work very closely, as the minister pointed out, with our other regulatory authorities to make sure we achieve that.

We take very seriously the situation in relation to ensuring that homes are protected. The Australian standard will not stop a house from burning down, but the standard is very much developed around the fact that it provides a place of refuge during a bushfire—and let's remember that Ginninderry is not the only area in the ACT subject to bushfire risk—so that the house can stay standing for long enough to allow the residents to escape after the bushfire front has passed. We work very closely on that with those people to ensure that. I am very interested to see the work that Jason Sharples, the writer of the report, has brought forward and we will make sure we take into account what his evidence is showing and what his paper is leading towards.

**MS LE COUTEUR:** Are you looking at undertaking any additional assessments given Dr Sharples's report, or have you not yet digested it?

**Mr Lane:** I have not digested it as yet. I will be taking technical advice in relation to that, keeping in mind that we have worked very collaboratively with Jason on other projects in the past. The main thing we do, though, is work with the proponent as well in relation to their proposed development. If they bring forward an option, we will provide feedback early on in the case and say, "Look, we think that's too close to the bush. We don't like the type of structure you are looking to present. We think it needs to be a higher standard." We work early and closely with developers, whoever they may be, to ensure we influence the process early. That is what we have already started with Ginninderry.

**MS LE COUTEUR:** On that basis are you considering suggesting that we should stop land release there until a new assessment has been done or the ACT government contacts the Yass Valley Shire and New South Wales suggesting they hold off from rezoning until an updated assessment of the land has occurred? You are confident it is still fine?

**Mr Gentleman:** Certainly cross-border discussions occur in regard to our emergency services but also planning; and ESA work with EPSD on those communications at the same time.

**MS LE COUTEUR:** But there has not been any new assessment as a result of the report by Dr Sharples?

**Mr Gentleman:** No. The report was only last week.

**MS LE COUTEUR:** I know it is only fairly new, but you are proceeding as you were proceeding before? You are not considering a pause to look at the implications of Dr Sharples's report?

**Mr Gentleman:** In a planning sense we think it is opportune to have a look at the report and see whether there is new evidence that would change our mind about the

opportunity for development in that area. As I said, though, we have been looking at new data as we go forward with new technologies looking at bushfire mapping and the dynamic activity of bushfires. That has been feeding into our decision-making regarding planning as well.

**MS LE COUTEUR:** Talking about technology, specifically technology for fighting high fires, we all saw the London fire. What equipment have we got in the ACT for—

**MRS JONES:** The Bronto.

**MS LE COUTEUR:** I appreciate we do not have the level of towers that London has, but we have some tall buildings in Woden—

**MS CODY:** And more being built.

**MS LE COUTEUR:** And more being built as we speak. Gungahlin and Belconnen both have a lot planned. There is only one really tall one in Woden so far.

**Mr Gentleman:** There are a number of opportunities. Firstly, it is important that the appropriate fire retardant materials are used in those taller buildings and, of course—

**MS LE COUTEUR:** Sure, and we can talk about that in your planning role, but if a disaster happened like in London—

**Mr Gentleman:** We have aerial appliances and we also have pumping appliances that are used for high rise buildings. I will ask Mr Brown to give you more detail on those appliances.

**Mr Brown:** I will answer that question by saying the findings of the Grenfell tower building fire are still to be determined, and we will learn the lessons from that fire. However, even at this stage there are a number of key differences between that building and the types of high rise buildings we have in the territory. The problems with that building were that a sprinkler system was not installed and the fire up the external facade of the building was able to quickly spread through the interior of that structure, which would not normally happen in a fully sprinkled building.

We have some experience in Australia from the Lacrosse building fire in 2014 in the Docklands area of Melbourne. That fire penetrated a number of sole occupancy units in that building but it did not spread any further through the interior of the structure because it was prevented from doing so by the sprinkler system.

All high rise buildings in the territory—I mean all buildings over 25 metres in effective height—are fully sprinkled. Since 2013 all buildings with aluminium composite cladding on the exterior of the building consist of cladding with a mineral composite core which is non-combustible.

**MS LE COUTEUR:** That is good. But is the message basically that you cannot get people out and you have got to rely on the fire not spreading?

**Mr Brown:** We have an aerial appliance which works effectively up to 44 metres.

However, in a modern high rise building that is not the preferred method of evacuating occupants. In addition to being fully sprinkled, the high rise building has two fire-isolated pressurised stairwells that allow the occupants to exit the building when directed to by firefighters. It is a very different situation here.

**Mr Gentleman:** I should say that from that event we have had correspondence from the Prime Minister to the government—we will be responding to that shortly—with regard to cladding of high rise buildings. I have already discussed the matter with both emergency services and EPSD in regard to working closely with Access Canberra to ensure that local builders are complying with the building code and the regulations around the use of those ACPs, or aluminium clad products, in the territory. At this stage there is still a little bit of work down the road, but the Canberra public can be assured that buildings of those sorts of heights in the ACT have much more fire-retardant capability than what we have seen in London.

**MRS JONES:** As a supplementary to that, we have one Bronto at-height firefighting appliance which is not always available. As we know, it has had a few issues with its motor and so on which we have discussed in the chamber and here previously. I understand that there is a plan for a new additional Bronto to be provided to the ESA. Where are we at with the purchase and fit-out of that piece of equipment?

**Mr Gentleman:** There are two stages to the purchase and fit-out of course. The first is the purchase of the chassis arrangement and then the fit-out of the appliance that fits on the chassis. But I will ask Mr Brown to give you—

**Mr Lane:** I might take that one if that is all right.

**Mr Gentleman:** Yes.

**Mr Lane:** It is an important question. We are currently going through some very early analysis of the type of what we call pumper aerial that we are proposing to bring forward as a budget bid to government.

**MRS JONES:** So it is not yet funded?

**Mr Lane:** No it is not yet funded. That is right.

**MRS JONES:** And the chassis has not been purchased yet?

**Mr Lane:** That is right. But nor are we ready to do it from an HR perspective, from having our firefighters ready to do that anyway.

**MRS JONES:** But you will need a crew?

**Mr Lane:** That is right. Without a crew it is not that beneficial.

**MRS JONES:** What is the time frame if the budget bid is approved in, I presume, next year's budget? Is that correct?

**Mr Lane:** Yes.

**MRS JONES:** Then what is the time frame for that appliance to be on the ground if you gain approval?

**Mr Lane:** The best way to explain that is that the process of getting the crew has already started and the government's announcement—

**MRS JONES:** The actual appliance is what I am talking about.

**Mr Lane:** You need the crew as well.

**MRS JONES:** I understand that. I totally understand that but I am wondering when the appliance can be ready if the budget bid is successful.

**Mr Gentleman:** I think it will be probably close to a two-year process.

**MRS JONES:** From now?

**Mr Gentleman:** Yes.

**Mr Lane:** Probably longer.

**Mr Gentleman:** Yes, it could be a bit longer by the time you have decided which chassis to go with. We look at the most modern—

**MRS JONES:** Perhaps it will be ready to go by the next election or something like that?

**Mr Gentleman:** I would hope certainly earlier than that.

**MRS JONES:** On page 21, talking about recruiting more firefighters, my substantive question is around changes to the provision of portaloos, which I understand has been embarked upon, so that perhaps some of our women firefighters might have the ability to change a tampon or a pad in the field if they are working for several hours in the one place. Would you like to update us on where we are at with that?

**Mr Gentleman:** Yes, certainly. The Emergency Services Agency does already have procedures in place for providing portable toilets during an emergency incident where practical. Nonetheless, I have asked ESA to consider the availability of portable facilities for women in the event of a bushfire and to review the current procedures to ensure that the most suitable and practical approach is being adopted for this particular issue.

We have an internal working group including officers from each of the emergency services. That has been established to develop the whole-of-organisation standard procedure, which will soon be finalised, to strengthen those procedures that are currently in place with each of the emergency services agencies. Those procedures will be given to the incident controllers to ensure that that occurs. But it has already started. At the Hume fire that you would have seen reported in the media just the other day, a portaloos was provided as part of the operation.

**MRS JONES:** What changes do you imagine will make this possible? Are we going to have more of these pods or are we going to purchase some pods that do not have showers for when showers are not required? My understanding is the current pods are all toilets and showers.

**Mr Gentleman:** Yes.

**MRS JONES:** Can you explain a little of the on-the-ground reality that needs to perhaps develop a bit?

**Mr Gentleman:** Yes, certainly. The pods, as you describe, have numerous facilities for those on the ground. With portaloos themselves we have had an internal discussion about whether we should purchase or whether we should hire them on a timely basis. At this stage we are looking at hiring. We did it for the Hume fire, for example. But I will ask Mr Lane to give you an update.

**MRS JONES:** Are they available on weekends and at odd hours to be deployed?

**Mr Gentleman:** Yes.

**MRS JONES:** How will that be managed?

**Mr Lane:** On two levels. One of the things that we will continue to work through—and thanks obviously for the feedback from the committee last time in relation to how we approach making sure we look after them; and going back to earlier questions in relation to women in emergency services strategies, things that are very close to our heart to get right; and there are two levels to that—is strengthening the arrangements which are already starting to work effectively, which we are pleased about and will consult more about with the workforce in relation to the policy that the minister spoke to.

There are three elements, sorry. The second part for me is: what are the additional pod technologies that we should be picking up on that could actually expand that capability, not just about toilets but about other things that might actually help in terms of creating a better workplace environment in an operational sense?

The third one is the ongoing work, again announced through this budget, and other works—and the Ainslie fire station upgrade will assist in this—that we will be able to do. There are things like the successful recent completion of Fyshwick fire and rescue. Under the respect and dignity program, we have already started to fix our facilities at places like Fyshwick, Geyser Creek rural fire station, Molonglo rural fire station, and we hope to bring forward options certainly in relation to some other improvements to some of our SES stations as well. It is part of a broader thing that we need to pick up on.

**MRS JONES:** Finally on that, I have had feedback on some of the improvements that are intended, I am sure, to improve dignity for women. For example, a toilet cubicle which is classified as women and/or disability, does not have any shelf space or place where clothing can be kept while a shower is being taken. There are no hooks, there

are no shelves.

Is it possible to have another look at how that is actually being rolled out and whether it is really achieving the outcomes that I am sure you are intending, which is if the only shower with a door on it is in the boys' section then the ladies do not want to go past the urinal to go into that? The only other one available is the disability one which has no shelf that is not going to get wet in a shower.

**Mr Gentleman:** Certainly we would like to provide the best possible opportunity that we can.

**MRS JONES:** Can I suggest that that be followed up?

**Mr Gentleman:** Yes. Offline perhaps you can give us those.

**MRS JONES:** The ones that have been completed and then perhaps as you go forward I am sure that the office for women would be willing to help. They do have a group that helps with events and does the analysis. If you try to make improvements but they are not actually hitting the mark, then we are wasting our money, aren't we?

**Mr Lane:** It is a very good point. Where we are at the moment is that we are about more than halfway through, I would imagine, that very thing that you pointed out. When we established the respect and dignity program as a component of the overall WIES strategy, that was one of the key elements. We recognised obviously, firstly with all the new fire stations we were building, the need to make sure they were right. They are all good in Aranda, south Tuggeranong, the new Greenway ambulance station and all the other ones.

**MRS JONES:** Because they have men's and women's areas?

**Mr Lane:** Yes, they are all done. Those new ones there are done. Then we realised there was a second body of work. I recall the director-general and I having a conversation, "But what are the quick wins about things like hooks and doors and working some of that?"

**MRS JONES:** Some of them that have been finished have not been finished well. That is the feedback I can give you to follow up on.

**Mr Lane:** All right. We are happy to continue working on that. The third part is where we are at now. There are medium levels of investment but that investment, particularly through our rural fire stations and SES-type units, is where we are currently at as well, as well as the current upgrades for Ainslie and Fyshwick.

**MR PETERSSON:** I have seen reports that the ACTSES had a very large recruitment round recently. Can someone explain why it was so large?

**Mr Gentleman:** Yes, certainly. It is an interest from the community.

**Mr Lane:** Our SES volunteers are extremely capable and cover a whole host of things including some more recent initiatives where we recognise the SES can do even more.

We continue to go for processes. Our intention is overall to grow the SES numbers by about, Tracey, 60 to 80 I think as part of our overall strategy?

**Ms Allen:** Yes.

**Mr Lane:** That is about a number of things. It is about recognising the risk of climate change and with the increased intensity of storms in Canberra we need to make sure that we are across that and have the capability within our workforce and that the workforce is also supported by appropriate levels of training, equipment and accommodation as we were just speaking about. But there are also some other initiatives that SES has been working on in partnership with our ACT Ambulance Service. But certainly part of the overall recruitment is recognising the busy volunteers. There is always more to be done and we are keen to support them in that.

**Mr Gentleman:** I did mention earlier our MAPS people, who are able to go in and have a look at the dynamic activity of a fire in progress and then use all that data to provide information for us in other areas. They do it for other jurisdictions too. Perhaps Tracey could give some information about how that works.

**Ms Allen:** First off, to answer your question why recruitment is so big this round, we went for a different model this time around. Instead of having two smaller recruitments we decided to go for one big recruitment and that allowed us to bring all the resources together in a shorter frame of time to get the members trained and out onto the ground as soon possible. This new model allows a new recruit to join and to be ready for a storm job within four to eight weeks whereas before it could be anywhere up to three to four months or even longer. That is why we went for this model instead.

### **Short suspension.**

**THE CHAIR:** As we have had a change of officials, I draw your attention to the pink privilege statement and ask that you acknowledge that you are aware of it and its implications. Before we kick off, minister, do you have a statement with regard to policing?

**Mr Gentleman:** Yes, a short one, thank you, Mr Chairman.

Thanks for the opportunity to make a further short statement as I am joined by the ACT Chief Police Officer and Assistant Commissioner, Justine Saunders.

The Australian Federal Police continues to deliver policing services to the ACT through ACT Policing. Ensuring that ACT Policing is well equipped and resourced is of paramount importance in ensuring the safety of the ACT community. To this end, in the 2017-18 budget, the ACT government's initiatives for police include \$5.3 million to enhance protective security measures for ACT Policing, including equipping front-line officers with charged energy weapons, or tasers; \$2.1 million to plan for the future of policing in the ACT by reviewing current operating models and infrastructure; and funding for the fit-out of a new maritime facility for the ACT's water police team.



## PROOF

I am pleased to advise the committee that on 15 June this year the federal Minister for Justice and I signed an ongoing policing arrangement that establishes the enabling framework for the AFP to provide policing services in the ACT. We have a long history of entering into these arrangements with the commonwealth, and I have confidence in our strong relationship. We have now moved from a five-year agreement to an ongoing agreement in response to recommendations from the ACT Auditor-General to make our administrative arrangements more efficient. This will allow ACT Policing and the Justice and Community Safety Directorate to focus on delivering outcomes for the ACT community.

In the coming weeks we will be signing a new purchase agreement which sits under the high-level policing arrangement and outlines the services to be provided. Financial arrangements, performance measures and reporting requirements are in that as well. I will also issue the Chief Police Officer with a ministerial direction to outline my priorities and expectations for ACT Policing over the coming financial year.

I take this opportunity to thank ACT Policing, including its uniformed police and support staff, and of course the volunteers, for the fantastic job they continue to do. I might just ask the CPO to give a short statement to the committee on how she has been able to activate in her new role.

**Asst Commissioner Saunders:** Thank you for the opportunity to make a brief statement. I thought I should firstly just flag that I and Deputy Chief Police Officer Mark Walters participated in the CEO sleep-out night. As fellow Canberrans, you will know that we did not do that lightly, because it was minus three last night. We certainly experienced first-hand what it is to sleep roughly; it will come as no surprise to you that it was cold and therefore we did not get a lot of sleep. If I am a bit slow this afternoon, please excuse me, and if I yawn, it will not be because I am bored.

**THE CHAIR:** I think Mr Parton, who also did it, has run off home, so you are doing better than him.

**Asst Commissioner Saunders:** Well, there you go. I did note that success was staying at work for the full day the next day; if you do not do that, you have not succeeded, it would seem.

On a more serious note, picking up on the minister's comments, I had the opportunity to support the minister and sign the ACT Policing arrangement, which we have just touched on, with the federal Minister for Justice. As the minister said, in line with the Auditor-General's recommendations, the arrangements are now enduring, which is very positive and reflects the ongoing commitment of both the ACT government and the AFP to ensure that the territory community is provided with a high quality policing service. I look forward to signing a new purchase agreement with the AFP Commissioner and the minister in the near future.

I would also like to take the opportunity to touch on some of our future priorities. Obviously national security is front and centre in the news and on everyone's minds, coming out of the recent horrific events internationally and, closer to home, in Melbourne in recent weeks. Those intent on causing harm are being radicalised quickly, and they are resorting to crude and basic methodologies. This is a significant

challenge for all of us, not just law enforcement but the entire community. We have had significant success in fighting terrorism in Australia, but we cannot entirely eliminate the risk any more than we can eliminate the risk of any serious crime.

ACT Policing will continue to work with government and the community to ensure that Canberra remains one of the safest cities in the world to live in. But to achieve it the community cannot be complacent. Whilst there are no known specific or credible threats to the ACT, we must be mindful that attacks can happen anywhere, and Canberra is certainly not immune. Consequently, we are working with our partners nationally to ensure that we are learning the lessons from recent tragic events and evolving capability to appropriately respond to those threats. We already have robust arrangements in Australia to protect crowded places and major events, but there is more work to be done in this challenging place, and that is certainly a priority for ACT Policing.

I mentioned that Canberra is one of the safest places to live, and crime prevention activities are critical to maintaining this. I liken this approach to the health model of primary prevention. I want to be sure that we have made every effort to prevent crime from being committed in the first instance, through youth engagement; through early intervention and diversion strategies, including restorative justice; and, importantly, by targeting recidivism.

Family and alcohol-fuelled violence continues to present a challenge to ACT Policing, and we continue our focus on these areas through collaboration with government and other stakeholders to reduce the incidence of these offences in our homes and entertainment precincts. Road safety also continues to be a focus. Canberra has the best road system in the country, and I am still continually disappointed to hear from my traffic teams who tell me of poor driving they witness on a day-to-day basis.

The committee would be aware of the internal cultural reform the AFP is undertaking following the report by the former discrimination commissioner, Elizabeth Broderick. I am committed to ensuring that these reforms flow on to ACT Policing, and am working hard with my executive team to develop a more inclusive, diverse and safe workplace. We have established a cultural reform committee, and we are working on improved recruitment, promotion and development processes.

The good news is that I am really pleased to see where we are seeing some really positive results. We have seen a very positive response to our recent recruitment drive for ACT Policing: 29 per cent of applicants were female, and that is a huge leap. Historically we could rarely reach anything above 20. Twenty-one per cent has been the maximum. Already, in a very short period of time, we are seeing a positive response. We have also had the experience where all three ACT Policing members recently promoted to the rank of superintendent were women. And we are seeing greater diversity at the highest levels of the AFP. For example, even my own experience as part of the senior leadership group is that for the past five years I have made up 15 per cent of the senior leadership group; now women make up 30 per cent of that senior leadership group. They are some very positive steps, and that has all occurred in the past 12 months. I acknowledge that we still have a long way to go if we are to achieve our goal of a truly diverse workforce that represents the community we serve, but we are making significant inroads.

I have initiated a major strategic reform agenda, which we have called policing for tomorrow's ACT. The purpose of this reform is to engage the entire workforce in considering where we are now, where we want to be, and how we are going to get there. This strategy is a direct response to the issues raised by my own people, and is aimed at supporting them and making their job easier in continuing to deliver a high quality of service to the community. Focus areas are our workforce, tools and technology, and developing practical and streamlined processes and governance.

Finally, I would like to take this opportunity to thank our minister and the government for the great support they have shown in this year's budget. This year, as a result of government budgetary support, we will be improving operational police, with greater access to tasers; we will be putting extra police into our regional targeting taskforce to help keep our entertainment precincts safe; and we will be undertaking a review of ACT Policing's operational service model and accommodation needs to ensure that we are best positioned to keep Australia safe well into the future.

Thank you for your time in allowing me to give this statement, and I welcome questions.

**THE CHAIR:** Thank you, Assistant Commissioner. We will continue down the line and start with Mrs Jones.

**MRS JONES:** Thank you very much. I want to go to the question I nearly asked you before, minister. I pointed in the budget to page 5, table 3, budget statements D, the reduction of crime levels. In particular, it has been brought to my attention that we have a significant problem in some parts of the electorate with drive-offs by people who have not paid for petrol. This is creating enormous frustration for lessees of petrol stations, who are not big business people; they are small operators, and they are losing \$30,000 to \$60,000 per year. They have reported to me that the response that they have received when in contact with ACT Policing over the years is, "Well, there is not much point in us following this up, because we can never catch them."

I know that is probably just a bit of honesty from some people trying to be realistic on the ground, but what can we do to improve life for those who are providing us with fuel and who are suffering significant problems? And how do we send a better message, at the very least, to the regular perpetrators of this crime that their behaviour will not be tolerated and that the community expects more of them?

**Mr Gentleman:** You raise a very important question, Mrs Jones. This goes back and has some history in the ACT. There are a number of things that have been achieved in looking at drive-offs from petrol stations. The very first achievement—I think it was even prior to Ms Saunders's time with the AFP—was the introduction of rapid cameras. They were originally designed to look at drive-offs for service stations, but we found that they are better employed on police cars. They can identify immediately cars that have unlawful registrations, expired registrations—

**MRS JONES:** Where have they been employed? Are they in all petrol stations now?

**Mr Gentleman:** No; they are on the police cars. The challenge was—

**MRS JONES:** If the police car is not there at the petrol station, they are not catching the criminal, are they?

**Mr Gentleman:** I take your point, but I would just like to finish the description.

**MRS JONES:** Yes.

**Mr Gentleman:** They were initially thought of by the Motor Trades Association for these drive-offs at service stations. When we looked at the opportunity to deploy them, it was found that police cars would see many more instances of vehicles with the wrong numberplates or stolen numberplates, which are usually used at drive-offs, giving a much better opportunity for police to intervene on those occasions. So that technology was brought about.

Then we used the numberplate-securing technology and programs in the community to firstly advise the community about these opportunities where people steal numberplates and drive off, or steal the vehicles and drive off, and then do the numberplate fasteners at police stations and invite the community to come in and have the numberplate fasteners changed, at the same time giving them education about what is happening in the community in regard to these sorts of offences.

I will ask the CPO to give you more detail.

**MRS JONES:** Yes, about how we are actually tackling it proactively once it has occurred. As much as we all would love to stop these things occurring in the first place, I am telling you right now that they are occurring at a high rate, and it is causing enormous frustration.

**Asst Commissioner Saunders:** Thank you very much for the question. Building on the minister's comments, the key is prevention, as the minister suggested.

**MRS JONES:** Once it has happened, though, I would like some information about what we can do once it has occurred. Currently it is occurring, and it is leaving business owners in a very difficult position. When the response that they are getting from police is that their issue may or may not be followed up, or may or may not get an outcome, what else can be done after it has occurred? Yes, I accept that prevention is very important, but it is not always going to work.

**Asst Commissioner Saunders:** Can I just give some statistics that might be useful for the committee in this regard. The first point I make is that AFP do respond and do investigate particular drive-offs. But we do not investigate all; that is correct.

**MRS JONES:** No, you do not.

**Asst Commissioner Saunders:** The reality is that ACT Policing is just not in a position to investigate every crime that occurs in Canberra, and we do need to prioritise that—

**MRS JONES:** What proportion of crimes?

**Asst Commissioner Saunders:** We do need to prioritise that crime; if I could just answer the question.

**MRS JONES:** Well, it is a very interesting point, because I think the community is very interested in that. Is there a proportion of the crimes that occur in Canberra that the AFP does investigate? Is there a basic number that you work with?

**Asst Commissioner Saunders:** No; I could not possibly get you a figure. I guess what I am saying is that the point is that obviously a constable has the ability to use discretion at all times. My point is that no, we do not investigate every crime, and we do not investigate every drive-off.

There are a number of factors that would be taken into consideration in that. One is the evidence that is available. There is the timeliness with which that information is provided and the likelihood of identifying an offender. And then, of course, there is still the cost. I will just flag some statistics in this regard. I would have to take it on notice if you require more current statistics, but in 2014-15 the average drive-off from a petrol station was approximately \$65, and over the period of the year the overall cost was \$77,000 to the industry. The average time it took for an ACT Policing officer to respond to an individual drive-off was approximately three hours, and at that time was \$191,000. Based on that figure alone, I could not possibly support investigating every single drive-off. We need to be very strategic in how we deploy our resources; therefore the focus is on the very point you make, minister, in terms of recidivist type behaviour.

Where we see a course of conduct, absolutely we would engage, but once again, I will restate, the key is prevention, and industry taking some ownership in regard to how to prevent this type of crime. Let me give a very good example of that. We do have Costco that has arrived in this town. They do have prepayment requirements. As a result, you do not see drive-offs from Costco, because they have that preventative strategy.

This has occurred around the country. You will not find a law enforcement agency across the country that will investigate petrol drive-offs. The general policy is that they do not do it at all. ACT Policing gives them much better service than other jurisdictions in actually investigating this type of crime.

**MRS JONES:** Yes, but it is not difficult to understand—perhaps the minister can respond, in a sense—that these business owners, who are citizens of the ACT and providing us with a service, are rightfully kind of pissed off, basically; they do not feel as though their issue is being taken seriously. I know that everyone is empathetic, but I just ask if some more consideration can be given to this issue, because it seems unjust that it goes on and on.

**Mr Gentleman:** I think their concerns have been raised and have been addressed already in the technologies that I have already explained to you in that sense.

**MRS JONES:** That is a prevention technology.

**Mr Gentleman:** I will go to the CPO's response to you earlier on, in that it is important that we prevent the crime in the first place. If it is difficult to catch an offender, if there is no evidence, it is very difficult to prosecute an offender, so the strategic way to look at this is to go at prevention in the first place. The numberplate-fixing operation is a very good strategy in stopping people from stealing numberplates and, of course, more security around vehicles means that they will steal fewer vehicles as well.

**MRS JONES:** Sure.

**Asst Commissioner Saunders:** Mrs Jones, we make a commitment, as we do in regard to all crime prevention, to working with industry to assist with developing solutions to address this problem. I know we actively did engage industry as we moved to this crime prevention space, and we are very much committed to continue doing so.

**THE CHAIR:** Could we get a bit of an update on Taskforce Nemesis: any successes; and an indication of how that task force is performing to date?

**Mr Gentleman:** Thank you, Mr Wall. It is a very timely question, actually. You may have heard in the media today that police had an operation this morning in regard to an arrest that I understand had links to an operational matter within an outlaw motorcycle gang. I will ask the CPO to give you the details on that one, and then an update on how Nemesis is working.

**Asst Commissioner Saunders:** Thank you very much for the question. It is very timely, noting that yesterday we made a significant arrest of the ACT chapter president of the Nomads OMCG group here in Canberra. The person has been charged with being in possession of a semi-automatic pistol, three ballistic vests, what is commonly known as a taser, a spring-loaded flick-knife, and drugs. So that is a very positive outcome.

In terms of ongoing success, as I said, Nemesis continues to be very much committed to combating OMCG activities here in the ACT. We have had some significant operational successes. The number of persons charged as at June 2017 is 85. Some of these have been charged on multiple occasions. The number of OMCG members charged is 76. The number of offences charged is 260. The number of offences charged for OMCG members' associates is 233. The number of search warrants executed is 145.

With respect to the number of arsons related to OMCGs, whilst there have been no charges, there have been 10 incidents in the past 18 months which we suspect of being OMCG related. We have a number of firearms and weapons-related charges as well—53 in total. We also have a number of charges of assaults against a person—32 OMCG related, and 51 charges specifically relating to drugs and associated with OMCGs.

We have also had interstate runs, as they are commonly known, coming into Canberra on 13 occasions. We have had two ACT-based members subject to visa cancellations. So there have been some positive results, and of course we continue to work with

government in regard to ensuring we have the right legislative framework, and we have been in ongoing dialogue in regard to anti-fortification laws.

**Mr Gentleman:** I might touch on the support the government is providing for this task force. On 8 August last year the government agreed to provide ACT Policing with an additional \$6.4 million in funding over four years for eight additional staff and \$840,000 for the purchase of electronic capabilities. That was provided to support ACT Policing in strengthening its response to outlaw motorcycle activity in the ACT. It was allocated to increase the size of Taskforce Nemesis on an ongoing basis, so that we are not just staying static.

ACT Policing progressed the expansion of Taskforce Nemesis by assigning eight additional staff members to the task force. They include two additional investigators to bolster the capacity and investigational efficiency, two additional intelligence officers, and one forensic accountant to investigate and analyse the finances of OMCG members and other organised crime groups to identify any criminal offending and all assets available for confiscation. So there are a number of support structures that we are putting in place in a funding sense and that police are delivering on the ground.

**THE CHAIR:** Whilst there are some very impressive statistics, to what extent do the AFP believe that you are actually influencing or changing the behaviour of outlaw motorcycle gang activity in the ACT as a result of this task force?

**Asst Commissioner Saunders:** Clearly, the fact that we continue to make arrests suggests that their criminal conduct continues, and that is why we have maintained a task force dedicated to this work. To be frank, our job is never going to be done in this space.

**THE CHAIR:** Has there been a change of behaviour within the motorcycle organisations involved or are they carrying on business as usual and—

**Asst Commissioner Saunders:** It is fair to say that of course we are having an impact in regard to individual behaviour, but in terms of a general observation about outlaw motorcycle gangs, both here and nationally, no. Of course they are continuing on with their criminal conduct, which is why there is continued investment by government and the continued dedication to our work in this space by ACT Policing.

**THE CHAIR:** In terms of the legislative framework, do you think the legislative settings in the ACT are adequate at this point in time, or do we need to further investigate things like consorting laws?

**Asst Commissioner Saunders:** I have been on the public record saying that I see value in preventive strategies to address the threat of OMCGs, including anti-consorting laws. Certainly, I have been in conversation with government, and there is no appetite to go down that path yet. As a result we are exploring a whole range of strategies that might be of assistance to us in preventing this type of crime.

**THE CHAIR:** But certainly not the preferred method?

**Mr Gentleman:** Government does not have an appetite for anti-consorting laws at this stage. We are very concerned with regard to the human rights implications of those. We certainly will look at other opportunities for legislation—as we have described, anti-fortification is a good example of that—which would allow AFP to be more operational on the ground with outlaw motorcycle gangs.

**MRS JONES:** Can I ask a supplementary?

**MS CODY:** I have one too.

**THE CHAIR:** Yes, we will go to Mrs Jones and then Ms Cody.

**MRS JONES:** It has just occurred to me that it would be useful if the minister would comment on the concerns regarding the human rights implications of anti-consorting laws for people involved in outlaw motorcycle gangs versus today's announcement that we will be outlawing, apparently, racing dogs in the ACT. That apparently does not impinge on the human rights of people who have been abiding by the law, yet there are concerns about anti-consorting laws doing just that. How does that sit?

**Mr Gentleman:** The view in regard to anti-consorting laws and their human rights implications does not go to the unlawful activity of outlaw motorcycle gangs. It is more about its application, and, where we have seen it occur in other jurisdictions, people have been arrested under those laws who were not criminals. Those are the concerns that we have in a human rights sense. I will not even comment on the—

**MRS JONES:** Just to clarify, you do understand that—

**Mr Gentleman:** comments with regard to greyhound racing. I think the ACT community has a very strong view on that, and the Attorney-General and gaming and racing minister has made his announcement this morning.

**MRS JONES:** Yes, but apparently a strong view is good enough, whereas the actual rights of people who have been abiding by the law are not.

**MS CODY:** Minister, I believe that anti-consorting legislation is in place in other jurisdictions?

**Mr Gentleman:** Yes, a couple of jurisdictions have it.

**MS CODY:** In those jurisdictions, generally speaking, it does not affect solely members of outlaw motorcycle gangs; it affects members of the public just as much, in some cases even more, particularly those in minority groups?

**Mr Gentleman:** These are the concerns we have. I will say, though, that we are talking about a group of people who operate outside the law. They do not simply look at a piece of legislation and decide that they will not do a particular action. So whilst it may well be a tool that could be applied, we have concerns about its application to people who are not outlaws.

**MS CODY:** That is right. People, generally speaking, from minority groups are



broadly affected by anti-consorting legislation in other jurisdictions?

**Mr Gentleman:** Yes.

**THE CHAIR:** Ms Cody, a substantive question?

**MS CODY:** Yes. Before I start, I would like to thank Assistant Commissioner Saunders and ACT Policing for the work they do for our community and keeping us safe. I think it is an amazing job, and I have boundless respect for all police officers in the territory and in federal policing. To that end, my understanding is that ACT Policing and the AFP are currently undergoing enterprise agreement bargaining; is that correct?

**Asst Commissioner Saunders:** That is correct.

**MS CODY:** Does the ACT Policing enterprise agreement generally sit at the same level as the AFP's?

**Asst Commissioner Saunders:** It is the one agreement.

**MS CODY:** Excellent. This will make my line of questioning much easier.

**Asst Commissioner Saunders:** I hope so.

**MS CODY:** So do I. My understanding is that some of the current negotiations are looking at a reduction in conditions for employees of both the AFP and ACT Policing; sworn members, for want of better terminology. Is that correct?

**Asst Commissioner Saunders:** Could you ask the question again? Is it removing conditions?

**MS CODY:** Yes. My understanding is that, in the latest offer, for want of a better term, or the latest negotiation, one of the offers on the table is to remove a number of conditions for members in both the AFP and ACT Policing.

**Asst Commissioner Saunders:** I do not think we would frame it in that way. Obviously, we are required to fund the agreement from existing budgets for identified savings and efficiencies. Based on the commonwealth framework, under which we can only offer six per cent—so two plus two plus two, which is what we are offering—we need to find those offsets internally. We need to find the savings within the organisation to do that. So, yes, there have been some initiatives that have been proposed and which, I will be frank, have been quite controversial and the subject of discussion now. Obviously, that is very sensitive, knowing that it is the subject of a vote in coming weeks.

One of the key areas that has been the subject of discussion relates to a requirement for members to take the full six weeks of their recreation leave, knowing that it actually delivers some savings to the organisation if people take it. So we are encouraging people to take the six weeks and, in doing so, they will then gain access to additional mandatory recreation days. That is one of the measures. That alone

would potentially save the organisation \$29 million a year. I do not see that as a reduction in a condition for members.

Certainly, there are other changes, and I am just giving you some examples because I do not have the specifics of all of the various changes within the new EA. Certainly, there are strategies such as flexibility. There is a requirement to give five days notice, for example, in regard to return to work. There is a proposal that that would now be three days. That is also finding a saving back to the organisation. There is also the removal of a district allowance, but that is only for Sydney office members; it does not relate to ACT Policing. Executive-level voluntary redundancies is a proposal, and sundry savings of about \$8.5 million.

With respect to ACT Policing and the removal of conditions, there are none. The only other key issue that I am aware of, as it relates to ACT specifically, knowing that I have not been part of the bargaining, or engaged in the process directly, has been that there are some members within our criminal investigations areas who are currently on a rostered operations pattern who would now be moving across to an operations pattern, which is something I am currently considering. They are the main changes.

**MS CODY:** I have had representations to my office from a number of ACT Policing and AFP members in response to the requirement to take their annual leave. In some instances operational requirements do not allow them to take their leave, which brings up a whole bunch of issues in itself let alone the savings or the additional costs to the AFP. I know you cannot speak for the broader AFP, but I know there are certain areas in ACT Policing that also have those operational requirements that make it difficult for them to take their six-week leave requirement in a 12-month period. How is ACT Policing going to address that to make it easier? It is very important for people in these highly pressured roles to access their leave.

**Asst Commissioner Saunders:** I agree, and that is a legitimate question. Those questions have been raised with me by my people as well. I share some of the concerns that are held, but there are a range of strategies we are going to have in place to manage it. The first point is that a key reason for this change, whilst it delivers some savings, is to address the very concerns members have raised with me, that is, they are tired.

**MS CODY:** Yes, absolutely.

**Asst Commissioner Saunders:** They work very hard and that is part of the reason they get six weeks leave a year: so that we can ensure they are looking after their mental health and wellbeing by having that six weeks. We would say this is a very positive measure aimed at the wellbeing and health of our people firstly. I need to make sure we are providing an environment which allows our members to take that six weeks leave a year, and that is going to be a priority for me.

If you go back to my earlier statement, I made reference to the futures piece of work, the strategic reform we are doing. Part of that is engaging the workforce in relation to how we shape ACT Policing to continue to deliver quality service but ensure that we have the right structures and governance in place to allow people to take their leave.

That is an immediate priority for me. I should flag that the rostering arrangements we have in place in ACT Policing allow for members to take six weeks; it is actually factored into the rostering practices. But there are extraordinary circumstances where it might not be possible.

You flagged, quite legitimately, that we are a 24-7 operational agency. Sometimes there are requests from courts and the DPP that require us to attend and give evidence in a matter and that might conflict with someone's planned holidays. It says a lot about my people that they sacrifice a lot to ensure that they can be there and give evidence in these matters.

**MS CODY:** Absolutely incredible, yes.

**Asst Commissioner Saunders:** In doing that there will be exceptions and, therefore, if there are legitimate operational reasons, members will not be disadvantaged by this EA. That does not mean that they will not have access to MRDs where there is an operational reason for that to have occurred. They will not be disadvantaged by this arrangement. But my view is that that would only be in extraordinary circumstances. I do not want us to be in a position where 50 per cent of the workforce is not taking six weeks leave because of operational reasons. We need to manage this better and we need to support our members to ensure that they can have the six weeks they are entitled to.

**MS CODY:** You mentioned in your opening statement and again in response to my question the futures program and how we are going to support the ACT Policing workforce. I note that in this year's budget there is an allowance for tasers for all operational staff. I may have that wrong.

**Asst Commissioner Saunders:** No, it will not be. It is certainly a fourfold increase in tasers available to our workforce.

**Mr Gentleman:** It is a new technology as well. These new tasers will have a video function which will allow the operation of the charged energy weapon to be reviewed later. They are a little more expensive than the previous tasers that are now with front-line station sergeants.

**Asst Commissioner Saunders:** That is quite right; it is an advanced technology. In the past, we have had tasers available to those of sergeant rank and above. Of course, in a practical sense, if you have a team on shift and the sergeant is sick and someone acts in that role you would then not have a taser available on that team. This will allow for that reassurance to the community that you will have members who have access to the tools when they need them to respond in the appropriate way.

In a practical sense it will mean we have 423 additional officers trained in 2017-18. Noting that the current taser stock is 90, we will then have 371 tasers, which is a significant increase and which will mean we will have a pool capability that will ensure we have access to tasers when we need to. It is a significant improvement for ACT Policing.

**MS CODY:** Which is obviously going to support the ACT Policing workforce.

**Asst Commissioner Saunders:** Absolutely. One, in terms of security and, two, in regards to a non-lethal tool that is available for them to respond in an appropriate way to protect the community.

**MS CODY:** Asst Commissioner Saunders, you have been fantastic in providing me with this information; I really appreciate your help. The rapid technology, the cameras on the cars that can identify numberplates, is that the correct terminology?

**Mr Gentleman:** There is a new term for it now.

**Asst Commissioner Saunders:** To be honest, I am not sure what the term is either. I will go with that.

**MS CODY:** Again, that is obviously going to help support the ACT Policing workforce.

**Asst Commissioner Saunders:** I will hand over to Corey Heldon, but I will make a general comment: technology is a key priority to ensure that, one, we are delivering the best service and two, we are delivering it in a more efficient way. This is one of many technological tools we are looking to explore. I have to be honest: the key one for ACT Policing for me will be a mobile platform which will allow our police officers to have the capability—I am hoping within 12 months—where they can undertake much of their business from the police car or from wherever they are doing their work thus removing the need for members to return to police stations to undertake much of their activity. In terms of technology, that is going to be a key improvement. But there is quite a bit going on in the traffic space in regards to technology, and I will hand over to Corey to add some further to that.

**MS CODY:** Sorry, I am more than happy to put this on notice because it is taking a little longer than I had anticipated.

**THE CHAIR:** Yes, we might do that.

**Mr Gentleman:** To add to the CPO's response in regard to moving police officers out onto the street rather than having to come back to the police station, that is why we are also investing in the infrastructure study to look at the needs for the future for ACT Policing.

**THE CHAIR:** We will continue for a couple more minutes, assistant commissioner and minister, with your indulgence to give other members of the committee a chance to ask brief questions.

**MS LE COUTEUR:** I have a couple of questions all related to the various drugs. Do you have a position about pill testing at music festivals to reduce the possible harm from illicit drugs?

**Asst Commissioner Saunders:** As you would know, there has been some recent reporting on this and the government has made some commentary in regards to having an open mind to consider this concept. As a result we have been working with the

department of health as part of the whole-of-government taskforce arrangements to provide some input and advice in regards to what the implications for ACT Policing might be if pill testing were implemented,.

**MS LE COUTEUR:** How do you think your policing would change at festivals if such was to happen?

**Asst Commissioner Saunders:** We would not change our position; we would continue our focus in regards to those that are engaged in the supply of drugs. That would still be the case.

**MS LE COUTEUR:** Would it make any difference to the use of sniffer dogs?

**Asst Commissioner Saunders:** We generally do not use sniffer dogs at major events. In terms of ACT Policing's response to drugs, it would remain as it is now.

**Mr Gentleman:** I advise that ACT Health will be leading further work in consultation with key stakeholders in regards to establishing a working group, including Harm Reduction Australia, to consider the health and legal implications of pill testing and whether such a trial goes ahead.

**MS LE COUTEUR:** I will go on to our big legal drug: alcohol.

**THE CHAIR:** We will go down the line and come back to you if we can, Ms Le Couteur, so Mr Coe and Mr Pettersson have a chance for a quick question. We have gone over time for this output.

**MR COE:** Minister or officials, I am curious about what resources have been allocated for cold case murder investigations, particularly the policy regarding DNA phenotyping technology and when that is deployed?

**Asst Commissioner Saunders:** I would have to take that on notice.

**MR COE:** As well as the cold case resources?

**Asst Commissioner Saunders:** For cold case resources we do not have a dedicated capability, obviously; but with regard to homicide investigations we have a dedicated team. Of course, if we get information on cold case matters we invest resources into that. But if you want specific figures in regard to our roles in that space and our commitment of time, I would have to take that on notice.

**MRS JONES:** And perhaps your internal process that you go through to make the decision about when something is or is not going to be reopened.

**Mr Gentleman:** It is worth mentioning that AFP itself has a very strong and resourced forensics opportunity here in the ACT that we are able to use in an ACT Policing sense as well. These are some of the jurisdictional crossovers that we are able to resource.

**Asst Commissioner Saunders:** As to the question on cold cases, I have just had some

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advice that at a national level all law enforcement agencies are looking at this issue in terms of what is best practice and what are the threshold questions you would consider before making an investment. Recently in Western Australia, police hosted a cold case symposium which we contributed to, and the dialogue continues in that space. I am still happy to take your question on notice.

**MR COE:** Does that apply to DNA phenotyping as well, or is that a question that is applicable beyond cold cases?

**Asst Commissioner Saunders:** I am advised not specifically.

**THE CHAIR:** Mr Pettersson.

**MR PETTERSSON:** We are already over time so I will be all right.

**MRS JONES:** Well, if I can go to the supplementary from earlier very quickly?

**MR PETTERSSON:** If you are going to ask a question, I will ask one.

**MRS JONES:** No, no. There are two police stations, the city police—

**MR PETTERSSON:** If she is going to ask that, I will ask a question.

**THE CHAIR:** Mrs Jones, we will adjourn; we are already five minutes over. Further questions in this area can be put on notice.

**Mr Gentleman:** Thank you, Mr Chairman, and thank you, members.

Appearances:

Ramsay, Mr Gordon, Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors

Justice and Community Safety Directorate

Playford, Ms Alison, Director-General

Peach, Mr Jon, Executive Director, ACT Corrective Services

Bartlett, Mr Mark, Senior Manager, Offender Services and Corrections Programs, ACT Corrective Services

Potter, Ms Chantel, Acting Director, Criminal Law Group, Legislation, Policy and Programs

**THE CHAIR:** Welcome to the final session of today's estimates hearings before a well-earned weekend. For the officials who have just joined us, if you can give me an indication that you have read the pink privilege statement that is in front of you and you are aware of its implications?

**Mr Ramsay:** Yes.

**THE CHAIR:** Minister, do you have an opening statement?

**Mr Ramsay:** Yes I do. I am looking to open with a brief statement on behalf of Minister Rattenbury in relation to the corrections portfolio. It has been a challenging but a productive year for ACT Corrective Services. The ACT is a unique jurisdiction. It has one adult prison which accommodates all the territory's detainees irrespective of gender, status and classification. It is also mandated to operate in accordance with human rights principles. Such complexities bring a range of operational challenges which are further intensified as the ACT's population grows.

The AMC has been under increasing accommodation pressure. This is largely due to the unanticipated rise in the number of female detainees, in particular the number of women on remand. This is a national trend and all jurisdictions are being challenged equally. In the past two years the numbers have increased rapidly. At its peak this year the AMC housed 45 women in a facility that was initially designed to hold a maximum of 29. While last year's successful AMC accommodation expansion project catered for the existing and the forecast increase in the number of male detainees, forecasts did not predict the extent or the speed of the rise in female detainees.

At all times women are accommodated separately from men. Women in prison have different needs from men in prison. ACT Corrective Services remains committed to providing female detainees with appropriate accommodation and support. ACT Corrective Services continues to examine the options to accommodate the growing number of women.

The tragic death of 25-year-old Aboriginal male Steven Freeman in May 2016 at the AMC is a matter of deep regret. The death of Mr Mark O'Connor on 13 May this year was a further tragedy. I would like to express my deepest sympathy to the families and the friends of both Mr O'Connor and Mr Freeman. Both matters are now the

subject of coronial inquests.

In the wake of Mr Freeman's death, Minister Rattenbury announced an independent inquiry into Mr Freeman's supervision and care in custody. The inquiry, which was known as the Moss review, was undertaken by Mr Philip Moss AM and the report was released publicly on 10 November 2016. The government released its response to the report on 16 February 2017 and agreed to eight of the nine recommendations. An independent chair, Mr Russell Taylor AM, has been appointed to oversee the implementation of the Moss review recommendations. Minister Rattenbury will report on progress against the Moss review in due course.

In response to the Moss review the government has committed funding in the 2017-18 budget to establish an inspectorate of custodial services to conduct independent reviews into the ACT corrections system. The inspectorate will provide a high level of oversight by reporting to the Assembly. It is forecast that this office will be operational by the end of 2017 or early in 2018. The coronial inquests into Mr Freeman's and Mr O'Connor's deaths will also inform any future reforms to ACT Corrective Services.

The construction of the new bakery, expanded laundry and multipurpose activities centre at the AMC is now complete. Prison industries are a rehabilitation tool used in many correctional facilities. Industries provide detainees the opportunity to work and to gain skills and qualifications, which helps address offending behaviours and promotes positive social interactions. The provision of such industries are a significant step forward in the introduction of a meaningful daily routine for detainees and starts to address the concerns raised in the 2015 Auditor-General's report and more recently from the Moss review. Work relating to developing prison industries continues.

The extended through-care program aims to reduce the territory's rate of recidivism by providing support to detainees re-entering the community from custody. Through-care participants are assisted with basic needs like opening bank accounts, sourcing appropriate accommodation, arranging health care and developing pro-social connections. The extended through-care program is offered to all females released from the AMC. This includes both remand and sentenced female detainees. Currently only sentenced males are offered through-care program support.

ACT Corrective Services engaged the social policy research centre based at the University of New South Wales to evaluate the extended through-care pilot program. The evaluation was completed in March 2016 and found positive outcomes. These include reduced rates of return to custody and those who do return to custody are remaining in the community for longer periods.

An area highlighted for improvement is engaging with Aboriginal and Torres Strait Islander men. Reducing the overrepresentation of Aboriginal and Torres Strait Islander people in our prison is a critical commitment for the ACT government. The government recognises the need to do more with Indigenous service providers and the community if we are to reduce the overrepresentation in our criminal justice system.

The ACT government has provided recurrent funding of \$5.347 million in the



2017-18 budget for the through-care program as a result of its demonstrated success. This includes an additional fulltime equivalent as the transitional coordination officer to focus on supports for Aboriginal and Torres Strait Islander clients. This position will have a key focus on enhancing engagement with Aboriginal and Torres Strait Islander offenders and families in support of the commitment to reduce the overrepresentation.

My hope is that in today's hearing we can look to the future direction of ACT Corrective Services and acknowledge the significant investments and changes that have been made as we continue to improve the quality of correctional services here in the ACT.

**THE CHAIR:** Thank you, minister. We will go to Mr Pettersson for the first question.

**MR PETTERSSON:** I was wondering if you could tell me about any post-release care programs that may be in place.

**Mr Peach:** Certainly. If I can pass that straight to Mark Bartlett if I may, please?

**Mr Bartlett:** The primary post-release program that ACT Corrective Services now operates is the extended through-care program that the minister has just spoken about. The program has been in operation for four years. It was externally evaluated by the University of New South Wales. The savings to the community over that four years were sufficient for treasury to consider funding it on a recurrent basis. I am really pleased that the ACT community has got right behind the idea of reducing our recidivism rate and is trying to support people as they make their way back into the community. It is a very significant program.

All jurisdictions have some kind of aftercare program for people as they are leaving custody but this one is very broad. In regard to the eligibility criteria for it currently, it is open to all women regardless of their legal status and is currently open to all sentenced men so that we can plan for their release. In the last financial year that was over 300 releases where people were actually supported.

As to some of the evidence base behind the extended through-care program, it looks at accommodation as a critical thing. We endeavour not to release anybody into homelessness. We will work with all the housing providers to try to make sure that there is some safe and appropriate accommodation. Certainly accommodation is going to be a challenge going further forward, particularly appropriate accommodation. With the public housing rates at the moment, even though we do have the highest rates of public housing of any state or territory in the country, there are still waitlists for those sorts of support services.

As you can imagine, when you are supporting someone who is released from custody, they have in the ACT generally multiple social disadvantages. They might have alcohol and other drug issues. A lot of people have corresponding mental health issues. They have educational challenges. Lots of people have not even worked, have never held a job or have only worked periodically.

There are multiple areas where we need to work with people so that the gains made in

custody are not lost. Custody provides us with an opportunity to work with people for their skill sets, their level of education, their drug treatment, their mental health, their family supports and so on and so forth. But if those supports do not continue when somebody moves back into the community those positive gains are very quickly lost.

Again, I am very excited that the ACT government has funded the extended through-care program on a recurrent basis and I really look forward to working with all the other directorates and other members of the community as we establish this as business as usual.

**MR PETTERSSON:** There was a comment you made that—I just want to make sure—it was the primary release care program?

**Mr Bartlett:** Yes.

**MR PETTERSSON:** Is there another program, other programs, or is that—

**Mr Bartlett:** Extended through care is a voluntary program, which is very unusual for Corrective Services as an organisation that works with mandated clients. We normally have a court order that says we will work with someone for a certain period. The extended through-care program is actually about establishing a rapport with people and being able to support them.

For those people who choose not to engage with through care—because that is a choice—we still go through pre-release processes. We still go through a structured pre-release program, the assisted release to community program that commences at the prison. And we still look to try to support people where we can through those normal channels.

**MR PETTERSSON:** You said 300 go through the main program. How many do not go through it?

**Mr Bartlett:** At the moment it is all remand men when they are being released. In terms of the eligibility criteria, we do not currently support men who have been released on remand. For those people it is our welfare officers and our AMC case managers who provide whatever supports and assistance they can at that point. We also engage with organisations like Prisoners Aid. They will also have an office at the courts for when people are being released from the courts. They will try to provide some support and assistance there too. They have access to the normal range of supports and services that anyone else in the community does: housing through OneLink, Centrelink, social welfare payments through DHS and so on and so forth.

**MR PETTERSSON:** I understand you might not be able to answer this but is there a reason that the services are not offered to those coming out on remand?

**Mr Bartlett:** Historically, when we first looked at this program, because it is based on being able to provide support for someone, targeted support for their individual needs as they move back into the community, if someone is sentenced they have a release date. We have got something to work towards. If someone has still got five years to go before they are going to return to the community there is very little tailored

pre-release planning you need to conduct at that particular point. But if someone's earliest possible release date is in one month, then that is a really critical time to make sure that supports and things are in place. For the initial pilot we selected sentenced men simply because we could plan for their release whereas a remandee could be released at any point in time.

Due to the then low numbers of women that we had in custody we extended the through-care support for all women regardless of their legal status. As a result we do support remand women as they are returning to the community at the moment.

**MS LE COUTEUR:** As a supp, I understand that, with the extra money and the certainty of funding, you will presumably be able to do better and I wonder if one of the groups that you will be targeting will be male Indigenous detainees.

**Mr Bartlett:** Most certainly. Specifically the funding will actually allow for us to employ an identified transitional care worker or transitional support worker and very much that will be a key role. We know from our early experience of working with the Aboriginal and Torres Strait Islander community in the ACT that it is insufficient just to work with that specific offender or just that specific detainee. We actually need to work more with the families and the family supports. This position certainly will have a key focus of working with families.

The justice reinvestment project at the moment that is being done with Winnunga has a very family focus attached to it. We are working very closely with the legislation, policy and programs area specifically in that area.

**THE CHAIR:** As a further supplementary, is there any investigation being done into expanding through care to long-term remand male detainees?

**Mr Bartlett:** As far as an aftercare program goes for anybody leaving any institution, that would be fantastic, whether it is a hospital, whether it is the mental health unit, whether it is youth justice, whether it is the prison. The extended through-care program, where it is being applied to a Corrective Services cohort or Corrective Services clients, is effectively a model of care to support someone as they move back into the community. It certainly could but again with limited—

**THE CHAIR:** There is no doubt about whether it could. You are currently capable of doing it for female remandees at the AMC. Why is there seemingly no consideration of that being broadened out to male remandees, considering that some of them do in some instances spend the best part of a year or years in an institutional setting? Whilst I recognise that some persons could be acquitted or found not guilty and are then obviously free to go in a very short instance, for some of them to have been institutionalised for a number of years, that change, without any wraparound service, is ultimately setting them up to come back in the front door again.

**Mr Bartlett:** Yes. The longer somebody spends isolated from our community, the more support they actually need to move back into the community.

**Mr Peach:** I think one of the issues is obviously that we do have finite resources and to be able to do that across essentially every offender that we have come into custody

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would challenge those. Of course, with the program that we operate at the moment we have a very targeted population and we actually can plan for that cohort of detainees that we have at the moment. While I agree there should be consideration to extend that, to actually do that would mean that we would have to move around the resources that we currently have to be able to really achieve anything in that space.

**MRS JONES:** First, I want to know whether it is within the ambit of those here to answer questions about the methadone program in the prison or does that need to be asked of Health?

**Mr Peach:** It depends on the question, I guess is the answer, and how specific it is.

**MRS JONES:** Yes, it is quite specific. Is Suboxone being used on a regular basis as a methadone replacement? What numbers in the prison are being prescribed Suboxone?

**Mr Peach:** I am sorry. That is one that we would have to refer to Health.

**MRS JONES:** Can you take it on notice at this point in case I do not have the opportunity to ask Health? I will endeavour to come down and ask the question if Health has not been before this committee. Are there any standard operating procedures around Suboxone? If that question cannot be answered, I have a question with regards to the number of women in the facility. It is interesting to hear an update today that we have now up to 49 women in a facility designed for 29 women. My understanding is that the additional management unit that has been opened up for women had six or seven rooms in it. Where on earth are the rest of those women sleeping? What are they sleeping on? Is it a temporary bed? Is it a bunk bed? How are they being accommodated at the moment? Additionally to that, when are buildings going to be built?

**Mr Peach:** First of all, in terms of where they are actually accommodated, we have 29 beds that accommodate female detainees.

**MRS JONES:** In the cottages?

**Mr Peach:** In the actual female site. We are currently using 14 beds in the management unit.

**MRS JONES:** Fourteen?

**Mr Peach:** Yes.

**MRS JONES:** Does that mean that a new section of the management unit has been opened up to women only, because I was told in annual reports hearings earlier this year that there were only six or seven rooms in that section.

**Mr Peach:** We have had to use those, I believe, since the annual reports hearings but I will confirm that on notice.

**MRS JONES:** Or do they have two beds in each now?

**Mr Peach:** Again, I would have to confirm that on notice.

**MRS JONES:** Please, yes.

**Mr Peach:** The second part of that is, sorry, the third part of that is that we do have some accommodation in the healthcare unit that is also being used for female detainees at the moment.

**MRS JONES:** You are housing one or two, presumably, in the healthcare unit?

**Mr Peach:** Yes.

**MRS JONES:** The healthcare unit beds when I last toured the prison were a big box with a sort of foam mattress on top that were used for examinations. Are there actual proper bed accommodations? Do they have bathrooms? What kind of accommodation is that in the health unit?

**Mr Peach:** No, I think what you are actually speaking of there is the crisis support unit accommodation. It would be very similar to what you are describing. But we actually have two—I am trying to think of the best way to describe them—larger cell accommodations, if you like, within the healthcare ward facility that they have been using.

**MRS JONES:** How many beds are in that?

**Mr Peach:** Again, I will have to check that. I think it is—

**Mr Bartlett:** Four.

**Mr Peach:** Four, yes.

**MRS JONES:** If my calculations are correct—yes, that does take you just up towards 45.

**Mr Peach:** Yes.

**MRS JONES:** What happens when those four beds are full? What happens when we have a week in the upcoming weeks when we have over 50 women? Then where do they go? Is the plan to put them on mattresses on the floor? Is the plan to put them on fold-out beds in the management unit? Obviously the cottages are full. What is the plan? Has planning yet been undertaken for additional accommodation blocks?

**Mr Peach:** Absolutely. There are two parts to that answer. The first one is that we do have a plan to operate other accommodation to the centre at the moment. We are working through the options in terms of whether that needs to be within the centre or without.

**MRS JONES:** As in within the prison or outside the walls?

**Mr Peach:** Yes, or beyond the walls; yes, in a separate facility. The second one is that

the government funded feasibility study earlier this year for us to start looking at future accommodation needs for both detainees and in the wider sense of the prison. At this point—

**MRS JONES:** But in the short term, what will you do on the week that you have 50, because we know it is coming?

**Mr Peach:** At the moment we are at around 40 female detainees today. We do have capacity to hold that for the moment.

**MRS JONES:** Yes, that is right. You have got 29, plus 14, plus four.

**Mr Peach:** Yes. If it goes beyond that, we have two options at the moment. One is the potential to use the Symonston facility.

**MRS JONES:** The closed facility at Symonston?

**Mr Peach:** Yes. The second one is work that we are currently undertaking which is looking at capacity within the centre and working out—we have completed a workshop to see whether we could repurpose accommodation and make sure—

**MRS JONES:** In the next-door section or something.

**Mr Peach:** Yes, there is that and there is the opportunity to look at a different unit within the centre and obviously making sure it complies with keeping females completely separate from other detainees. Those challenges we are working through at this moment in time. But I am fairly confident that we can actually manage to do that in a minimal risk process, which would actually give us the potential for 57 female beds at any one time.

**MRS JONES:** At the rate we are going, have you projected when we will likely exceed that? The rates are going up rather quickly. We were at 37 earlier in the year; now we have been up to 45. That is in about six months.

**Mr Peach:** Absolutely, our rates have actually flattened at the moment. They have dropped—

**MRS JONES:** I would not be relying on it.

**Mr Peach:** They have dropped. When we are talking such a small cohort, generally they are actually fairly stable at the moment anyway. If we go beyond 57 obviously—the projections have not shown us that that will occur in the immediate future. As always with these things, the reality is that once we get to that we still have some capacity. If we were to use the option within the centre, we would still have the option of the management unit, which adds another 14 beds.

**MRS JONES:** Has a decision been made yet about the women being able to access the industry program?

**Mr Peach:** Again, that is something we are looking at because if we do make

significant movements around where we locate female detainees, that actually opens up some opportunities there as well within the industries. You heard earlier discussion around the bakery that is there.

**MRS JONES:** Yes, to have an additional shift or something.

**Mr Peach:** Absolutely.

**MRS JONES:** This was my suggestion.

**Mr Peach:** One of the real beauties we have in the current planning in regards to female detainees is that if we were to move them, one of the options would be to secure almost full employment for female detainees by using the bakery as a main purpose of employment. If we were to operate that on two shifts at full employment, that would take it to 40 female detainees in employment. Of course, you then have different issues around education et cetera that would be provided in self-containment as well.

Actually, the plan that we have for female detainees at this point in time is still developing. But it is far more risk mitigated than perhaps what we have had in the past. I think we are in a better position than we have been in the past six months in terms of looking forward with female detainees.

**MRS JONES:** You might be interested to know that one of the women's prisons in New South Wales is retraining greyhounds. That is one of the job programs that the women are doing.

**Mr Peach:** Yes, absolutely.

**MRS JONES:** Topical today as well.

**Mr Peach:** Yes. I am confident that at this moment in time we have strategies where we can manage them. We do have the two options. As I say, they are both—we have to look at the risks and weigh them up. But I think that as of this week we have actually come to a conclusion about the better risk option. As I say, I think that will actually provide us with greater opportunities for female detainees rather than—

**MRS JONES:** But effectively we are dealing with the fact that this has happened unplanned and that we are now trying to catch up.

**Mr Peach:** Yes, absolutely. We could not have projected the alternatives until this actually happened.

**THE CHAIR:** I have a supplementary. You mentioned, Mr Peach, the Symonston facility as a possible alternative. Is it currently being used for anything other than periodic detention?

**Mr Peach:** Periodic detention does not exist anymore.

**THE CHAIR:** So all those sentences have now ceased?

**Mr Peach:** That is right. It was used probably—

**THE CHAIR:** Eight months out of the portfolio, it is amazing how much changes.

**Mr Peach:** It is not actually being used at all at the moment and that is one of the concerns obviously going forward. If we were to use Symonston, there is the amount of work that would need to be done to bring it to an appropriate and decent condition.

**THE CHAIR:** So it is essentially decommissioned.

**Mr Peach:** At this point in time, yes.

**THE CHAIR:** At this point in time, okay. I ask this as a substantive question. I revisit the busy industry program. You mentioned the bakery and there was also, I believe, an expansion to the laundry out there.

**Mr Peach:** That is right.

**THE CHAIR:** Are there any future plans to boost the industry or employment opportunities in the prison into lines of it actually servicing the community rather than simply serving the correctional facility internally?

**Mr Peach:** Yes, certainly. This is stage 1 for our prison industries. With the commencement of the bakery and the laundry, that gives us added capacity as well as some additional space, I guess, for looking at what we can do further. One of the things we have to do is work with the community to identify what industries we could use to assist with our integration. That is really stage 2.

KPMG is working with us at the moment to identify what I would describe as the centre logic. It starts talking about the way we actually manage throughput and how that can work in our rehabilitation framework. As part of that, once we have some further traction with that we can actually consider longer-term opportunities for our prison industries and how we can expand those. Quite clearly, we have to give some considerable thought to that. But what we really want to do is find some industries that complement the local community so that we can actually start working towards reintegration of people with jobs.

**THE CHAIR:** What sort of collaboration is there with prison industries in New South Wales?

**Mr Peach:** I am deferring that at the moment because at eight weeks I have not had any myself. Yes, I mean—

**MRS JONES:** Mr Peach is new in the job.

**Ms Playford:** Yes, I note that this is Mr Peach's first hearing, eight weeks into the position.

**MRS JONES:** He is coping very well.



**Mr Peach:** I will take it on notice. We obviously work very closely with Corrective Services New South Wales. But how far that has gone in terms of industries I am not sure. I will say from my previous experience that New South Wales industries are a really good model that we can actually learn significantly from.

**Ms Playford:** I just add that I know Minister Rattenbury visited, with the former executive director, New South Wales prison industries. They had a very useful visit, I think earlier this year. It might have been the end of last year.

**THE CHAIR:** They are also happy to show off what they are doing up there. In my experience, I was quite surprised at the types of industries that were occurring inside the facilities. Whilst there is often a security risk for some of them, the guys I saw there were more keen to be in work and keeping busy than causing mischief.

**Mr Peach:** Can I make a comment? I think there are lots of opportunities in terms of prison industries. Often in corrections, environment and security become an excuse rather than a reason to do something. I would like to think that over the next few years we will look quite innovatively at what we can do in that space. It really ties in very strongly with our rehabilitation framework. Obviously, we have to have the platforms first to be able to deliver that.

**MRS JONES:** And job skills that are actually saleable in the mainstream in Canberra when people get out.

**Mr Peach:** Absolutely; that is what I referred to earlier about engaging the community and looking at what actual opportunities there are. It is no good doing 300 plumbing classes if there is no need for plumbers.

**THE CHAIR:** What numbers at the moment are on day release for work?

**Mr Bartlett:** I am not sure. I would need to take that on notice.

**THE CHAIR:** Okay. I guess the first question is: what are the current numbers on there, what is the capacity, and is there any thought to expanding that capacity to suitably classified prisoners?

**Mr Peach:** I will take on notice the actual numbers, if I may, but in terms of comment, there is certainly the potential to do more. Only this morning I have been looking at options around some work that could be done at one of the schools in New South Wales, on a different issue. There are certainly lots of options in terms of what we could or could not do. One of the issues is working with vulnerable people, which we have to negotiate, and with some of those we are also looking at opportunities for how we can work in the community better. But certainly it is something that is on the radar to look at.

One of the key issues we have is the number of minimum security prisons we have available to go out and work in. At the moment the transitional release centre is accommodating only seven detainees. Again it is about looking at our risk assessment process and making sure that we are using and maximising the use of our facilities,

and the opportunities that presents.

**Ms Playford:** Can I just add to that. On the back of the evaluation of the through-care program, a couple of the recommendations from that went to looking at more opportunities in relation to the employment of people from prison. There was a paper on that presented to the strategic board of all the directors-general. Coming out of that discussion, we all had very useful discussion about looking within government at where there might be opportunities. I know Mark has commenced discussions with parks and city services around where there are some options and starting to develop some opportunities that there might be in terms of employment within government services. Mark, do you want to comment on those sorts of things?

**Mr Bartlett:** Sure.

**THE CHAIR:** In those comments, Mr Bartlett, can you can just clarify whether they have to be paid employment positions or whether community volunteer opportunities are also considered.

**Mr Bartlett:** In terms of the transitional release centre, the work crews, there are supervised work crews where they are paid by ACT Corrective Services. They will go out with a custodial officer and perform community reparation sort of work.

**THE CHAIR:** That is at the correctional rate?

**Mr Bartlett:** Yes, that is at the correctional rate. Then there are those who are eligible for paid work release. That is employment just the same as you, I or anybody else who is employed, with the same range of benefits, the same pay rates and so on and so forth. Those positions can have up to a couple of weeks of work experience placement prior just to see whether they are actually going to be a fit or not, but that is only for a few weeks. They are paid positions. In terms of the extended through-care program and the commitments that we are getting from some of the other directorates to explore employment opportunities within ACT government, those will also be normal paid employment positions with a full range of entitlements, the same as anybody else. So it is proper employment.

**MRS JONES:** Are there incentives for employers to take them on?

**Mr Bartlett:** Yes. At the last commonwealth COAG meeting they released what they call the prison to work project. Employment is the realm of the commonwealth, whereas corrections, of course, are in state and territory jurisdictions. The commonwealth have recognised that there is a big disconnect between the employment support services available for people in the general community and those available for people who are in prison. In the 2017-18 budget, they released, I think, just over \$17 million to fund the prison in-service program.

So we will be working with the commonwealth. This national program will be specific for Aboriginal and Torres Strait Islander detainees in the first instance. It will look at local job active providers and Indigenous employment providers being able to be funded to come into the prison, into our jurisdiction, for at least three months prior to someone's earliest possible release date and go through and do the skills building

and the skills matching, do the job capacity assessments, and basically have everything all loaded, right and ready to go, so that people will transition from the prison already with a job services provider and not have to sort of start again when they first get out.

**MRS JONES:** A bit more job ready.

**Mr Bartlett:** I think it is fantastic that the commonwealth are actually looking at that holistically, because all jurisdictions have the same challenges in that space.

**MS CODY:** I apologise as I may have missed this, but I have been listening and I have not heard it. The bakery that is currently in operation at the AMC that is available for detainees to work in, does that give them skill sets, an apprenticeship in bakery, pastry or something?

**Mr Bartlett:** Yes. We will certainly be looking at traineeships, but at the moment all of the employment positions within the prison are supported with vocational education and training. For everybody there, whilst they are earning, they are also learning. We have a vocational education and training provider, so with anybody who works in the kitchen and anybody who works on grounds maintenance, they are all doing—

**MRS JONES:** Skills sign-off.

**Mr Bartlett:** Yes; they are all doing nationally recognised skills.

**MRS JONES:** Are they doing skills sign-off for VET courses or—

**Mr Bartlett:** Yes, and they are directly transferrable to the local community. You can start something in custody and you can finish it in the community. You can have been doing something in the community and finish that off in custody. It is part of the national Australian qualifications training framework, so they are nationally recognised now.

**MS CODY:** So it can build to an apprenticeship?

**Mr Bartlett:** Yes.

**THE CHAIR:** CIT acts as the RTO for most of those?

**Mr Bartlett:** We currently contract to Campbell Page. They are a not-for-profit provider and they have auspicing arrangements with a number of different organisations. We also work with the University of Southern Queensland, in particular, for the tertiary studies; we have a number of detainees participating in tertiary studies and distance education.

**THE CHAIR:** Okay.

**MS CODY:** Interesting. I would like to ask more about that, but I will move on. Reading from budget statements D, part of the budget allocation for the coming

financial year is commencing the implementation of the Moss review. Underneath that dot point it says “establishing of an Inspectorate of Custodial Services to independently oversee the ACT corrections system”. Can you expand on that and what that role will entail?

**Mr Peach:** Absolutely, yes.

**Ms Playford:** I might get Chantel Potter to the table.

**Ms Potter:** You are after information about the inspectorate generally?

**MS CODY:** Yes, please.

**Ms Potter:** At the moment I work in JACS, within LPP, and we have taken carriage—

**MS CODY:** What is LPP?

**Ms Potter:** Sorry, legislation, policy and programs. We are developing the model by which we will institute the inspectorate function. This was a government commitment made in the response to the JACS standing committee inquiry report into the rehabilitation of male detainees. It was also reaffirmed in the government response to the Moss review in terms of the suggestion made by Mr Phillip Moss that we would have ombudsman oversight of critical incidents. Currently, there is a body of work progressing—it is in an early consultation phase with targeted stakeholders, who include corrections, obviously—to define the scope of facilities that will be covered, the range of tasks that will be assigned to that function and the extent to which that will be an external oversight.

We are fortunate to have many oversight agencies operating within the ACT who have conducted a range of reviews over the past year since the prison has been open, but this custodial oversight function should bring a relative expertise, particularly to the running of prisons and other relevant facilities, depending on how we define that, that has been absent in this period of time.

**MS CODY:** I am assuming that it could encompass Bimberi. What about the secure mental health model?

**Ms Potter:** The model has not been finalised yet. We are still at—

**MS CODY:** But it could?

**Ms Potter:** I do not think anything has been ruled out at this stage but, as I said, we are still in that early phase where we are mapping what different options would look like crossing through different models and the available expertise within corrections across the country. That is a discrete body of expertise. We have had conversations with New South Wales and WA as that planning is developed and, obviously, we are working closely with both CSD and corrections to try to make sure that we get the model right from the outset.

**Ms Playford:** Part of the work has been looking at the other models that exist and what model might be fit for the ACT. That targeted consultation is really looking at those different alternatives based on our different state models. As I understand it, we are expecting responses to those targeted consultations by the end of this month. That is the stage that we are at.

**Ms Potter:** That is right. The government has given a commitment that it will be operational by the end of the year.

**MS CODY:** End of the calendar year?

**MRS JONES:** They will have to decide pretty soon.

**Ms Potter:** Yes, that is right.

**MS CODY:** End of the calendar year?

**Ms Potter:** Yes. We are working quite furiously at the moment.

**Ms Playford:** And there will be legislation introduced to implement that.

**MS CODY:** I am not sure if this would feed into the next dot point, which is the developing of the AMC centre logic.

**Mr Peach:** Yes, absolutely. That is what I spoke about earlier. The current position is that we have engaged KPMG to start that work. That has actually started. That is really about looking at how we actually operate and work with a sense of how we incentivise prisoners to make positive changes to their lifestyles. There is a whole host of work going on there, and this is encapsulating the way that the centre flows. As you heard earlier from the Attorney-General, the complexities in the prison are significant, unlike in any other state: the number of different cohorts of detainees that we accommodate is unprecedented in Australia. We are using KPMG's experience from other states to work out how we manage those cohorts, what we can do to make the flow in the prison far more amenable, and how we can operate an outside rehabilitation approach.

**MS CODY:** Excellent; thank you.

**MS LE COUTEUR:** Dealing with the inspectorate, would they expect to join the cohort of commissioners? Would they become one of them in effect?

**Ms Potter:** A range of options have been discussed across the directorate and also with a few of the oversight agencies which I mentioned before that have had a very active role in considering individual complaints or systemic reviews of different aspects. We have had a review into women in incarceration and also male rehabilitation in terms of HRC and the Auditor-General. Quite an extensive body of work was undertaken by corrections in relation to those reviews and the responses and outcomes.

What hopefully will be brought by this unique external oversight function will be that

experience and understanding of some of the complexities that are regularly spoken about here in the committees, whether it is the JACS committee or the standing committee or annual reports or estimates. We are regularly describing the challenges that we face in the ACT with a mixed facility and mixed security classifications. What we have in mind for the inspectorate is some level of check which will work within those constraints and be of added benefit to corrections to assist as the centre logic review and other initiatives progress.

**Mr Peach:** I have been very fortunate to work in both the UK and WA with inspectorates of the mind that we are talking about. The real beauty of them is that they bring a different lens to corrections and give us an opportunity to look at different models of service and continuous improvement. That is really what we will be seeking from the inspector's office as well as the oversight. It gives a different perspective and a different experience level for us to grow and mature as an organisation.

**MS LE COUTEUR:** I am going to ask about rehabilitation because my understanding is that that is a major focus of AMC. Are there specific items funded in the budget for the purpose of rehabilitation?

**Mr Peach:** Obviously extended through care is the key one we have at the moment, but we will also talk to programs et cetera which are a core part of our budget.

**Mr Bartlett:** Specifically in terms of budget funding it is around employment. Employment is a key platform to build rehabilitation on, so it is the expansion of prison industries. That is probably the key new funding item, apart from extended through care which will support people post release from the prison as they move back into the community.

**MS LE COUTEUR:** Are you developing some sort of overarching rehabilitation framework for the jail?

**Mr Peach:** Yes, absolutely. That, again, has been a recommendation that has come out of several reports over the past few years. Where we have started with that is we now have an operational philosophy that has been developed to start guiding the rehabilitation framework. Rehabilitation obviously in prisons is all encompassing; it is from when we actually engage with somebody in the community prior to incarceration. At the moment we are developing a clear path of the options of rehabilitation and what we need to do. Of course, that encapsulates a whole range of different things: employment, education, family ties, case management, the whole lot. Nearly everything we do in the AMC is geared to positively changing somebody's life so that when they are able to return to the community we give them the best supports we possibly can so they can rejoin the community—whether that be with supervision or without—and start leading a positive and more abiding life.

Obviously we cannot do that on our own, and that is really important to note. But that is where we have started working further and further with not-for-profit agencies and other providers to have a start. The rehabilitation framework is in development at the moment. It started in the last few weeks with a passion, but it really will be about linking everything that we do together.

**MS LE COUTEUR:** You have talked about the bakery a lot. Who are the bakery's customers? Is it purely the AMC or does it go further?

**Mr Peach:** The bakery is not operational yet; we are still in the process of appointing a baker. That will come online very shortly. Once it comes online the initial aim will be obviously self-sustainable to within the AMC.

**MS LE COUTEUR:** Are we going to end up in a situation where we can buy products made in the AMC?

**Mr Peach:** I think certain legislation probably excludes us from doing that. As much as I support the ability for income generation, I think there are probably provisions preventing from us doing so.

**Ms Playford:** I note that an awful lot of bread products are consumed in the AMC, so the capacity of our bakery will probably be enough to try to satisfy that need. We currently have quite a large contract for our baked services, so that is an efficiency hopefully in the longer term that we will find from doing it—

**MRS JONES:** Is the laundry online yet?

**Mr Peach:** The laundry is operating. We are employing additional detainees at the moment.

**MRS JONES:** How many people are employed there?

**Mr Peach:** There are an additional five, I think. I am not sure how many have started. Again, I apologise for not having the answer to that.

**MRS JONES:** What will the maximum be, or is that the capacity?

**Mr Peach:** I think that is the capacity at the moment.

**MS CODY:** All male detainees?

**Mr Peach:** At the moment, yes.

**MR PETTERSSON:** I have some questions about the new facilities and industries you are facilitating at AMC. What are the new facilities you have built recently?

**Mr Peach:** We built the bakery, the laundry and the multipurpose recreation centre.

**THE CHAIR:** As well as new cell block accommodation.

**Mr Peach:** Yes, as well as the new accommodation.

**MR PETTERSSON:** You are building a lot of stuff. How much space do you have left at the site?

**MRS JONES:** There is a lot of grassland around it.

**Mr Peach:** The issue is not necessarily about footprint; it is about the services and such that are inside. There is significant footprint, but as to how we actually use it, a wiser man than I would have to advise on that.

**Ms Playford:** There are also constraints with the logic of the centre in terms of separation issues that we face and some issues with the site in terms of the creek bed and how you can use parts of the site.

**MR PETTERSSON:** So these new facilities have been built on unused land within the perimeter fence?

**Mr Peach:** Yes.

**MR PETTERSSON:** How much unused land within the perimeter fence is left?

**Mr Peach:** There is significant land inside, but it is about what it is used for because some of that is recreational areas. There is space within the centre; it is just what the purpose would be for it.

**Ms Playford:** The centre logic review will provide some guidance in terms of how some of that space might usefully be used into the future.

**MS CODY:** What sort of recreational facilities?

**Mr Peach:** At the moment there is a sports oval there. There are garden beds et cetera that we use for detainees to enjoy and also to work. We have recently put in some greenhouse-type industry as well. There are different areas used for different things. There are barbecue areas, for example, within the centre as well.

**MS CODY:** That is really interesting. Maybe we need to go on a tour.

**THE CHAIR:** Highly recommended. We will suspend there. Thank you very much for your time this afternoon. We will resume in a couple of minutes with Minister Berry.

**Short suspension.**



Appearances:

Berry, Ms Yvette, Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation

Justice and Community Safety Directorate  
Wood, Ms Jo, Coordinator-General for Family Safety

**THE ACTING CHAIR** (Ms Cody): Ms Wood, could you refer to the pink privilege statement on the table and confirm that you agree with that statement?

**Ms Wood:** Yes.

**THE ACTING CHAIR:** Minister, do you have an opening statement?

**Ms Berry:** I have a brief one. Thanks very much for the chance to frame a bit of the conversation we will have today in this opening statement. You will have seen the safer families fact sheet which was released in this year's budget. We would like to make it clear how we are investing funds that have been received through the safer families levy to make our community safer. Our system is much more focused and robust to make change on this issue than it ever has been. Obviously this issue of domestic and family violence and sexual assault continues to be a high priority for the ACT government. The 2017-18 budget allocates an additional \$2.2 million over four years, bringing the total safer families package for the 2017-18 budget to \$23.5 million over four years. The levy funded \$4.7 million of a total investment of \$5.6 million for the 2016-17 financial year, and I am happy to say that government is forecast to spend \$4.6 million and has made significant and impressive progress on measures to keep families safe from violence.

Funding of \$602,000 which was not spent this year will be reprofiled into 2017-18 to continue work on the existing safer families initiatives. The government has also committed \$350,000 in the 2017-18 budget to be used to offset a new initiative to support a pilot for the family safety hub for a total of \$960,000. The hub will link existing support services in the ACT to ensure those who need it get seamless, integrated and holistic support when they need it. We are very conscious that we need to get that right, and that is why the design of the hub was co-designed with the input of front-line and client perspectives across government and community. The coordinator-general, Jo Wood, will be able to talk a little more about that work through the conversation today.

The other major piece of work the coordinator-general is leading is work across government to improve awareness and understanding and capability of our front-line workforce to respond to family violence. This is the first year of such an interconnected whole-of-government commitment to address domestic and family violence. As with all big changes, there has been a lot of necessary learning around the adjustment for this first period. There is still a very long way to go. I know we can achieve great changes for our community. We have already achieved so much in such a small time. Of course, working together in coordination will be the key and ensuring

that we put the needs of victims and survivors at the centre of everything we do. I am happy to take questions.

**THE ACTING CHAIR:** Thank you, minister. Can you give us an update on what you have done to date on the development of the family safety hub, including who you have been working with and the feedback on progress to date?

**Ms Berry:** We have been doing a lot of work in that space. Jo Wood has been leading that work in bringing non-government organisations together as well as government directorates in the co-design of the family safety hub. We have one very agile work plan moving ahead in the design of this hub. It is very important that we have buy-in from all the stakeholders to make sure we get the design of the hub right. I will get Ms Wood to explain some of the work that has been happening so far.

**Ms Wood:** The family safety hub co-design has engaged a diverse array of government and community sector service providers. A series of workshops with government providers and the community sector have helped to scope what the co-design process should focus on, and we have established a set of principles to guide that co-design. That work started before I started in August last year, but it has been more intensive since I came on board in November.

Over the past two months we have been working through an intensive user insights phase where we have interviewed and run focus groups with 50 people across a diverse range of services—the homelessness sector, DV specialists and people who work with Aboriginal and Torres Strait Islander communities, CALD communities and children. So we have a diverse range of front-line perspectives that have contributed to what will become an insights report.

Our starting point for this was to focus particularly on the people who are the most vulnerable to domestic and family violence and the hardest to reach through existing services. We have taken a very deliberate focus on five cohorts: Aboriginal and Torres Strait Islander women and families; culturally and linguistically diverse women and families; women with disability; the LGBTIQ community, which obviously is a diverse group of people within that cohort; and young men with a lived experience of violence, particularly young men who have grown up in families where family violence has been their experience who themselves are then at a much greater risk of using violence in their relationships. So we have had a strong focus on those cohorts so that we put their needs at the heart of the design rather than design something and then look at how it meets a diverse range of needs.

The insights report is the starting point for the more intensive design phase which we are kicking off at the start of July. We have established a core design team that will work intensively through July and August on developing options for a family safety hub. We have also engaged a whole range of people in what we are calling a critical friends network. That is a group of people with a range of expertise in the service system and the justice system who can help us validate the options we are developing and test their real-world viability. We have had really positive engagement in both the core design team and critical friends network, which I think is a sign of the engagement in the process we have achieved to date.

**THE ACTING CHAIR:** I could continue to ask a series of additional questions, but I will hand over to Ms Le Couteur because we have very limited time and I would like to get as much information as we can.

**MS LE COUTEUR:** Thank you. You talked about your engagement with the rest of the government as far as the family safety hubs go. Is that engagement also happening to other parts of your remit as the Family Safety Coordinator?

**Ms Wood:** Engaging broadly on not just family safety hub but the other matters?

**MS LE COUTEUR:** And broadly the rest of the government for all of it?

**Ms Wood:** Yes, engaging broadly with the rest of government.

**MS LE COUTEUR:** Does that include providing input into the government's funding for women's refuge and crisis accommodation? I note that there has been no additional funding for crisis accommodation.

**Ms Wood:** We have been working closely with a whole range of Community Service Directorate people and talking specifically to Housing ACT about what is coming out of the family safety hub work in particular. Some of the messages that are coming through the family safety hub are that the insights piece is going to be broader than maybe what the hub itself can do. We are taking all of those insights back to government and sharing them widely with a whole range of people.

We have been engaging people who are involved in front-line services in government in actually contributing to that work as well. I guess what I am trying to say is that we are engaged with the people who manage the homelessness and housing services and we are talking to them about what is coming out of our conversations with the community sector.

**MS LE COUTEUR:** And could we look forward to actual results more than conversations for next year's budget? Maybe that is something that you cannot really comment on.

**Ms Berry:** Are you talking about results in, what, the reduction of domestic and family violence?

**MS LE COUTEUR:** That would be great. I have had numerous comments that there simply is not enough crisis accommodation or accommodation after that, that being one of the biggest issues for someone who is trying to flee domestic violence. Where are they fleeing to, basically? I have had numerous conversations with people along those lines. When I was talking about results I was referring to the more easily tangible results and being able to measure more results in terms of crisis accommodation and then further on accommodation for people who are fleeing, having somewhere to flee to.

**Ms Wood:** I think one of the safer families initiatives from last year's budget, which was trying to open up a broader range of support for people around accommodation and being able to leave a violent relationship, was the safer families grants program

which started in February this year, which is a \$2,000 grant and fast-tracked access to the rental bonds loan scheme to support women and children who have the capacity to move into another private rental so that may take some of the pressure off the crisis services. That is obviously new. That is something we have not done before. We are learning as we go on how to do that well.

**Ms Berry:** This is not a simple issue. If it were a simple issue it would have been resolved a long time ago. Women and children and families who are affected by domestic and family violence and sexual assault often have a whole bunch of complex issues in their lives. Homelessness is one of them and violence is another.

The ACT government's contribution through the family safety levy, that \$21.4 million, is significant, the biggest contribution that the ACT has made towards addressing this issue of domestic and family violence. It is not going to be resolved any time soon. We want to work out ways that we can see and measure whether we are actually making a difference here. One of the differences that we are making is that there are higher numbers of reports on domestic and family violence, which, from what the experts tell me, means that we are getting somewhere, that we are actually making a difference because people feel like they can report and get support.

I guess the work of the family safety hub and the work of Ms Wood, the coordinator-general, is actually building on all the reports that came out last year. The death review, the gap analysis and the Glanfield inquiry have all fed into the work that we are doing now and over the next four years. Whilst a lot of work happened prior to government coming to this place, particularly with women's refuges for decades beforehand, right now I think we are at a point where we know so much more, although it changes all the time, and we are still learning about the complexities of domestic and family violence.

New initiatives that are being introduced, initiatives like room for change, are another way where we are making sure that families can stay safely at home. A perpetrator who might be at risk of committing violence can leave the home and get support; and the family and the children can stay at home rather than have to leave or go and seek crisis accommodation. We are, along with the community organisations and across government and across the country, really looking at different ways that we can address this issue. There is no one single answer. We have a long way to go as a community before we get to the cultural change that we need to see across our community, in our suburbs and in our homes before we see real changes in this behaviour.

What we can say in the space of today is yes, there is always more that we can do and we will continue to work with the community about different ways that we can approach this issue. But this commitment that the government has made around the family safety hub and the introduction of the levy is significant and through the safety hub we will be able to work out ways that we can measure whether we are actually making a difference.

**MS LE COUTEUR:** As you said, there are many things that have to be done. I was wondering if one of the things you were doing was: were you liaising with the courts regarding JACS priority of advising and assisting people who are appearing

unrepresented before courts and tribunals, particularly those people who are experiencing family violence?

**Ms Wood:** Yes, we are talking to the courts and talking to the courts about all the priorities but particularly focused on implementation of the Family Violence Act and ensuring that is proceeding well, talking to them as well about the work that we are doing to develop the training strategy around the capability needed by people who are working with people directly affected by domestic and family violence. We are having a range of conversations with courts and I have met with both the Chief Justice and the Chief Magistrate to talk about the broader agenda as well.

**MS LE COUTEUR:** I could keep on going but given that there is only a short amount of time I will defer to Mr Pettersson.

**MR PETTERSSON:** I have got a very simple question. Can you please tell me about the family safety hub?

**Ms Wood:** I did talk a bit about the process we have been going through to co-design the family safety hub, which has had really good engagement across the community sector and with government services. Where that work is at is that we are about to lead into, through July and August, the actual design phase where we develop the options for the family safety hub.

The things that have come out of the work to date suggest that the need is in better integrating services. A fragmented support system is hard for people who are dealing with domestic and family violence to get the right mix of support but it is also quite hard for the range of front-line services such as the crisis accommodation services to get the right support around all their clients. We are looking at what is an option where the family safety hub could support that integration and actually streamline it for the services and provide a better wraparound support for clients as well, not just at the crisis phase but looking at how we ensure that that support is the right mix of support to enable people to get to a sustainable place of safety longer term as well.

The other message that is coming out of a lot of that work is that there are a range of mainstream services that are supporting an increasing proportion of clients dealing with domestic and family violence, and those services who do not have the specific expertise in domestic and family violence issues are looking for a vehicle that will give them access to specialist expertise. We are looking at it in the family safety hub design and what role a hub could play in providing access to some of that specialised expertise for more mainstream services. There are a range of options under consideration for the hub but we will work that through in a design process with community sector and with government representatives as well. We are also bringing to that the perspectives of people with lived experience of violence as well to ensure it really is focused on the user.

**MRS KIKKERT:** Can you please detail the most important primary prevention and early intervention measures funded by the government in this budget? How much funding are they receiving and how are those served by these measures identified and then engaged?

**Ms Berry:** Everything the government is doing to invest in challenging the behaviour that exists—and that goes towards prevention of domestic and family violence, this \$21.4 million that is invested in that over the next four years—is significant. Because of the complex issues that are part of domestic and family violence and sexual assault, it needs to be a whole-of-government approach and a whole-of-community approach to how we address these issues.

There is not one thing that you could target and prioritise. There are a whole bunch of different initiatives that the government has made through this investment over a number of years. The work that the family safety hub will be doing will coordinate that work and ensure that the community services sector—the support organisations, government directorates—all do their part in making sure that we actually get somewhere in addressing this issue.

There is no single solution to this, as I have said before. There are a whole bunch of different things. We have to make sure that justice, police, crisis—all different parts of government and the community services sector and support services—work together. Indeed across the country and nationally our response to domestic and family violence needs to be much more coordinated than it ever has been. We are starting to get to that space where a prime minister has made it a priority and first ministers in every state and territory have made it a priority. We are doing our bit here in the ACT working with larger states and territories like Victoria to make sure that we address the situation in a whole-of-government way, in a whole-of-support service way.

**Ms Wood:** I just add that I think the big investment in last year's budget and the continuing focus on family safety and family violence, the awareness raising that flows from that, is a really important part of how we start to work on prevention. We know that there is huge under-reporting of domestic and family violence. I think something like 25 per cent of women have never told anyone about their experience of domestic and family violence with their current partner, and that number is even higher for men. When you look at how many have ever reported to police, it is something like 80 per cent of people have never approached the police.

Having awareness raised and actually promoting across the whole community a conversation about domestic and family violence is a critical part of prevention. We have got to get to the point where people feel that they can actually raise their experience and that will be responded to appropriately. Bringing the experience of family violence in a whole range of different parts of our community into the open is critical because I think a lot of people think, "It is not happening here." But we know that it can happen to any part of our community. That is an important part of the conversation. The awareness raising is an important part of starting the prevention.

**THE ACTING CHAIR:** It being almost time, I would like to thank Minister Berry and the officials for appearing today.

Appearances:

Justice and Community Safety Directorate

Boersig, Dr John PSM, Chief Executive Officer, Legal Aid Commission (ACT),  
and JACS Statutory Office Holder

Monger, Mr Brett, Chief Finance Officer, Legal Aid Commission (ACT), and  
JACS Statutory Office Holder

Thompson, Ms Joanne, Manager, Finance Unit, Public Trustee and Guardian, and  
JACS Statutory Office Holder

Taylor, Mr Andrew, Public Trustee and Guardian, and JACS Statutory Office  
Holder

**THE ACTING CHAIR:** Could witnesses confirm that they have read the pink privilege card that is presented in front of them and that they understand the implications of this statement. Mr Hanson?

**MR HANSON:** Thank you. I will start with the Legal Aid Commission if I can.

**THE ACTING CHAIR:** Lovely.

**MR HANSON:** The budget papers state:

Following negotiations between the Territory and Commonwealth Governments a National Partnership Agreement ... came in force. This NPA has brought a number of changes, and in light of this agreement the services offered by the Commission are redescribed below.

Can you explain what has changed, what is new, what is going to be happening that was not happening before?

**Dr Boersig:** Certainly. The commonwealth changed the terms upon which aid was delivered to the states and territories. As part of that process, although it was a bit delayed, there was a new set of performance indicators and reporting indicators developed through a national working group. That took a couple of years to work through. Once it did, it meant that we were required to report on a range of matters that overlap.

For example, we used to report on the number of advocacy matters we did. The commonwealth determined that we would no longer do advocacy type work in a certain context. And we did work such as minor task assistance. That was changed to someone performing legal casework. In a rather complicated way, it split up the work in a different way. For example, we used to report on the number of website hits that we took on our websites. We no longer do that. We do include all this information still in our annual report, but in terms of the reporting regime required—

**MR HANSON:** So it is more about reporting changes than substantive changes, is it?

**Dr Boersig:** Yes.

**MR HANSON:** Okay.

**Dr Boersig:** It reallocated the way we described our work to the commonwealth.

**MR HANSON:** In terms of funding, where are we at with that with the commonwealth? I know that there has been a period of uncertainty. Has that been resolved or is that ongoing?

**Dr Boersig:** In relation to legal aid commissions, there is a five-year agreement that finishes in—

**Mr Monger:** Funding ceases at the end of 2019-20 for the legal aid part of it. That is on the current agreement. We have not started negotiations for a new agreement.

**MR HANSON:** You would not expect it, probably, if it is a five-year agreement, to have started?

**Mr Monger:** No.

**MR HANSON:** What is the balance at the moment between commonwealth funding and ACT government funding?

**Mr Monger:** The commonwealth funding is about \$5 million. ACT government is the balance. I think it is about seven.

**MR HANSON:** Okay.

**Dr Boersig:** It is a little less than fifty-fifty, and depending on the projects we get, it changes that balance.

**MR HANSON:** We heard from the DPP this morning about the expansion in demand for services, and that other people are getting big increases, particularly the Supreme Court, with an additional judge, and we have seen more police and so on. They have expressed that they are struggling. They are about 20 per cent behind what they need in terms of funding. How are you going?

**Dr Boersig:** We are having to reallocate our resources to meet that demand. When the work is reordered, what has happened is that, both here and also in the Federal Court, with the appointment of the additional judge there, it has brought forward a lot of work that we were planning to be done in six to seven months time. That has put our expenses up, and we have referred more matters to private practitioners as a consequence. It has pushed our budget, and that is reflected in the figures you will see in the budget statement.

**MR HANSON:** Did you get an increase in funding in this budget?

**Dr Boersig:** We received \$290,000, and that is indexed for the next few years.

**MR HANSON:** Okay.



**THE ACTING CHAIR:** Additional 290,000?

**Dr Boersig:** We were facing a lapsing program around that; that program lapsed and then that \$290,000 was provided on an ongoing basis.

**MR HANSON:** So it was a specific grant that has now been made ongoing? Is that right?

**Dr Boersig:** It has been made ongoing. The figures are a little different, but it is no longer a two-year lapsing program.

**MR HANSON:** That aside, which is ongoing, have you had a CPI increase?

**Dr Boersig:** We have had the same increase as the directorate.

**Mr Monger:** Yes; we get the same indexation increases.

**MR HANSON:** Sure.

**Dr Boersig:** The biggest hole for us is from the statutory interest accounts. That is the money we receive through the Law Society. It is held in an account that is basically funded by the interest that derives from conveyancing. In the past few years, we have gone down from \$1.4 million to \$650,000. It is probably the largest drop we have had. That is similar around Australia because—

**MS LE COUTEUR:** Low interest rates?

**Dr Boersig:** The interest rates have fallen on all the statutory interest accounts. That has been our biggest worry.

**MR HANSON:** Thanks.

**THE ACTING CHAIR:** I am going to follow on a bit from where Mr Hanson left off; it is a slight deviation. This morning we had some officials here—I cannot remember which portfolios were there; we have been through a few—who were saying that there has been a specific amount of funding to legal aid centres across Australia to support people leaving or fleeing from domestic violence from partners.

**Dr Boersig:** If it was referring to funding we have received from the commonwealth—

**THE ACTING CHAIR:** Yes.

**Dr Boersig:** we received funding to develop a duty family violence service in the Federal Court, the Family Court.

**THE ACTING CHAIR:** The federal magistrates court?

**Dr Boersig:** The federal magistrates court. That is 2½ years of funding. We got underway in March. That is creating a very important link to the work we are doing

around domestic violence and family violence, because, as you know, we run the domestic violence unit at the Magistrates Court.

The benefit of that is that we are making better connections both ways for people who need parenting orders as well as relief in relation to domestic violence. The classic example of that would be where someone would come along for a domestic violence order; the partner would be prohibited from seeing them at all for a period of time; and two weeks later, effectively, someone, usually the woman, has become a single parent and needs assistance to pick up the kids or to make other arrangements. You have a situation where the parenting order would have negotiated that in a safe way. We are bringing all that together, which is a marvellous thing for people in those circumstances.

**THE ACTING CHAIR:** It is great to hear that you have already started delivering some of those services.

**Dr Boersig:** Yes.

**THE ACTING CHAIR:** I have had, to be fair, far too many representations, more than I can currently count, from women both fleeing domestic violence and also just dealing with partnership breakdowns, parenting orders and that sort of stuff, who have been turned away from Legal Aid due to—these are their words, not mine; I am paraphrasing—the fact that Legal Aid solely focuses on criminal cases and does not have enough capacity to cope with parenting splits and relationship breakdowns. I do not know if you are aware of this or, if you are not, whether there are things that Legal Aid could be doing to maybe address some of those things. Are there things that my office could do to help these people?

**Dr Boersig:** We have run the domestic violence unit at the court for nearly 25 years.

**THE ACTING CHAIR:** That is right.

**Dr Boersig:** We have received additional funding to provide further services. We do not turn anyone who comes in away from advice and assistance. We have dropped all contributions for women, in particular, who are seeking a domestic violence order, so we do not require the \$120 contribution. As Legal Aid, we must in the end do a means test.

**THE ACTING CHAIR:** Absolutely, 100 per cent, yes.

**Dr Boersig:** I can only assume that with some of the people you have talked to, it has been because the means test has applied to them.

**THE ACTING CHAIR:** So far all of these women have been unemployed.

**Dr Boersig:** I cannot think of any good reason why we would not provide them with service. I would be very happy to speak with anyone if they felt that they had not received that service, because we have made a particular effort to do that, of course now linked to what we provide in the Family Court. Indeed, we have changed our priorities in terms of our strategic priorities and what we are trying to achieve to

improve the services we are offering to people suffering domestic violence.

I am always ashamed and disappointed to hear when people who are in that situation have not received a service. We have set up an information barrier between our criminal practice and our domestic violence practice, so there should be no reason why, because we have acted for a perpetrator, we cannot provide some support. If there is a personal conflict of interest, we have funds to provide for, and we do refer matters out to, private practice as well. If there is any message I would want to get out it is that we are here to help people who are vulnerable and disadvantaged, and if anyone comes to you, please send them to me, because we will take a particular interest to make sure they receive the service.

**THE ACTING CHAIR:** Thank you. You might have to take this on notice. I know you have a supplementary, Mr Pettersson. Can I just ask this quickly? I know that there is means testing in place. I personally approached Legal Aid in relation to domestic violence many years ago now, but I cannot remember the criteria. Are the criteria available?

**Dr Boersig:** Yes.

**THE ACTING CHAIR:** Okay.

**Dr Boersig:** They are, and they are public. Roughly, once you take in certain deductions around accommodation costs and children, it is around \$411 per week, which is around 120 per cent of the poverty line. That is set because it is linked to the amount of money we have available ultimately to expend. But that is generally around what it is around Australia. We try to ameliorate that by, for example, not requiring contribution costs and, in certain circumstances, being more flexible when, for example, a woman might come in and might be asset rich but cash poor. We have been able to adapt to make sure that that person receives some initial assistance, and on occasion also assistance in relation to the procedures themselves. But, ultimately, we need to apply means test; that is true.

**THE ACTING CHAIR:** That is fair enough. Mr Pettersson, you had a supplementary.

**MR PETERSSON:** I was just curious as to how the means testing works. I understand you have income and assets.

**Dr Boersig:** Yes.

**MR PETERSSON:** What is the threshold on the assets?

**Dr Boersig:** It is not so much a threshold. If I may, I might take it on notice so I can provide a more detailed account. It is actually quite a complex calculation, taking into account vehicles in certain circumstances and housing in certain circumstances. I think I can provide a fuller answer to you in that context.

**MR PETERSSON:** That would be excellent, thank you.

**MS LE COUTEUR:** What percentage of people who come to you looking for legal aid are turned away? As a supplementary, how many of them are just not eligible for income reasons? Of those people who are eligible from an income point of view, how many would be turned away?

**Dr Boersig:** It is not in these papers, but we have the percentage of grants that we refuse for a variety of reasons, so we can supply that information.

**MS LE COUTEUR:** Thank you.

**Dr Boersig:** To be precise I will take it on notice. I will be able to come back to you on both those questions.

**MS LE COUTEUR:** You may have to take this question about the exact number on notice. Of the people who are turned away, how many go to court unrepresented?

**Dr Boersig:** Again, I would probably take it on notice. But, in rough figures, in family law matters around 25 per cent of the people—I will check this—in the Family Court are unrepresented for a variety of reasons. We provide a duty assistance service already for a lot of those people. We now extend our service to domestic violence matters. We are doing much more duty work—for example, contravention orders, parenting orders, initial advice—than we were in the past. So that should be reducing.

**MS LE COUTEUR:** Do you prioritise certain types of applicants? I think the answer so far is yes to family and domestic violence. Are there other applicants there?

**Dr Boersig:** Yes. The national partnership agreement sets out a whole range of priorities for us. It includes things like age—people over 65, for example, and people under 25—and it talks about other categories like needy and vulnerable people, such as Aboriginals and Torres Strait Islanders and people from the CALD community. It is part of the agreement that the territory signed.

**MS LE COUTEUR:** My understanding is that you have underspent your budget for interpreters. Am I correct in that?

**Dr Boersig:** No, it is the opposite of that. For example, four years ago, five years ago, we spent around \$4,000 on interpreters. Last year we spent \$55,000.

**MR HANSON:** Wow! What particular language? Is there a prominent group that needs more services?

**Dr Boersig:** No; it is an incredible range. I can supply those details.

**MS LE COUTEUR:** Yes, I am sure we would all be interested in that.

**Dr Boersig:** We are spending more and more. Part of it links to the fact that we established about 18 months ago a cultural liaison unit and engaged two people initially. We already had an Aboriginal and Torres Strait Islander officer. These were people who were of Muslim background and Arabic speaking. They expanded their

work. Through their work we have picked up a lot more matters—we think people who were just not coming to us. It is reflected in our stats, really.

**ACTING CHAIR:** I remind the committee that we do have the Public Trustee here as well.

**Dr Boersig:** Yes.

**MR PETTERSSON:** You may or may not be able to answer this. It is with regard to the Colin Winchester murder trial and the appropriation in the budget. I understand that there is \$1.9 million for it. Is that money spent on ongoing staff or do you have to retain a bunch of new staff for the trial?

**Dr Boersig:** Yes, the money in relation to that includes fees for senior counsel and junior counsel, who are from Melbourne, in fact. It includes costs of accommodation, travel and so forth. It includes costs for expert witnesses and other related disbursements. We fund a lawyer and a paralegal out of that as well.

**MR PETTERSSON:** There is very little change, I guess, to the ongoing operations of Legal Aid ACT. A lot of where this is spent is on new additional—

**Dr Boersig:** The money for this matter is separately appropriated and spent specifically on that. Generally, the rationale for that has been, of course, the cost of the matter. Certainly, it is not something to be borne by the Legal Aid Commission, within its budget. If it had been, we would not have been able to provide the volume of services to the community. Historically it has been funded separately all the way through.

**MR PETTERSSON:** Thank you.

**MR HANSON:** I will turn to the Public Trustee so that you get your turn. Do you have an opening statement or anything before I get straight into it?

**Mr Taylor:** No, thank you.

**ACTING CHAIR:** I am sorry. Mr Taylor, you were not here when we were talking about the pink privilege statement, were you?

**MR HANSON:** He was, yes.

**Mr Taylor:** Yes.

**ACTING CHAIR:** Okay, sorry.

**Dr Boersig:** Can I be excused or are there any further questions?

**MR HANSON:** I do not have anything further.

**MS LE COUTEUR:** I do not have any.

**MR PETTERSSON:** No.

**ACTING CHAIR:** Certainly.

**Dr Boersig:** Thank you.

**ACTING CHAIR:** Thank you.

**ACTING CHAIR:** If we do have more questions, we will put them on notice. Thank you.

**MR HANSON:** It has been an interesting few years, it is fair to say.

**Mr Taylor:** It certainly has been.

**MR HANSON:** I assume that things are a bit settled now. With all the change you have had, with the amalgamation of guardian and trustee and then the fraud case, is there a process of internal audits, not just in a financial sense but a review of systems, structures and so on, that has occurred or will be occurring?

**Mr Taylor:** Yes. Since 2014 the Public Trustee and Guardian has engaged an independent chair for its internal audit committee, which operates separately but works tongue in groove with the JACS internal audit committee. Shortly after the fraud that you mentioned in 2014, KPMG came in and did a controls review and made some recommendations. I have recently had them back in again, in May this year, and they have completed a report into our implementation of the recommendations that they made in that review.

I have the report here. There were five key areas that they made comment on. Some of those are already complete and some of those are a work in progress. We have also engaged an external auditor to work with the internal audit committee on a range of issues that we identify in our risk strategy. With respect to some of those things, recently we implemented an electronic payments module instead of a manual one. On the implementation of that, we had an auditor come in and ensure that procedures and policies were, as much as they can be, fraud-proof.

**MR HANSON:** Is that follow-up KPMG report a public document? Is that available?

**Mr Taylor:** Available to whom?

**MR HANSON:** To the public or the committee.

**Mr Taylor:** It is certainly available to the committee.

**MR HANSON:** Will you table it?

**Mr Taylor:** Yes.

**MR HANSON:** That would be useful.

**Mr Taylor:** It is not something that I would ordinarily put on the website for the Public Trustee and Guardian, though.

**ACTING CHAIR:** You will be providing that on notice?

**Mr Taylor:** Absolutely, yes.

**MR HANSON:** That is great.

**Mr Taylor:** I should mention, too, that we voluntarily called in KPMG to undertake that report. There was no compulsion on us to do so.

**MR HANSON:** On risk management, one of those areas is your investment strategy.

**Mr Taylor:** Yes.

**MR HANSON:** Investment is a difficult thing at the moment, with low interest rates and so on. How are you going with that?

**Mr Taylor:** Investment has been extremely good. We undertook a review of the investment strategy, starting late last year, through PricewaterhouseCoopers. We selected PricewaterhouseCoopers because they know the business of public trustees and work with them around Australia. They are also our asset and markets consultant on the investment strategy. That also included, for the first time, a review of the cash common fund that we manage in house.

I will talk a little bit about the investment strategy. Under the legislation there is a requirement for two external members, unpaid members, to form the board with me. We currently have four members on the board. We use the same fund manager that ACT treasury uses and we leverage an enhanced rate through that. We would not be able to obtain that rate on our own, but by lumping it together with the same fund manager we get a rate of around seven basis points.

We have a five-yearly investment strategy review and we have a report undertaken by PricewaterhouseCoopers every year. The investment strategy that we are going to implement at the moment has only really minor tweaks to what we are doing at the moment. We have a cash common fund and five other common funds. We are going to add two more common funds to that, but, because of the difficulty in managing all those different common funds, they are going to offer us a bundled package. Effectively, we will have a cash common fund and two bundles of other common funds.

**MR HANSON:** What is the total amount you have got invested, in broad terms?

**Mr Taylor:** In terms of all client assets and funds under management, we would be somewhere around \$370 million. A lot of that is government money. About \$180 million would be government moneys. We invest quite a significant amount for government, as required by the Auditor-General, being an independent. Some of those moneys would include the residential rental bonds trust account. That is one of the bigger ones. There is also unclaimed money, uncollected goods, the nominal

defendant and a few others—about 12 in all, I think.

We decided to audit the performance of the cash common fund because we had run that in house for a number of years and our internal audit committee suggested that we should have that reviewed. PricewaterhouseCoopers reviewed the performance of that fund against four external manager products and found that we exceeded, net of fees, a return for all of those by managing in house. The main reason for managing in house relates to the liquidity demands of the clients that we have. We cannot be going through third parties. It is very easy, where we are managing money in house, to put money aside for something that is needed immediately.

**MR HANSON:** How much is in that account?

**Mr Taylor:** In the cash common fund?

**MR HANSON:** Yes.

**Ms Thompson:** At the moment \$102,500,000 for our clients' cash common fund is invested in nine institutions.

**MR HANSON:** Did you just get that off the top of your head?

**Mr Taylor:** She does that every day.

**MR HANSON:** Well done.

**Ms Thompson:** Thank you. It is the end of the financial year. We are reviewing it.

**MR HANSON:** It is in your head; right.

**Ms Thompson:** Yes, it is.

**Mr Taylor:** The return on cash is very low. We would max at about 2.5 or 2.6 per cent, investing across a period of 12 months, from as little as 180 days up to a year. In some of the other common funds, however, if you look at the Australian equities market, which has been going through the roof, on a six-month return that has been around 18 per cent.

**MR HANSON:** Do you try to reduce the amount you have in that account?

**Ms Thompson:** The \$102 million? Yes, we do.

**MR HANSON:** It seems like a lot of money in that account.

**Mr Taylor:** It is, but it is a composite of all of our client funds. It is not only those that are living day to day under an order or an EPA, a power of attorney. It also relates to deceased estates. It could be that the money comes in one day and you have a whole lot going out the next day. It is an ongoing, moving target, basically, that is up and down constantly.



## PROOF

If there was, say, an award—a public trustee was appointed as a trustee for a damages award in court and, say, an amount of \$10 million was paid to us to manage—that would go straight into the cash common fund until we determined what the investment needs of the person were. So there could be some money floating through the cash common fund at a given time that does not belong there, if you like.

**ACTING CHAIR:** Because of the time, it being late on a Friday afternoon, unless you have any other questions you would like to ask—

**MR HANSON:** I am done.

**MS CODY:** If the other committee members are satisfied with all the information provided, thank you very much. The committee's hearing for today is now adjourned. On behalf of the committee, I would like to thank Minister Ramsay, Minister Gentleman and Minister Berry, as well as the JACS statutory office holders and all of the witnesses and officials who have appeared today. The secretary will provide you with a copy of the proof transcript of today's hearing when it is available. If witnesses have taken any questions on notice today—I note Mr Taylor has—could you please get those answers to the committee secretary within five working days, day one being Monday. Thank you very much.

**The committee adjourned at 5.27 pm.**