



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**SELECT COMMITTEE ON ESTIMATES 2019-2020**

(Reference: [Appropriation Bill 2019-2020 and Appropriation  
\(Office of the Legislative Assembly\) Bill 2019-2020](#))

**Members:**

**MISS C BURCH (Chair)  
MS B CODY (Deputy Chair)  
MRS G JONES  
MS C LE COUTEUR  
MR M PETTERSSON**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**TUESDAY, 25 JUNE 2019**

**Secretary to the committee:  
Ms Annemieke Jongsma (Ph 620 51253)**

**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.

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## **Privilege statement**

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*Amended 20 May 2013*

**The committee met at 9.30 am.**

Appearances:

Ramsay, Mr Gordon, Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans

Justice and Community Safety Directorate

Glenn, Mr Richard, Acting Director-General

Pryce, Mr David, Deputy Director-General, Community Safety

Williams, Ms Kelly, Acting Deputy Director-General, Justice

Cvetkovski, Ms Dragana, Chief Finance Officer

Greenland, Ms Karen, Executive Branch Manager, Legislation, Policy and Programs

Garrison, Mr Peter, Solicitor-General

Toohy, Ms Mary, ACT Parliamentary Counsel

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

Chief Minister, Treasury and Economic Development Directorate

Esau, Mr Lloyd, Executive Director, Major Projects, Treasury

**THE ACTING CHAIR** (Ms Cody): Welcome to the eighth day of public hearings of the Select Committee on Estimates 2019-2020. Before we begin, I pay my respects to the traditional custodians of the land on which we meet today, the Ngunnawal people. I pay my respects to their continuing culture and the contribution they make to this city and this region. I pay my respects to the elders, past, present and emerging and those with us today.

The proceedings today will examine the expenditure proposals and revenue estimates for the Justice and Community Safety Directorate in relation to budget statements D. Please be aware that today's proceedings are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live. On taking a question on notice it would be very helpful if witnesses would use the words, "I will take that question as a question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

Witnesses, can I please ask you to familiarise yourselves with the privilege statement provided on the table and can you confirm that you have read and understand the privilege statement that is before you?

**Mr Ramsay:** Yes, I have.

**Mr Glenn:** Yes, I have read it.

**Ms Williams:** Yes, I have read it.

**Mr Pryce:** I am aware of it.

**THE ACTING CHAIR:** As we are not accepting opening statements, we will proceed straight to questions. Minister, I am pretty sure you know exactly where I am going to start today's proceedings. As part of the broader budget announcements there was an initiative to move away from insecure work across the ACT public service, to reduce labour hire and to try to provide more permanent and secure employment. I am wondering how you are going to implement that throughout the JACS directorate.

**Mr Glenn:** Across the JACS directorate we have a range of different staffing profiles for the people that we engage. We have a considerable permanent workforce, and I am just trying to get the numbers for you now as we speak. One of the characteristics of the directorate in terms of the non-ongoing workforce, if I can describe it in that way, is that, because of the number of judicial officers and statutory office holders and others who support those people who work on a non-ongoing basis—associates in the court, for example, for each judge—we have a slightly higher rate of non-ongoing employment because of the status of those officers. They are not counted in the ongoing arrangement, even though of course judicial officers have tenure and those sorts of things.

Across the rest of our workforce, through the process of implementing budget decisions that were made in the last budget, we were able to engage a number of people, particularly in our legal policy area. We were able to advertise permanent jobs to infill those because we now have budget funding to underpin those positions. There are a range of non-ongoing positions there as well. They are typically attached to projects that are in either demonstration or pilot mode. There will be a return to budget in the future to confirm those programs. At that point, if government is willing to continue to invest in those then we will achieve permanent funding and be able to recruit permanently for those.

The broad answer to your question is: we have a range of people that we have on a non-ongoing basis that we are bringing on full time because of budget measures. We have others who are coming in on a cycle to go into programs that will be assessed and then, if permanently funded, if the pilot has proved to be worth while, those positions would be engaged.

We have a third category of people which slightly distorts our figures. We have large numbers of statutory office holders and judicial officers who sit outside that count of permanents and they sit in the non-ongoing.

**THE ACTING CHAIR:** I am happy for you to take this on notice. Can you provide a list of contractors versus casual and versus permanent?

**Mr Glenn:** Certainly I can provide that on notice.

**MS LE COUTEUR:** This is a question about ACAT, which I understand is in your bailiwick. First off, I understand that a few years ago there was a review of ACAT which led to structural change in 2016. It moved the bar for civil disputes to \$25,000, up from \$10,000, which seemed quite sensible to me. What sort of impact has this had on workloads and budgets?

**Mr Glenn:** I might invite Mr Kellow to speak to that. Overall it has seen an increase

in the work of the ACAT because of course more matters are able to go to it with the increase in that threshold.

**Mr Kellow:** There has been an increase in the work of ACAT, but I think the increased jurisdiction really provided the tribunal with an opportunity to revisit some of its procedures, in particular to have a more nuanced approach to the proportionate management of matters. The tribunal introduced different tiers of managing but with an emphasis on alternative dispute resolution and conferencing at an early stage. We are trying to resolve matters by agreement or to at least focus the particular issues in dispute before they go before a member. It has led to an increase in work, but equally it has been matched by us being a bit clever about how those matters are dealt with.

**MS LE COUTEUR:** From the sounds of it, it has not also been matched by increasing resources if you have just talked about being clever?

**Mr Kellow:** I think it coincided with the restructure, as you have alluded to. The tribunal now has a body of full-time members which provide the president with some flexibility to manage the work—particular members who have been assigned broad responsibility for different areas of jurisdiction. And of course we have a pool of sessional members whom we can bring in as required. We are just going through a large number of those members whose current appointments are coming to an end. We are going through a process of renewal, in consultation with government about the make-up of the tribunal into the future.

**MS LE COUTEUR:** There is going to be another change soon with CTP. How are you going in terms of organising ACAT for that increase in work?

**Mr Kellow:** From the midyear review we were given some funding to engage a legal officer to start working through the processes with the president. We also have some money to look at what enhancements may need to be made to the case management system to support that new jurisdiction. There was a fair bit of movement with the legislation as it was being developed, and then through the Assembly, so while we were watching closely the real work has only really started in the last four weeks. We have someone now working through that.

While ultimately it is a matter for the president as to how the business will be managed, it is my expectation that we will follow what we have done in the civil area—to have heavy use of conferencing and triaging to assess which matters may be able to be resolved quickly, preferably through some sort of alternative dispute resolution mechanism, through to those which may require a hearing before a member.

We need to work through the legislation. There are different limits on the evidence that can be considered. There are some areas of the jurisdiction where the tribunal is really reviewing that same material that was reviewed by the insurer and their internal review processes. There will be some new evidence, so we need to work through what guidance we can give to applicants coming to the tribunal in terms of what material they need to present and to make clear the parameters around that review process.

**Mr Ramsay:** There is \$4.3 million in this year's budget to help deliver the changes to the motor accident insurance scheme, specifically in the area of ACAT. I met with the

president of ACAT recently, who is working on the appropriate way of recruiting new members to ACAT. A number of presidential members have terms that expire soon, so there is a process. I have been speaking to the president about making sure that ACAT is well resourced for those new changes.

**MS LE COUTEUR:** With CTP some of the decisions you will be reviewing will need to be done in a very timely fashion because they are about medical treatments. Are you confident you will be able to do that?

**Mr Kellow:** We have a number of areas within ACAT which are time sensitive and the president is well aware of those. We will get that greater knowledge as we work through the legislation, but we are very conscious of the need to have matters resolved quickly. That is why we are looking at the use of alternative dispute resolution and other mechanisms that can try and streamline that process.

**MS LE COUTEUR:** One of the many criticisms made of the change in CTP arrangements was that if you go to ACAT normally you are not represented, but the statement was made that the insurance companies would effectively be represented because their employees would be sufficiently qualified and therefore this would make it very unfair for the normal person. Is that a reasonable criticism?

**Mr Kellow:** There is always debate about the role of representation within tribunals—and courts for that matter. Ultimately the tribunal has very broad powers and discretions to try and achieve the best outcome for the applicants and the respondents. Information will be provided to help guide people through and the registrars will make sure people understand the role of the tribunal and the sorts of material it can consider.

For a lot of the matters it will be relatively straightforward. Some may have greater complexity. There are always different views as to the point that legal or other representation assists that process. We are keen to have a process which is quick and fair, particularly in those matters which are time sensitive, where they relate to treatment options and so on.

I cannot give a definitive answer because I think it is a very broad jurisdiction. The first couple of years will allow the tribunal the opportunity to see the mix of cases that come through and which ones may present more difficulties for parties than others.

**MRS JONES:** I want to go to budget statements D, page 20: “Cessation—safer families—implementation of the joint Australian Law Reform Commission and New South Wales Law Reform Commission report on family violence”. Can you outline what the program was and what services it delivered?

**Ms Williams:** That was funding to employ additional staff to be involved in case management of the protection orders.

**MRS JONES:** And why has it ceased?

**Mr Glenn:** The ceasing of those elements of the safer families funding package was a budget decision this year, to refocus the funding package into new initiatives to

address safer families issues. A range of measures have either decreased over this year or are being sustained for 2019-20 and will cease after that. It is then a question for government as to how to realign resourcing to be able to, if it chooses to, maintain those programs.

**MRS JONES:** It is just that across the forward estimates there is a minus, so that means in whatever previous budget that had been budgeted out for several years. Is that reasonable to say?

**Mr Glenn:** Yes, each of those items were budgeted. This is a revision of the funding that was sitting underneath it.

**MRS JONES:** So the government has cancelled these additional personnel. Were they in the courts?

**Mr Kellow:** Yes, the funding for the additional positions was based in the courts.

**MRS JONES:** What did they do?

**Mr Kellow:** Three positions were funded under that program. There was a registrar, a registry officer, and a person to work within the IT team to look at the case management system but also to look at other online resources in that area.

**MRS JONES:** The registrar and the registry position, what was their job exactly?

**Mr Kellow:** The main role of the registrar, under the funding, was to deal with interim orders applications. The usual process is that we have conferencing offices if we cannot get agreement between the parties as to arrangements to be made for a protection order. Then it goes before the registrar to make an interim order. If the party is not happy with the ruling made by the registrar, it can be reviewed up to a magistrate.

**MRS JONES:** So the purpose of this funding was to get things resolved at a lower level; is that right?

**Mr Kellow:** It coincided with new legislation which also reformed the procedures, so it was to support the new regime. But, yes, it was to try and help us get through what has been a fairly steady increase. There is greater awareness of protection orders and the issues around family violence throughout the community and it was to deal with that workload. So it was a combination of supporting the new legislative framework and dealing with that work as quickly as we could.

**MRS JONES:** So the positions of three personnel who were helping to implement that have ceased; is that correct?

**Mr Glenn:** The funding will cease from 2021. The government has not taken a decision to cease the program or to not continue that process.

**MRS JONES:** So it is not funded for next calendar year?

**Mr Glenn:** It is funded for 2019-20 and ceasing after that.

**MR HANSON:** There is a reduction in 2019-20 as well.

**Mr Glenn:** On that measure there is a reduction of one position in 2019-20.

**MRS JONES:** So it is three down to two?

**Mr Glenn:** Three down to two.

**MRS JONES:** And then two down to zero for the 2020-21 financial year and onwards?

**Mr Glenn:** Using the safer families levy as the source of that funding.

**MR HANSON:** So you are sacking three people.

**Mr Ramsay:** In terms of the work, that is currently being funded by the safer families levy. In respect of what has been done, you may wish to have a conversation with the Minister for the Prevention of Domestic and Family Violence—

**MRS JONES:** Yes, I am sure we will.

**Mr Ramsay:** in relation to the safer families levy.

**MRS JONES:** I presume this may be funding something else.

**Mr Ramsay:** After the initial phase of that work, the government took the decision to look at what would be appropriate for the second phase of that work from that funding, to be able to create more flexible funding out of that particular levy. This will mean higher concentration on the early intervention work and the preventative work. What the government can do in the meantime is look at the things that have been funded under that levy for the future years—what is the appropriate level and what is the appropriate funding source for that into the future?

**MR HANSON:** Can I have a supplementary?

**MRS JONES:** Yes. I will come back after that.

**MR HANSON:** I see that, in a similar vein, there is the cessation of safer families, stronger criminal justice responses. There is also the revised funding profile for safer families, enhancing access to justice for non-English speakers. You are sacking three people in the courts. How many people are you sacking in those other two measures?

**Mr Glenn:** No-one is being sacked as a result of the funding measure. There is one position—

**MR HANSON:** So you are guaranteeing that you are going to take the money away for these positions but that the jobs remain? How do people remain in their jobs if the funding is gone?

**Mr Glenn:** The only decision government has made is not to fund these positions from the safer families levy. The question of what happens in the outyears, as the attorney has said, is another decision for government.

**MR HANSON:** The stronger criminal justice response is—

**MRS JONES:** But I think you have already said that there is one less already.

**MR HANSON:** You have already said there were three jobs going.

**MRS JONES:** And that there is one already gone. Actually, you did say that.

**Mr Glenn:** One position not funded from the safer families levy.

**MRS JONES:** Currently; is that being funded through something else?

**Mr Glenn:** If that position remains filled, that will be potentially a question for the court as to how it chooses to fund that position.

**MR HANSON:** “If that position remains filled.” So there is no guarantee it remains filled. You have cut the funding for this position—

**Mr Glenn:** These are questions for the court.

**MR HANSON:** and then the court would have to find it out of some other magic bucket, would it? Where is the court going to find this money if you have cut the money to it?

**Mr Glenn:** The directorate will need to adjust itself to deal with—

**MR HANSON:** Where is that in the budget?

**Mr Glenn:** the budget, the funds the government provides.

**MR HANSON:** You cannot—

**Mr Glenn:** I cannot—

**MR HANSON:** You have cut the funding for three positions here. I will look at the other measures.

**MRS JONES:** It looks like there are more.

**MR HANSON:** There are lots of other positions that look like they are being cut. If you are going to cut all the funding to these positions, how do you continue maintaining employment for these positions? If you say that you are, where is the funding for it?

**MRS JONES:** It is a reasonable question.

**Mr Glenn:** As with any budget measure that government might undertake, if there is funding reallocated from one area to another, we follow that. If there is funding reduced—

**MR HANSON:** Let us go with that; so let us say that you are saying it is reallocated—

**ACTING CHAIR:** Mr Hanson, could you let Mr Glenn finish the answer to the question you have asked? Thank you.

**Mr Glenn:** If there is a position that is not funded but is otherwise a priority to be maintained because a measure has changed, there are adjustments that are made within directorates. I cannot speak directly to the position that you are looking at in the courts right now. If I can answer your other questions, though—

**MR HANSON:** Can I go to that one first, because I want to address that point?

**Mr Glenn:** Certainly.

**MR HANSON:** You are saying that there may be redistributions elsewhere in the budget to cover those positions? That is what we are here to do, to address this. In the budget papers, using these figures, there are probably seven or eight positions that I can see being cut. Is the funding coming from elsewhere for that? It is not identified in the budget.

**Mr Glenn:** No, it would not be identified in the budget. How the directorate would deal with the funding envelope with which it is provided by government is not necessarily reflected in budget papers because they talk only about the new initiatives and the changed initiatives. There is a body of work that goes on all the time about trying to adjust your priorities.

**MR HANSON:** But this is your directorate, right? This is your directorate.

**MRS JONES:** Mr Glenn, how many positions will cease from the 2020-21 year, based on all of those cessations there: stronger criminal justice response, revised funding profile; safer families; and enhancing access to justice for non-English speakers? That will cease as well. That has \$88,000 in 2019-20 and \$346,000. I am presuming that if \$127,000 was three positions then the \$88,000 is one position? This is page 20, of BPD. It is the same place; just below it.

**Mr Glenn:** The implementation of the joint ALRC-New South Wales Law Reform Commission report, was—

**MRS JONES:** Yes, that is the one you said was three.

**Mr Glenn:** Positions within the court. That is one position in 2019-20.

**MRS JONES:** One gone initially, yes.

**Mr Glenn:** And then three; so an additional two after that, from 2020-21.

**MRS JONES:** Then the next line down.

**Mr Glenn:** The safer families, stronger criminal justice responses, which is funding for the DPP, is one position from 2019-20 and I—

**MRS JONES:** I presume it is—

**Mr Glenn:** believe it is another two.

**MRS JONES:** another two.

**Mr Glenn:** We can get that checked very quickly.

**MRS JONES:** And then for enhancing access to justice for non-English speakers, that is a cessation of three or four, is it?

**Mr Glenn:** That is actually a program to provide translation and interpreter services within the courts.

**MRS JONES:** How many hours' worth?

**Mr Glenn:** That is reduced now to a funding envelope of about \$100,000 a year over the outyears.

**MRS JONES:** How many hours did that provide, or what was your measure for how that money was spent?

**Mr Glenn:** I do not have the hours to hand. I know the general spend has been in the vicinity of between \$20,000 and \$40,000 a year. It is not being taken up to the extent of the funding that was available. So that is actually a reduction.

**MRS JONES:** You were saying that in the future it will be around \$100,000 a year still available.

**Mr Glenn:** Yes.

**MRS JONES:** So that just was not fulfilled? That was money that was allocated that was not used. Is that what you are saying?

**Mr Glenn:** Yes. It is a demand-driven service.

**MR HANSON:** Can I go back to my line of questioning of Mr Glenn?

**MRS JONES:** No, just a minute; hang on. Basically, by the end of 2021 you have six positions that will no longer be funded that have been funded up until now under that funding?

**Mr Glenn:** Six, yes, to cease from 2020-21.

**MRS JONES:** But two of them have ceased already?

**Mr Glenn:** Two have ceased already.

**MRS JONES:** And a further four to cease in the next financial year?

**Mr Glenn:** Well, the funding for them to cease.

**MRS JONES:** You cannot actually guarantee to us who will be doing those roles or whether the same people will be doing the same job. Presumably, the same people cannot be doing the same job, because that—

**Mr Glenn:** They will be decisions for government which, obviously, I cannot anticipate in the meantime.

**MRS JONES:** The reality is that on the estimates committee we do not have the capacity to see everything that is going on inside your department, and that is why you are called here—to make very clear what is happening. And if you do not know what is happening, who does?

**Mr Glenn:** The government has essentially given us a year; there is a year where the bulk of the positions continue to be funded from the safer families levy. That is actually a period to enable government to make further decisions on our advice as to how positions and programs might be maintained.

**MRS JONES:** At this stage that is where you are at?

**MR HANSON:** There are seven or eight jobs gone, or six or seven gone. That leaves that hole for you to then try and fill within your existing funding envelope.

**Mr Glenn:** Or seek different sources of funding.

**Mr Ramsay:** What we are talking about with the safer families levy—

**MR HANSON:** Why would you cut jobs and then reapply for jobs?

**THE ACTING CHAIR:** Mr Hanson! Mr Ramsay?

**Mr Ramsay:** Thank you, chair. What we are talking about with the safer families levy is a particular source of funding that has been used for a particular purpose. What we are saying at the moment is that, after the first period of time with the safer families levy, government has looked at how that particular money should be used in the future. That is to allow more flexible funding and early intervention work.

The decision to make it so that the bulk of the changes in this area were further down the track was to allow government to consider alternative funding, what the demand is or what benefit those would be. It may well be—and it was talked about when the safer families levy was introduced—that with some of the work in the area of domestic and family violence prevention there would be likely to be some form of

spike as the initial focus on it occurred. At the moment we are seeing whether, over this period of time, that is indeed a spike, and we can re-profile and redirect the attention of that funding. If not, if it is not a spike and the demand continues, the government will then reconsider how it will look at things in future budgets.

**MR HANSON:** Can I ask for a response that you might have to provide on notice? With the funding envelope for the safer families levy, what is the total amount of that? Currently, or previously, where was that money allocated? And across that funding levy, what changes have been made? Certainly, from what I can see in the budget papers, there is a reduction in expenditure. There are lots of positions being cut but there are no additional positions being provided. In summary, you might be able to tell me: what is the total amount being collected by the safer families levy?

**Mr Ramsay:** Rather than taking that on notice, because the overall envelope that you are talking about sits not with the Attorney-General but with the Minister for the Prevention of Domestic and Family Violence, I encourage you to ask her that.

**MR HANSON:** You cannot do that within your directorate?

**THE ACTING CHAIR:** She is here tomorrow.

**Mr Ramsay:** That is not within my portfolio responsibilities.

**MRS JONES:** Going back to my substantive question, you mentioned that one of the reasons for the staffing going down was a possible lowering in the number of cases, because of an initial spike. On another committee on which I have been sitting, where we have gone into this in some detail, the evidence that has been put before us as MLAs has been that there is absolutely no evidence that there is any reduction from that spike. If the justification is that we can reduce staffing now and see how we go, based on a reduction that we hope will occur, unless you have some evidence that those numbers are reducing then that argument is not the full picture. Unfortunately, we would all like to know that we have dealt with a heap of DV and now it is going to reduce, but from all the evidence we have received it is not.

**Mr Ramsay:** It is clearly the intent of a large number of the programs, not only in this portfolio but in other portfolios as well, with that emphasis on early intervention, to bring it down. That is clearly the intention.

**MRS JONES:** I see; so what you are saying is they are hoping that earlier invention will bring it down.

**Mr Ramsay:** Certainly, the intention of all good early intervention work is to bring down the incidences.

**MRS JONES:** Understood.

**Mr Ramsay:** I take your point, and that is also why the decision was made by government—

**MRS JONES:** Not to just cut them off.

**Mr Ramsay:** not to cease money at this stage but to give a transition period for us to look at that.

**MRS JONES:** I guess there will be more questions in annual reports about where we have gone.

**Mr Ramsay:** I have no doubt there will be.

**MR HANSON:** Mr Glenn, beyond those six or seven jobs that we have identified that are being cut in this budget, are there any other jobs being cut in the directorate that we have not identified today, or are these the only six or seven that you are cutting?

**MRS JONES:** There are quite a few minuses.

**Mr Glenn:** As I have indicated, Mr Hanson, I am not in the process of cutting any jobs at this point. I do not think there—

**MR HANSON:** Okay; should we rephrase that? Funding for positions.

**Mr Glenn:** I do not think there is any other ceasing of funding. I will stand to be corrected but I think these were the only elements of funding that were ceasing.

**MS LE COUTEUR:** You would be corrected by what appears on that page. There is an initiative offset, “boosting police for a growing city”. There is a minus 100 on that. That is presumably in the same boat.

**Mr Ramsay:** I note, of course, that that is not within this particular portfolio responsibility. I believe the Minister for Police and Emergency Services is appearing a little bit later today.

**MS LE COUTEUR:** Okay; it is the line below.

**Mr Glenn:** Yes, there are other elements of the safer families package; that one comes under Policing. There is an element around Legal Aid as well, but that is all within the same package. Otherwise across the budget—

**MRS JONES:** I think the conclusion is that we are two front-line staff down this year and perhaps four more, but we will wait and find out.

**Ms Cvetkovski:** I can probably answer that question. The reduction in 2019-20 is two FTEs across DPP and courts, and in future years it is 5.5 FTEs.

**MR HANSON:** If you are cutting the FTE, how do you then not cut the jobs?

**MRS JONES:** No, they are cut.

**MR HANSON:** No, he says no-one is losing their jobs. So how do you cut the FTE but—

**MRS JONES:** No, there are two people who have lost their jobs.

**MR HANSON:** No, Mr Glenn said in response to me that no-one is losing their job. How do you cut the FTE without losing the jobs?

**Mr Glenn:** There has been a reduction of funding in relation to that program. How that works out in terms of the complement of staff within the directorate is—

**MRS JONES:** That is a bit of a roundabout argument. The reality is that there are two fewer people.

**Mr Glenn:** There is funding for two fewer people, but it may not be those particular positions that are not filled; there are other positions in the directorate that are not filled.

**MR HANSON:** If you cut your staffing profile by hundreds of thousands of dollars—and we have identified that is a number of FTE—how do you do that without reducing the number of people?

**MRS JONES:** But they are reduced; there are two fewer people.

**Mr Glenn:** There is funding for two fewer people; that is correct. Where that hits in terms of the staffing complement—

**MRS JONES:** Do you want to give us your staffing complement and explain how—

**THE ACTING CHAIR:** Mr Glenn has already agreed to take that on notice for me.

**Mr Glenn:** The complement of ongoing and non-ongoing staff.

**THE ACTING CHAIR:** The safer families information is provided in budget paper 3, at appendix J, for anyone who would like to read that before the hearing on the prevention of domestic and family violence tomorrow.

**MR PETTERSSON:** I note in the budget that the funding for the drug and alcohol court has changed from establishment to commencement. Can you provide some insight into when the drug and alcohol court will be operational?

**Mr Ramsay:** You are aware that the drug and alcohol court is a key priority in the areas of justice and early intervention and the work around what is called therapeutic justice. It is quite a different model; a lot of work has gone into it from the Supreme Court working group that has been led by Justice Burns. That has been a very effective working group.

The time that has been taken to develop the model specifically appropriate for the ACT has been very helpful, noting that it is a new model of court work in the ACT. There are a number of other models in other jurisdictions. The Minister for Health and Wellbeing and I had the opportunity to go to the Parramatta drug and alcohol court last year. We are now moving from design to implementation. We made a commitment earlier this year that the first sitting of the drug and alcohol court would

be before the end of this calendar year.

**Mr Kellow:** There has been a great deal of activity to set up the court, including the physical environment. We have reconfigured one of the courtrooms in the heritage building—the old Supreme Court building—to support the drug and alcohol court. The way it works is slightly less formal than a traditional courtroom. We have also designed—and it is being constructed—a urinalysis suite within the building.

A considerable amount of work has been done around policies within the courts and corrections. We have employed a full-time coordinator to support the court. Corrections have done a lot of work on their policies from their side. A lot of work has been done with ACT Health—it will be providing the support services to the court—and the Community Services Directorate around housing. It is a multifaceted program with a lot of moving parts.

A lot of that work has been informed by visits to Queensland and New South Wales, and as we speak there are some people in Victoria looking at their drug court. We are trying to learn what works in the different jurisdictions and what we can make work for us. There will always be some things which are less relevant to the ACT environment. All things being equal, I think we are on track to meet the government's commitment to have the court up and running before the end of the year.

**Mr Ramsay:** There will be a staged process. As the drug and alcohol court commences its operations the expectation is that the initial cohort will be quite small—probably about five people—and then each six months it will step up. That is deliberately to make sure that, as it is introduced, it is done in a way that we can test what is working well with this new model, where the DPP, Legal Aid, Health, Corrections Health, potentially social workers and the courts are all working together.

Part of the work between now and the commencement of the drug and alcohol court is the establishment of that team, the processes and all the appropriate court procedures around that, which is a fair bit of work. We believe that stepped-up process is the best way of making sure that it works well. The evidence is very clear from jurisdictions that have drug and alcohol courts that they are truly life changing. When the Minister for Health and Wellbeing and I were in Parramatta we were able to see the life-changing impacts it has on the people involved. We are really pleased to be implementing it in the ACT.

**MR PETTERSSON:** What are some of the sentencing options?

**Mr Glenn:** Perhaps if I can step back—the framework of the drug and alcohol court is for a person coming before the court for a serious offence and pleading guilty who would otherwise be subject to a custodial sentence of around four years or in excess of that. If the person is willing and is assessed as appropriate to participate in the drug and alcohol court program, they can be diverted into that program, which would see them committing to a series of actions that are supervised by the court.

That could start with, for example, a residential rehab stay. It may not, but that is certainly open in the other jurisdictions and happens on occasion. There is essentially a gradation of intensive activity around the person, from service providers, and then

the oversight of the court. That is accompanied by regular urinalysis testing to determine if people are complying with their undertakings.

A person might be provided with the services to assist in their rehabilitation and recovery. They would come before the court perhaps twice a week, with a urinalysis test before each appearance to determine whether they are still on track. The judge in that situation, with the support of the treating team, is placed in a position to understand what is going on with that particular person. If they are making good progress they are congratulated, literally with a round of applause in the court, which is quite unusual but very powerful for the individual who is the subject of it.

They progress through the system so that, whilst they are still provided with supports, the nature of those supports could potentially change from more intensive drug and alcohol treatment towards education and employment opportunities or changes to the periods between which they are able to go without coming before the court. They might go from appearing twice a week to appearing once a week, as slowly the court essentially releases its level of control over the individual as they go through their recovery process.

If a person slips, through that process they can be brought back in the program. They may be subject to more frequent appearances before the court or more intensive service provision. If they slip badly, potentially the court can order a short period of imprisonment where the person goes back to prison to reassess whether they want to continue on the program and are willing to commit to it and come back out.

It is potentially a long journey for the individual going through it; it could be 18 months. It is not necessarily linear, depending on how the person progresses through. The reality is that we are dealing with people. Some people might slip back, but there are mechanisms to incentivise a person to continue through the program.

Ultimately we have a person coming out who has been able to recover from their drug and alcohol program, engage better in society and potentially have some training to assist them to move into employment. They move out of the criminal justice system at that point, into the community, in a place where they can take that opportunity and move with it. That is the overarching therapeutic element of the court.

**MR PETTERSSON:** You mentioned that you are going to start with a small cohort and probably expand it. Will all the sentencing options be available from the get-go, even with a smaller cohort?

**Mr Ramsay:** Yes. The way that it works is that it is the same group of service providers, people working with it, just with a smaller number. Yes, the criteria for a person to enter are the same. Having pleaded guilty to particular offences, some are eligible; some are not. The offence needs to be because of the person's drug or alcohol addiction. There is a connection there. All those circumstances will still be the same, even with a smaller cohort, and all the wraparound services will still be the same—the same gradation. It is just that it will be for that fewer number initially while, effectively, the court develops its model, develops its practices and develops its own internal system and skill set.

**Mr Glenn:** It is essentially one of scale as those people come through. The learning from the other jurisdictions where this has been done is that there are a critical series of relationships between the service providers and the court and police and the DPP that form around the drug and alcohol court team, which happens over time. You can see them operating in a very easy, shorthand way when they are dealing with things because they actually all understand each other's roles very well and can apply that to the work of the court. That is something that develops as people get used to one another.

**Mr Ramsay:** Effectively, for example, the way that the Parramatta one works is that on the day of the hearing, for the first couple of hours of the day, the team sit around and they talk through how each particular person who is going to be appearing before the court has been doing, what has been happening in their lives, what has been going on in terms of their compliance with drug testing or connecting with education, training or other matters. They talk things through beforehand and come up with quite a cooperative approach so that, when the court itself sits a little later in the day and each of the people move through with their relatively brief appearances, the judge is able to speak to the person who is appearing and say, "I hear that this has been going on for you, and I hear this." It becomes much more of a conversation in that sense, informed by all the supports and all the activities that have been happening. They are able to then have that much more personal approach to it.

As Mr Glenn mentioned, when people get to the stage where they may have graduated from stage 1 to stage 2, literally the judge comes down from the bench with a certificate, shakes the person by the hand, hands over the certificate and the courtroom erupts in applause. There are not too many times when you go to a courtroom hearing when there is a round of applause for people who are appearing, and I think that is, again, part of the life-affirming process that goes with it.

**MR HANSON:** The judicial officer is going to be someone in the Supreme Court; is that right?

**Mr Ramsay:** That is right.

**MR HANSON:** Would it be one of the existing Supreme Court judges or is it an additional position to specifically hear these cases?

**Mr Ramsay:** There is funding for an additional judicial officer, and I anticipate that the government will be making an announcement about that judicial officer in the near future.

**MR HANSON:** Will that judicial officer only hear drug and alcohol matters or will that be sort of half of their workload? Do you anticipate that being basically a full FTE or only a part-time position as this rolls out?

**Mr Ramsay:** The funding for the position is for a full-time judicial officer. I anticipate that for some initial part, even in non-sitting periods—as I say, that development of the team—the training area will be a really key part. In terms of what the judicial officer will do and what matters they will sit on, that will clearly be a matter for the Chief Justice, who has the responsibility and the authority to—

**MR HANSON:** If there is spare capacity, they may be used for other matters, but that is a matter for the—

**Mr Ramsay:** There is nothing in the legislation, there is nothing in the appointments, that would make it that the judicial officer could not sit in other matters, but that is always a matter for the Chief Justice.

**MR HANSON:** My question is about this area: “Reclassification of commonwealth grants—legal assistance services”. This is on page 21. Could you explain what that is?

**Ms Cvetkovski:** The reclassification of the commonwealth grant is really just moving it from the controlled recurrent payments into other revenue to reflect that we are not getting funding through that particular source of funding but rather through the other revenue directly from commonwealth. It is not a cessation of the funding.

**MR HANSON:** In the budget I assume there is somewhere where that amount appears, does it? Where does that appear?

**Ms Cvetkovski:** Yes. It would have been in our base, not necessarily as adjustment in the appropriation table. It depends on where we get the money, really. That is when it would show.

**MR HANSON:** I am assuming that when you talk about reclassification there is a reduction in a budget line and there will be a commensurate increase somewhere else in—

**Ms Cvetkovski:** In the line called “other revenue”.

**MR HANSON:** Can you show me where that is?

**Ms Cvetkovski:** Yes. It is on page 30 of the budget statements. It is the line called “other revenue” under “revenue”, and in 2019-20 it is \$12.878 million. It will be part of that figure.

**MR HANSON:** Does that reflect an increase in commonwealth grants for legal aid?

**Ms Cvetkovski:** Yes.

**MR HANSON:** How much extra?

**Ms Cvetkovski:** Sorry, it is not an increase in funding; it is rather moving it from one source of funding to another.

**ACTING CHAIR:** Minister, I want to talk to you about better support for vulnerable witnesses. Can you give me a little more information? I know that it is an issue to help victims of sexual abuse, I am assuming after the royal commission outcomes.

**Mr Ramsay:** That is right. That is primarily relating to the intermediary scheme. Obviously, there are a large number of matters that have come out of the Royal

Commission into Institutional Responses to Child Sexual Abuse. There were 307 recommendations that fell within the responsibility of the states and territories. We have endorsed, in principle, following through on all of those. A number of those are in areas of health and education, to make sure an appropriate culture is set. There are also a number of matters that sit within the criminal justice responsibility.

We have legislated in a number of areas for those already. But in terms of the intermediary scheme, the work relates to vulnerable witnesses—in this particular circumstance, survivors of child sexual abuse. Obviously, a court appearance or a criminal justice appearance with the police, prosecution and all the way through to the court can be a particularly traumatic time. It can be at times a re-traumatising time.

One of the important things that have come out of the royal commission work is to make sure that when we are dealing with survivors we are doing so in a way that is tailored to their experience, knowing that people remember circumstances differently. They hear questions differently. They may use different language around matters. So it is important to try to make sure that the communication is aided and they are not asked to squeeze into, effectively, a criminal justice system that operates in its own way. Ms Greenland can probably fill that out further. But the intermediary scheme is about communications experts, to enable those people's testimony, information or evidence to be heard.

**Ms Greenland:** I acknowledge the privilege statement. As the attorney has mentioned, the Royal Commission into Institutional Responses to Child Sexual Abuse acknowledged that there was a real need to support vulnerable witnesses, and children in particular, in the way that they are able to give their best evidence. That is whether they are interacting with police and giving witness statements or in appearances in court.

The commission certainly looked quite closely at evidence from overseas and other jurisdictions in Australia that have implemented intermediary schemes. It pointed to the benefit that has to achieving access to justice. It is achieved by allowing people to give their best evidence.

The initiative that is in the budget is going to allow for an intermediary scheme to commence at the beginning of next year. It will be located in the Victims of Crime Commissioner's office. That will be where it will be administered. Work has already commenced to recruit, train and have intermediaries available to be working from the beginning of next year in supporting children who are witnesses in child sexual abuse matters and also witnesses in homicide matters who are children.

**MRS JONES:** I have a supplementary. Will that be using the new pods in the court building that have the video connection through to the courts?

**Ms Greenland:** Certainly, a range of communications facilities would be used. There are options for communicating, whether it is via video link or in person, when children are giving evidence. But the Victims of Crime Commissioner will be working quite closely with all criminal justice stakeholders, including the courts, the DPP, Legal Aid and police to work through exactly how the scheme will operate.

**Mr Ramsay:** Part of the work that goes with that as well is what is called ground rules hearings in courts. Effectively, before there are inquiries, interviews or examinations of particular people, the court gets together with the legal counsel.

**MRS JONES:** Sets up some decisions, yes.

**Mr Ramsay:** Some rules are set up as to how a particular examination or cross-examination will take place: “Here are the words that might be helpful to use.” There are a whole range of things. That ground rules hearing is also one of the recommendations that came out of the royal commission.

**ACTING CHAIR:** You mentioned policing. Perhaps this is a question better left for Mr Gentleman, but I will try. How does this funding help police to investigate child abuse?

**Ms Greenland:** It will support police, when they are taking witness statements, to get the best evidence from child witnesses. There is allocation within the budget for work to be undertaken with ACT Policing. It will enable them to understand how to ask questions in a way which, as I say, gets the best evidence from children. The evidence from the royal commission was that the statements that are provided by witnesses, if they are not able to communicate coherently and clearly, can have a significant impact on the prospect of a conviction and prosecution.

**Mr Glenn:** In a way, this is addressing the third of the barriers that were identified by the royal commission. There is the physical environment—should this person sit in court or can they sit somewhere discretely? There were legislative barriers that have since been addressed around the nature of evidence that is given and how that is taken by the court. Then this is actually about—

**MRS JONES:** Linguistic, yes.

**Mr Glenn:** the questioning process, being able to adjust language and style to, as Ms Greenland says, get the best evidence for the matter.

**ACTING CHAIR:** I know this has come out of recommendations, but I am assuming that these new processes are based on evidence. Where did that evidence base—

**Ms Greenland:** Absolutely. There have been intermediary schemes operating, particularly in the UK, for many years. They are now a very entrenched and embedded part of their criminal justice system. There has also been work undertaken and schemes in place in New South Wales and Victoria. There have been evaluations of those schemes. They have been very positive in terms of both the outcomes for the witnesses themselves and to some extent also the outcomes for the justice system in terms of providing a path through the justice system that allows for clear evidence to be given.

My understanding is that, certainly in New South Wales, even from the point of view of defence lawyers, they could see benefits in this too for the clarity of evidence that witnesses were able to give, and assisting in some respects to manage how they prepare their cases for their defendants.

**Mr Ramsay:** The crimes commissioner held a forum on intermediaries here last year. It was on the concept of the scheme. We were privileged to have one of the judicial officers who works most closely with that in New South Wales come down and talk that through. I think that was quite a striking experience for all of those people who were here, hearing the impact of how it was working not only in the court system but, most importantly, for those vulnerable witnesses. It was quite powerful.

**ACTING CHAIR:** I understand that there are different circumstances. Will some of these processes be trialled for other vulnerable witnesses—for example, children that experience domestic violence? Are they the sorts of things that we can look at to build on in these processes?

**Ms Greenland:** Yes, certainly, the intention is to start with child witnesses in sexual abuse matters and witnesses to homicide. But there is also the scope, potentially, to expand this to a range of other vulnerable witnesses. We will be looking fairly closely initially at what the demand is for services for that group, but there is the potential then to expand to other vulnerable witnesses, which could include adult witnesses with communication difficulties, for example.

**MS LE COUTEUR:** I want to ask you about page 4, and the time it takes to have things heard in the courts. I appreciate the separation of powers and all of that, but why is 12 months considered to be timely to resolve a legal matter? It actually seems quite a long time to me.

**Mr Kellow:** Ultimately, there is no great science. The way that the report on government services that is published by the Productivity Commission deals with this sort of information is not to set any target. It just states the timeliness. The 12 months is really picked up from the international framework of court excellence, which draws upon all of the jurisdictions here; it has members from the United States, the United Kingdom and the Singapore courts and so on. Other courts use slightly different parameters. The Federal Court of Australia uses 18 months as its benchmark. It does range.

The important thing is to see how quickly matters are progressing. As the statistics show, the bulk of the matters are being done within that 12 months. It depends very much on the nature of the matters. Things can ebb and flow in terms of complexity. It has been noted before that the criminal work of the Supreme Court in recent years has become far more complicated than it used to be, with the nature of the offences—homicides, serious assaults and so on.

It is about trying to put forward a measure. If we were achieving well over 100 per cent for 12 months, it would suggest there is a lot of stretch in 12 months and we would want to try to set a more ambitious target. But it is really to give some indication about timeliness in 12 months, which seems to be the accepted standard in most jurisdictions at the moment.

**MS LE COUTEUR:** As I said, to me, 12 months seems far too long. What is actually slowing down these matters? Is it problems at the courts end or is it problems with the people getting themselves organised to see you?

**Mr Kellow:** It is a range of matters. With matters brought to the courts, it comes down to the individual. It is about individual cases, with all of the complexities around the circumstances. It can be about organising witnesses; it can be about the quality of legal advice that people are getting, and so on. It is very nuanced and it is very hard to come up with a simple formula.

The courts are looking at a range of options. We have seen big reforms in the last few years around the listing practices in both courts to try and push matters through. The government has appointed additional judicial resources. We have looked at making greater use of registrars to help case manage.

The Supreme Court has been piloting criminal case conferencing, where matters are brought before a judge to see if they can resolve or at least identify the key issues and the evidence that will be required. The pilot over the last 12 months saw roughly 30 per cent of the matters that went through conferencing not proceeding to trial. That will help take pressure off the system.

There are a range of contributors to the length that litigation takes. The courts obviously have a role to play in their case management, but it can come down to the capacity of the legal representation or just the sheer complexity of the matters—lots of evidence might be required, and so on.

**Mr Ramsay:** I do not think we should underestimate the impact of that criminal case conferencing trial. That has had a very significant impact. As Mr Kellow said, around 30 per cent of those are not proceeding to trial. Thirty per cent of those are effectively moving to a plea. That is a really significant change that has been brought in through that trial. Obviously, it has not only significant impacts for those matters themselves but a flow-on impact right across the entire court.

**MS LE COUTEUR:** Is that the reason why you have an expectation of improving the timeliness for the Supreme Court? You are not expecting to improve the timeliness for the magistrates, children's or coroners courts. With the Supreme Court you are currently estimating 75 per cent done on time, but your targeting for 2019-20 is 85 per cent, which is a big improvement.

**Mr Kellow:** This is the first year that these indicators have been in place. We did some work to try and set the targets in consultation with the relevant heads of jurisdiction. The Chief Justice was keen to set the targets for the Supreme Court with a fair bit of stretch. The actual information that I had given her, for example, for the civil was 55 per cent of matters being resolved in 12 months. That was as at 2016-17. To be frank, I was a bit nervous when she said 85 per cent, but it is the stretch that she wanted to put in; so we are working hard to move towards that.

As is the case with all indicators and accountability matters in the budget papers and annual reports, we do review them to make sure they are real, that they are useful and that they indicate how the courts and tribunal are travelling. Where appropriate, we revise those indicators. We will have a couple of years tracking against the current targets, but we would certainly be keen to review that to see how we are going and to make sure they have some meaning—that there is some sort of benchmark that we are

measuring against.

**Mr Ramsay:** Again, with the criminal case conferencing, obviously, not only is there a time saving that comes through that but there is a significant flow-on resourcing impact, a savings impact, for example, with the DPP and others. Obviously, if you are not needing to move to anywhere near the same number of trials, that frees up prosecutorial, or in other cases defence, resources to be able to move through. It becomes de facto budget savings or at least enables a reallocation of resources and takes some significant pressures off the DPP and others. The marked steps up that have happened in the last few years and the efficiency of the courts have had a great impact on the courts themselves; also, there have been those flow-on effects in other areas.

**MRS JONES:** I want to go to budget statements D, page 21. There are a number of items there listed as savings. One is “savings—courts public private partnership”, which I presume is some sort of saving on the end of the bill for the new courts; also, there is “savings—retrial of Mr David Eastman”. That was perhaps an estimation issue. Can you please explain what the savings are, and why?

**THE ACTING CHAIR:** Ms Cvetkovski, I cannot remember if I asked you to acknowledge the privilege statement when you came in the first time.

**Ms Cvetkovski:** I do not think so. Yes, I acknowledge it. The first one, courts public private partnership, is the savings to do with the monthly service payments for the courts PPP, due to the delays in the finalisation of stage 2 of the construction of the building.

**MRS JONES:** And David Eastman?

**Ms Cvetkovski:** That is the savings following the finalisation of the retrial of Mr Eastman. It covers two components, the DPP and the courts. The actual breakdown is on my piece of paper over there.

**THE ACTING CHAIR:** Which I am sure someone will bring over for you.

**MRS JONES:** Is that process concluded?

**Mr Ramsay:** The criminal case did not take as long, effectively, as—

**MRS JONES:** Had been estimated; right.

**Mr Kellow:** In very crude terms, the money had been allocated on the basis of a 12-month trial. It came in at about six months. There was a little bit of work afterwards; we had to bring the judge back to tidy up a number of years of suppression orders and non-publication orders, just to clarify the evidence and so on. But it came in at a much shorter time than had been estimated.

**MRS JONES:** In very crude, plain English terms, where are we up to with that matter?

**Mr Ramsay:** There is a matter that Mr Eastman has before the Supreme Court at the moment. Obviously, we do not comment on that one. That will play out. That is a civil matter.

**MRS JONES:** A civil matter. But the criminal matters are concluded?

**Mr Ramsay:** The criminal matters have been completed.

**MRS JONES:** If we can just get that number.

**Ms Cvetkovski:** The courts are \$1.2 million and the DPP is \$850,000, savings.

**MR HANSON:** Where are we at with stage 2 of the court building?

**Mr Glenn:** Stage 2 is underway; construction is occurring right now.

**Mr Esau:** I acknowledge the privilege statement. Stage 2 commenced once we moved into stage 1 in October last year. It is progressing well. It will be completed in three component parts, the first of which will be in a week or two. That is the transfer of the existing custody operations from under the Magistrates Court into part of the new custody environment in the base of the old Supreme Court building. The second completion event is the whole of the heritage building being refurbished, which includes the drug and alcohol court and the additional non-jury court. The third part is the reconfiguration of the space that custody will vacate under the Magistrates Court.

**MRS JONES:** Custody, as in the cell block?

**Mr Esau:** The current cells are being reconfigured into end-of-journey facilities for staff and courts and the centralised filing for the entire precinct. We are looking forward to getting that done. The progress at the moment is tracking in accordance with the contractor's program, which has the completion of the heritage building refurb in October-November and the total completion of stage 2 works by the end of the calendar year.

**MR PETTERSSON:** Funding for legal services to government has declined by almost \$4 million. Was the Eastman trial one of the contributors or is that completely separate?

**Mr Kellow:** I think they are separate matters.

**MR PETTERSSON:** Why has funding decreased?

**Ms Cvetkovski:** You are looking at which page of the statements?

**MR PETTERSSON:** Page 9, output 1.2, legal services to government.

**Ms Cvetkovski:** It is not a reduction as such; the 2018-19 estimated outcome had an additional \$4 million in its costs, which is to do with the legal resources required to undertake work in the GSO. So between two budgets it is pretty flat; it is just that there was a spike in the estimated outcome for 2018-19.

**MRS JONES:** What work was that to do?

**Mr Garrison:** I am familiar with the privilege statement. The funding for the Government Solicitor falls into two main parts: the first is budget appropriation and the second part is work funded on a revenue basis. At the moment it falls roughly fifty-fifty, and what has happened over a number of years is that, as the business of government has become more complex, work has expanded.

The model in place at the moment is that particular large projects or other government businesses pay for their legal services. For example, most of our revenue comes from the Insurance Authority—for the work we do for them, and that is a significant volume of work. That revenue funds the non-budget funded positions in the office.

The other funding comes from outposts we provide to agencies and what I call major projects—the large matters that need specific funding, where funding arrangements are entered into with the particular agencies involved. That means that from year to year the resourcing may change, and the figures in the budget papers reflect an estimate.

It does not mean there is going to be a sudden exit from my office in terms of resources because, of course, it is almost impossible to predict the flows of revenue in the following years. That means we have a slightly larger proportion of non-ongoing positions in the office. I think it is running at probably around 25 per cent of staff across different classifications. There is a bit of fluidity because we are fairly regularly recruiting permanent positions. People who are there on a temporary contract will apply for and are more often than not successful in getting permanent positions, so we have this rotation of people through.

Also, the character of the workforce has changed somewhat. For example, we have at different times anything upwards of eight to 10 paralegals, who tend to be law students, working for us generally on a part-time, temporary basis. They come and go according to their studies and may in due course become employed as lawyers. So the nature of the workforce also leads to fluctuations in expenditure and numbers.

**MR PETTERSSON:** In regard to legislative drafting and publishing services, there is an increase in funding. What is that increase in funding for and why is it needed?

**Ms Cvetkovski:** In total cost? That is what you are referring to?

**MR PETTERSSON:** Yes.

**Ms Cvetkovski:** The increase in funding relates to the higher depreciation of around \$339,000 for the ACT legislation register. There is a component for wage parameters, which is a normal technical adjustment every budget, Remuneration Tribunal increases for executives, and other net adjustments such as indexation.

**Mr Ramsay:** There is some more information coming as well.

**Ms Toohey:** I acknowledge the privilege statement.

**MR PETTERSSON:** Do you want the question again?

**Ms Toohey:** Yes, please.

**MR PETTERSSON:** There has been an increase in funding for the legislative drafting and publishing services. What is the money for and why is it needed?

**Ms Toohey:** What is the money for?

**MRS JONES:** And why is it needed?

**Ms Cvetkovski:** So you mean the total budget now, not the question that you just asked me before? Is this—

**MR PETTERSSON:** No, there has been an increase in funding to the legislative drafting and publishing services.

**Ms Cvetkovski:** Yes, which I have answered, and I am not sure if you have a supplementary to that.

**MR PETTERSSON:** Well—

**MRS JONES:** What is the practical use of that funding?

**Ms Toohey:** To provide the ongoing legislative drafting services to government and MLAs. As Dragana has explained, the increase relates to depreciation, which is a technical term, I believe.

**Mr Glenn:** There has been significant investment over the recent period in the new legislation register. So as that asset comes on line the depreciation starts to come on to the balance sheets. Those other parameter adjustments were around staffing, pay increases and increases for executive staff that have been determined by the Remuneration Tribunal.

**MR HANSON:** My substantive question is about the legalisation of cannabis. There have been a number of issues raised throughout the committee hearings into that issue which traverse legal aspects. There is a conflict potentially with commonwealth law and issues with drug driving laws. I am just wondering if Mr Garrison has had a look at those issues and if he is able to provide any advice on that.

**Mr Garrison:** As you might be aware, I provided some views at the committee hearing in relation to the operation of the proposed cannabis laws. Without reflecting on the advice that I have provided to government, there are a number of complex issues. The fact is that it is complex and there is a potential for conflict with commonwealth laws. The challenge in introducing the legislation is to frame it in such a fashion as to minimise the risk of such a conflict. It is made more difficult by the basis upon which the commonwealth laws are founded and, although not expressed as such, in fact have their constitutional power in international conventions. I addressed that at some length in the committee.

The question is whether the ACT laws provide a relevant justification to provide an exemption under the commonwealth criminal laws. That is a matter that may be tested in due course. One cannot provide any certainty about it. All one can do is ensure that the law is framed as effectively as possible and in such a fashion as to reduce the prospect of conflict with commonwealth laws.

**MR HANSON:** By “tested” I presume what you mean is that somebody would be potentially charged under commonwealth law because of that conflict. You might have a risk where an individual is charged under commonwealth law, which supersedes the ACT law. They find themselves being prosecuted and that ends up going to the High Court. When you say “tested”, what do you mean? How would you test it?

**Mr Garrison:** That is not the only way it can be.

**MRS JONES:** It could also be tested by the commonwealth taking a case?

**Mr Garrison:** Yes, it could be. As we know, the commonwealth could seek to independently test the legislation.

**MRS JONES:** If there was an appetite.

**Mr Garrison:** Correct.

**MR HANSON:** But the more likely scenario, and the potential risk, is that an individual who would be doing something that is not illegal under the ACT law would be prosecuted under the commonwealth law and that would need to be tested all the way up to the High Court, potentially?

**Mr Garrison:** One is venturing into quite speculative areas.

**MR HANSON:** How else would it be tested?

**Mr Garrison:** Those are the only two ways. It has also got to be appreciated that, when one looks at it, there are two issues in relation to the operation of the commonwealth law. The first is whether the commonwealth law applies at all, and there is an argument that the ACT law itself operates as an excluding provision. The second is whether the person who is charged has got a reasonable excuse, the reasonable excuse being compliance with the ACT law. If one is looking at legal argument around the operation of the commonwealth law and interaction with the ACT law—those are the two areas where it will operate—that can arise through an attempt by the commonwealth to prosecute. Whether they would, for someone who is holding two plants in their house, I am not sure.

**MR HANSON:** But if you had a house with 10 people in it and you had 20 plants or more—

**Mr Ramsay:** Given that the government has not responded to the committee’s work and the recommendations, nor has the debate on the detail of the legislation occurred

in the Assembly, nor has anything passed, I think it is difficult to try to speculate on what may or may not occur in the setting of a group home or a non-group home.

**MRS JONES:** I think that is a reasonable question.

**Mr Ramsay:** That is the way the law is currently—

**MRS JONES:** I totally disagree.

**Mr Ramsay:** I am just saying that we truly are getting into speculative space.

**MRS JONES:** Part of our purpose here is to work out where we are headed and what we are doing.

**THE ACTING CHAIR:** Actually, our purpose here is to ask questions related to the budget.

**Mr Ramsay:** That is right. Given that there is a committee report that the government is considering and then will respond to, there will certainly be time for us to have a very fulsome debate about the legislation itself.

**MRS JONES:** Absolutely, but I doubt that we will have Mr Garrison to give the overarching situation before us.

**MS LE COUTEUR:** Mrs Jones's point is relevant. As members of another committee, we talked to you, but you have given some clearer evidence this time. I am not quite sure how, as Mrs Jones says, we are going to work this one out.

**THE ACTING CHAIR:** I must say that this is a budget estimates hearing. We are here to talk about budget estimates. I am not 100 per cent sure how talking about a piece of legislation that is still under debate and still under—

**MR HANSON:** Let me show you how we can do that. If we were to proceed to the High Court, I assume that there would be costs to that. How much was the—

**THE ACTING CHAIR:** That is a much better question.

**MR HANSON:** There is always a budget somewhere in that.

**MRS JONES:** There is always a cost to everything.

**MR HANSON:** Nothing is free, is it?

**Mr Garrison:** It is not really possible to make an estimate of how much a legal challenge would cost. The first point I make is that, of course, the legislation has not been finalised. There are no doubt going to be a range of amendments proposed to it. There are also recommendations coming from the committee report. One is truly in the land of speculation, and the cost of any legal proceeding will depend upon, quite literally, the nature of the issues to be determined.

Ms Le Couteur had questions earlier about the length of time it takes to resolve proceedings in the Supreme Court. It is a very similar issue. You can have a relatively straightforward application for judicial review, which takes half a day to argue, or you can have a complex medical negligence case which can take three weeks. The time for the case to be brought on, the time for it to be run, the time that it takes for the court to consider its decision and deliver its verdict all depends on the particular circumstances.

**MRS JONES:** It is a very concrete question. How much was the marriage legal challenge that we had to mount here?

**Mr Garrison:** There was a liability for the commonwealth's legal costs of \$500,000. For the territory—I gave this answer a few years ago but I cannot remember the figure—I can take it on notice.

**MR HANSON:** Was it \$800,000? That is my recollection.

**Mr Garrison:** For the territory? No, not at all. It was something between \$100,000 and \$200,000, from memory.

**MRS JONES:** Maybe take that on notice.

**MR HANSON:** Maybe the whole shebang was around \$800,000?

**Mr Garrison:** I will take that on notice and provide you with that figure. But, again, that is reflective of that issue, the complexity, the fact that it involved a fundamental consideration of the commonwealth's constitutional power over marriage. There was a very, very significant amount of material and work, and although the case finished in a relatively timely fashion—I think we managed to finish it in one day—it was brought on urgently. All those things can impact on the nature of what is undertaken.

In this instance, depending on how the legislation is framed, depending on the circumstances and how the matter might arise, it may be a relatively straightforward matter and may not take very long at all or it may involve an issue under the constitution, in which case notices have to be given to the other attorneys-general, which means that other jurisdictions may get interested. And that expands the scope of the case, expands its duration.

**MRS JONES:** Would it be fair enough to conclude that it is a bit of an unknown unknown but if there are still questions they will have to be sorted out at that level and then we will have to pay for that at that point?

**Mr Garrison:** There is an assumption, first of all, that the legislation will be in such a form that it livens the interest of the commonwealth to take the issue on.

**MRS JONES:** Or an individual here?

**Mr Garrison:** And a range of things.

**Mr Ramsay:** I think it is fair to say that government will be mindful of this when looking through its response to the committee's recommendations and also any

amendments that it chooses to make.

**THE ACTING CHAIR:** On that note, we will take a short break.

**Hearing suspended from 11.00 to 11.16 am.**

Appearances:

Legal Aid Commission (ACT)

Boersig, Dr John, Chief Executive Officer

**THE ACTING CHAIR:** Welcome. Could witnesses we are hearing from for the first time please acknowledge the privilege statement that is on the table.

Dr Boersig, I noticed in the statement we had that there has been an issue about trying to provide more legal services to disadvantaged groups within the ACT. Does that sit under your legal aid services, or is that mainly just for the Women's Legal Centre?

**Dr Boersig:** Good morning. I have read the privilege statement. About 25 to 29 per cent of our clients have a disability. So, yes, it would be relevant to our services. Indeed, when you extend that to the dual diagnosis of disability and mental illness, for example, or disability and brain-related injuries, there are even more people we assist in that context. As I think we have said at other hearings, the work in the mental health areas is very significant.

**MS LE COUTEUR:** On page 57 the last paragraph is very depressing. The level of cash reserves is diminishing across the out—you know what I am talking about?

**Dr Boersig:** I do.

**MS LE COUTEUR:** Can you please give me some more background about this and what you are trying to do to address this issue?

**Dr Boersig:** The cash reserves is an ongoing significant issue for us. As an independent organisation we accrue a whole range of liabilities, particularly to private practitioners, which we have to make good. If we were to close for any reason, we would also make good in relation to staff. I say "close for any reason" because, as part of the national partnership agreement, in the out years until the federal budget this year we had no funding from the commonwealth. There is now funding from the commonwealth and that is nearly half our resources. So, yes, there is a real issue for the board of commissioners.

We have had a range of discussions about what that level should be, and some advice also in relation to that. The figure of around \$4 million in cash reserves seemed to be appropriate for a whole range of reasons. We are struggling to maintain that. There is a variety of reasons for that, partly the more recent reduction in funding from the statutory interest account, which is run by the Law Society, although that has come good in this past financial year, thankfully. In our current year, we are looking at around breaking even. But the prospect for the out years is not looking promising. It is increasing from about \$500,000 deficits to up to about \$700,000 deficits in some of the out years.

**MS LE COUTEUR:** I note that in the discussion on page 57 you are talking about extra demands for things. In particular, elder abuse is one of those, as you mentioned. Have you got the resources to deal with the additional demands?

**Dr Boersig:** The issue of elder abuse is extremely serious, and I know that governments around Australia are trying to grapple with this. It is a hidden issue. We have established the Older Persons ACT Legal Service in the past year. The statistics around that are proving the dramatic need for assistance in that area. I think that that is just tapping the issues around elder abuse and needs of people over 65. Clearly we are going to, around Australia and particularly in the ACT, given our demographics, have to address that issue more thoroughly. The OPALS service was a welcome response by the government. We have developed that. We have now got a full-time officer involved in that from the beginning of this year.

**MS LE COUTEUR:** Can you take on notice the numbers of calls you are getting? You said the statistics prove it, so I am confident you have got them.

**Dr Boersig:** We took over what was known as the APRIL line at the beginning of the year. I think annually they were getting between 80 and 100. We are now getting well over 400 this year. I will get the exact details, but that is my recollection of it. That is fantastic because it means that the message is getting out to people. I would like in that context to put on record the cooperation of the libraries. We now work with them on their mobile service so that some of our material is going out with them in their mobile libraries to people who are stuck at home. There was a bookmark developed. Carol Benda, who is here, developed this bookmark. That has just been patented by the Australian Human Rights Commission. All congratulations to her.

**MS LE COUTEUR:** Congratulations.

**Dr Boersig:** It is a great thing to give to people who still read from books as opposed to tablets and Kindles.

**MS LE COUTEUR:** Books are far superior.

**MRS JONES:** What does the bookmark do?

**Dr Boersig:** It gives access to your rights and where you can get assistance. I will send a copy.

**MS LE COUTEUR:** That would be lovely, if you could take a copy on notice.

**MRS JONES:** I want to go to page 64 of budget statements D. There have been some changes to the budget around the safer families program. Some of them seem to affect legal aid directly. There is a reduction of \$313,000 in 2020-21, another reduction of \$321,000 in 2021-22 and another reduction of \$329,000 in 2022-23. What services was that funding providing for?

**Dr Boersig:** That is specifically for a front-line service in the domestic violence service. In 2015, we had 1½ to two people providing that service here at the courts. We have now doubled that number to 2½. So 2.5 FTE is hanging on that service.

**MRS JONES:** The 2.5 FTE will go under these changes?

**Dr Boersig:** That is the concern I have. We have got a year to discuss this. I have met with the attorney. The case around the needs of front-line services is very well made. We have got the data to support it. I am hoping that whilst the money is no longer in the levy money it is found elsewhere in the budget. Thankfully we have got a year to try to negotiate that. The stats are very strong.

**MRS JONES:** It is just another area where there are likely to be cuts unless a bucket of gold is found somewhere.

**Dr Boersig:** That would have a big impact on our clients. We are talking hundreds of people.

**MRS JONES:** They are being served by those 2.5 FTE?

**Dr Boersig:** Yes.

**MRS JONES:** Is there an immediate cut, or does it start at 2020-21?

**Dr Boersig:** No, it starts in the following year, 2020-21.

**MR HANSON:** Can I ask a supplementary on that?

**MRS JONES:** Yes, please do.

**MR HANSON:** Is there an explanation as to why that money is cut?

**Dr Boersig:** My understanding from the descriptions given by the safer families levy is that it is about accessing that levy so that it provides more flexible and innovative solutions, for example, health justice partnerships. Indeed, we were funded last year under a health justice partnership; so we now have a position inside the obstetrics ward and paediatric ward inside the Woden hospital. Some of the money is going to things like that.

**MR HANSON:** Sure, but this has obviously been recognised as a service that needs to be provided. It is providing support to hundreds of clients and it is being cut. There may be other services required. No-one disputes the fact that there is other work that needs to be done. But what is the explanation for cutting this? I assume that your demand is still there, is it?

**Dr Boersig:** The demand remains strong. We are providing a front-line service, primarily to victims. I would hope that this is recognised as we negotiate for the outyears. But at the moment, it is not disclosed as having it.

**MR HANSON:** But if it remains cut, that is in the budget; that is the budget at this stage and that is the only document we can go on. It cuts it. What does that actually mean on the ground for victims of domestic violence who are seeking legal support?

**Dr Boersig:** We are acting for hundreds more people than we were in 2015-16.

**MR HANSON:** So there would be hundreds of people who will now be without legal

support as a result of this cut, potentially.

**Dr Boersig:** If we do not have those positions, the options would be to find money from elsewhere within the commission, which is going to be tight because of the outyear cash reserves situation or take it from other services.

**MR HANSON:** Right.

**Dr Boersig:** The process would be that if the government said to us, for whatever reasons, “Look, we have not got the money to continue that service,” I would go to my board. The board would ask me, “Where can you reduce services in other areas?” It would be hard to; one of our primary objectives is to assist people in domestic violence and family violence situations. If I were forced to choose, we would have to seriously look at what other resources we had to put into this. I find it hard in this climate to think that you would not support women particularly who are the primary victims here for the services. I am very hopeful that the discussions that we are having with JACS and with the attorney will lead to that.

**MR HANSON:** It might be beyond your remit, but this is not the only area where these sorts of positions are being cut. In our last session we identified quite a few positions that have been cut with no explanation as to where that money then goes or whether they will be backfilled. It seems very confusing that the government would cut a whole bunch of positions without explaining whether there is going to be some supplementation elsewhere or whether you might get this funding back in the future.

**ACTING CHAIR:** Mr Hanson, I think that was specific to the JACS directorate. I am not sure that that was specific to individual—

**MR HANSON:** What I am trying to get to is whether you—

**ACTING CHAIR:** You need to move it because Mr Pettersson has not had his substantive question yet. We have two minutes left for Dr Boersig.

**MR PETTERSSON:** I have a great question lined up.

**MR HANSON:** Have you? I look forward it. Did you get any explanation as to basically where the money has gone?

**Dr Boersig:** It is publicly provided by the minister responsible for safer families.

**MR HANSON:** Vague, not any specific—

**Dr Boersig:** The issues there are about a recalibration of the delivery of services. It is about innovation, innovative projects and flexibility.

**MR HANSON:** But nothing specific in terms of—

**ACTING CHAIR:** Mr Hanson, I think it has been asked and answered. Mr Pettersson, do you have a substantive question?

**MR PETTERSSON:** I have a question about the drug and alcohol court. My understanding is that it is meant to be a less adversarial system. Do you need more resources or fewer resources to deal with the introduction of a drug and alcohol court?

**Dr Boersig:** I would not argue with the resources we have been provided with thus far for that. That will unfold. We have resources for two years as it develops. I believe that the court will start operating in the later part of this year. We would hope to meet the needs with the current resources we have been provided with for that particular project.

**MR PETTERSSON:** It is more of a big picture question. Do you expect to need more resources to deal with the adversarial traditional court system or a different amount for—

**Dr Boersig:** Okay; so we have seen increasing pressures on our litigation funds. For example, in the past two months we have paid out over \$400,000 on two particular cases. They had multiple offenders. It is why we need cash reserves because that was a very high amount to pay out for conducting those expensive criminal cases.

**ACTING CHAIR:** Thank you, Dr Boersig, for your time today. I am sorry, Mr Hanson, that we missed out on your substantive.

**MR HANSON:** I do not think you are sorry, Madam Acting Chair.

**ACTING CHAIR:** I beg your pardon, Mr Hanson! I now call on the Director of Public Prosecutions to come forward.

Appearances:

Office of the Director of Public Prosecutions  
Drumgold, Mr Shane, Director of Public Prosecutions

**Mr Drumgold:** Good morning. I have read the privilege statement and agree to it.

**THE ACTING CHAIR:** Mr Drumgold, I have what is hopefully a quick question for you. In budget statements D there is a reference to strengthening the capacity of the Office of the Director of Public Prosecutions to address organised crime. Can you give me a bit more information about that, please?

**Mr Drumgold:** That goes to our COCA unit.

**THE ACTING CHAIR:** To your—

**Mr Drumgold:** Criminal confiscation of assets unit. We have a dedicated unit that works with the AFP, with what is called the FIT team in the AFP. The role of that unit is to effectively pursue the proceeds of crime. The objective of that is simply to break the business model of organised crime. If you can commit a crime and store away assets, you can be caught and hypothetically go to jail, come out and still have those assets there. The role of the COCA team and the FIT team is to follow that money back and seize it. So there is a primary punishment for the offence as well as the seizure of the assets, the product of that crime.

That funding goes to a team within our office dedicated to pursuing those things, to pursuing applications under the criminal confiscation of assets area. It is important to have a unique team because the unit is uncoupled from mainstream prosecutions; it is not aimed directly at prosecutions. I have to keep a wall between information exchanges, for legal reasons, between mainstream prosecutions and the pursuit of criminal assets. They are a unit that sits outside the prosecution. In fact they answer directly to me, and I personally sign off all criminal confiscation of assets applications.

**THE ACTING CHAIR:** Do you believe that is having an effect on organised crime?

**Mr Drumgold:** It is. We find that it is having an effect. In fact it has been around for two years as a project, but it is so effective that we rolled it over into base. It is a formal part of our operation.

**THE ACTING CHAIR:** An ongoing part—

**Mr Drumgold:** It is.

**THE ACTING CHAIR:** which means that now you have ongoing staff that can—

**Mr Drumgold:** I am in the process of recruiting permanent officers at the moment.

**MR PETTERSSON:** What is the totality of confiscated assets?

**Mr Drumgold:** In the past 12 months it was \$7 million. That money is not our money. We have a dedicated team that pursue it, and they pursue it purely for the purposes of breaking the business model. In the past 12 months the total number was around the \$7 million mark.

**MRS JONES:** Those funds are used by the government, aren't they, to look after victims and so on?

**Mr Drumgold:** Correct.

**MS LE COUTEUR:** My question is the flip side of Ms Cody's. What about capacity to prosecute less serious cases?

**Mr Drumgold:** Under the COCA regime, to pursue assets?

**MS LE COUTEUR:** More in general. I should not have related it to Ms Cody's question. My understanding is that your budget has gone towards strengthening the capacity to address organised crime in particular.

**Mr Drumgold:** Yes.

**MS LE COUTEUR:** In previous years estimates hearings have heard that you had been having funding difficulties. In particular, I am asking about less serious cases. Do you still have the resources to deal with those? Is there anything that you are doing about the less serious cases, which still—

**Mr Drumgold:** My data suggests that that remains unaffected. With our mainstream operations, unconnected to COCA, I have had quite a few structural changes, with a view to pursuing productivity improvements within the office. I am not seeing any change whatsoever to our ability to prosecute the lower level offences.

**MRS JONES:** The DPP has previously and strenuously made the case that services face very significant resourcing issues, and this year some increases have been provided, I believe, into the outyears—budget statements D, page 20. Can you outline how this funding will be used?

**Mr Drumgold:** As a jurisdiction grows, the number of serious offences also increases. For example, when my office commenced, we might have seen one murder prosecution every two years; now we are approaching double figures for those types of offences.

**MRS JONES:** Per year?

**Mr Drumgold:** Per year. I think we are at about seven. It is not out of line with other jurisdictions with our population. The challenge that it poses for an office such as mine is that, rather than dealing with things ad hoc, you have to deal with things—for example, we have four trial periods every year. We know that we will probably have a serious prosecution in every one of those trial periods. In fact we are just recruiting into the role now; we have established a new subset of our office called crown chambers. Crown chambers will be managed by a deputy director, in charge of crown

chambers. We are just in the process of recruiting our first two crown prosecutors at the moment at the SES level. Crown chambers will ultimately consist of a deputy director, two crown prosecutors, two senior advocates and two advocates. That is where I will channel all of the serious crime.

**MRS JONES:** Is that the funding line for—did you say five people?

**Mr Drumgold:** At the moment we have senior advocates. At the moment the most senior lawyer in my office outside the executive is a grade 5 senior advocate. We are putting a stage in between the senior advocate and the deputy director called a crown prosecutor at the SES level. In fact we are recruiting two of them at the moment.

**MRS JONES:** You have started the process of hiring those people?

**Mr Drumgold:** Indeed, yes.

**MRS JONES:** Previously there was a particular emphasis on keeping senior prosecutors over the long term. Will this funding affect that in any way?

**Mr Drumgold:** It is specifically aimed to address that, the retention of our senior staff. We can always feed them the work now we have the salary structure to support the retention of those positions.

**MRS JONES:** Overall this increase sees a genuine increase in the office resources?

**Mr Drumgold:** It does. I have created additional positions through a restructure through the reduction of the management ranks and churning that money back into frontline resources. But the increase in budget is purely to build in the crown chambers and that increased salary for the crown prosecutor levels to attain those.

**MRS JONES:** So they will stay. Does that make them more competitive with other states?

**Mr Drumgold:** I believe it does.

**MR PETTERSSON:** I note that the average cost per matter has been going up and this is attributed to increased complexity. In what way are these cases and matters becoming more complex?

**Mr Drumgold:** It is based on the number of matters. As one might expect, to prosecute a multifaceted murder is much more expensive than prosecuting a burglary because you have various stages of evidence and you have complicated DNA evidence. Also, a number of murders have been prosecuted on the basis of psychiatric evidence, and that is more expensive.

The complexity of the matters with the increased severity of the matters increases, and that increases the cost per matter. It is simply a function of the spread of work we do and the increasing percentage of serious work we do, which increases the average cost of a matter.

**MR HANSON:** I want to go to the Daniel Jones case. I appreciate that there are sensitivities and I do not know if there are matters ongoing. Have you commenced a review or is a review happening into that case?

**Mr Drumgold:** I have completed a review into that matter. Again, I cannot address the substance of it. To set a context, all of the key decisions in that matter were made before I was made the director, but I established contact with the parties involved and have done a complete review. I have had a number of meetings with them where I have shared that information.

**MR HANSON:** What is the status of that review? Is it publicly available? Is it going to inform any further work? Or are you unable to say?

**Mr Drumgold:** The termination point of that review was the confidential communication between myself and Mr Jones.

**MR HANSON:** Why was that review done internally, so to speak? If there were matters that were potentially questionable, why was that review—which essentially about the processes of your office—an internal one rather than an external one?

**Mr Drumgold:** Because it was simply the execution of a very transparent prosecution policy. All the decisions made in that matter by my predecessor were in keeping with the prosecution policy. It was simply the exercise of prosecution policy.

I do not agree with the premise to the question that there was something wrong that occurred, an incorrect decision that was made along the way. I have tracked it from start to finish. For example, I can say that when the prosecution policy concluded that there was no reasonable prospect of conviction the matter was withdrawn, which is in keeping with our prosecution policy.

**MRS JONES:** Are there changes you have suggested to government or within your own team given the circumstances of that case?

**Mr Drumgold:** No, is the short answer. The difficulty is that I cannot discuss the substance of it. But in that matter a charge was laid, there was an analysis of the brief, there was a conclusion that there was no reasonable prospect of conviction and the matter was withdrawn.

**MRS JONES:** The length of time, was that a resourcing matter?

**Mr Drumgold:** No. The decision was made proximate to the receipt of the brief. The conclusion that has to be made is that there is no reasonable prospect of conviction on the evidence. That presupposes that one needs to see the evidence, and that evidence comes in the form of a brief of evidence. The decision on my analysis of it was made proximate to the receipt of that brief of evidence, which is—

**MRS JONES:** What does “proximate” mean? That is probably a technical term.

**Mr Drumgold:** Close to; close to the receipt of the brief of evidence.

**MRS JONES:** So within a reasonable time frame?

**Mr Drumgold:** Yes.

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

Appearances:

Office of the Public Trustee and Guardian

Taylor, Mr Andrew, Public Trustee and Guardian

Thompson, Ms Joanne, Manager, Director, Finance Unit

**THE ACTING CHAIR:** Welcome. Could you please acknowledge the privilege statement.

**Mr Taylor:** I acknowledge the privilege statement.

**Ms Thompson:** I acknowledge the privilege statement.

**THE ACTING CHAIR:** Mr Taylor, you talk about some of the ongoing risks that you have identified, including the failure to insure client property and the lack of, or ineffective, strategic forward business planning. How are those sorts of risks being managed?

**Mr Taylor:** The Public Trustee and Guardian has an internal audit committee. Part of the agenda for that internal audit committee is a fraud, corruption and risk management plan. The plan is a work in progress. Obviously, as new risks emerge, they are added and a means of ameliorating the risk is done in accordance with ACT government standards. Our risks are quite significantly different, perhaps, to those there may be for JACS, in that we have a significant investment portfolio and quite a significant role in managing the financial affairs of clients.

**THE ACTING CHAIR:** Do you seek advice from external sources to help manage risks?

**Mr Taylor:** Yes. It may very well be that in a particular matter we do not have the expertise in house to deal with the matter. For example, it might be an investment matter; it might be a deceased estate matter. In those cases, we have a register of service providers who are added to a register that we use on completion of a code of conduct as needed.

**THE ACTING CHAIR:** As you said, you continue to monitor risks as they arise. I am assuming that you have a risk register type set-up.

**Mr Taylor:** Yes; that is the register I was referring to.

**MS LE COUTEUR:** What is the role of the public trustee when a private rental tenant dies intestate with no obvious apparent relatives?

**Mr Taylor:** Sorry, can you repeat the last part of that? What is the role of the public trustee—

**MS LE COUTEUR:** When a private rental tenant dies intestate—I think the word is intestate: without a will—with no apparent relatives.

**Mr Taylor:** The Public Trustee and Guardian is not automatically the person who undertakes the administration of estates or intestate estates. We may. That may happen through the courts. Generally speaking, we have quite a bit of that going on with the ACT housing trust; we work very closely with ACT Housing. Where you have a tenant who has died and does not have a representative appointed, the question is: how are those assets dealt with on the person's death? There has been a recent case involving that which highlighted that we do not have an automatic role in dealing with people in that situation.

**MS LE COUTEUR:** I am aware of the recent case. Why do the police have to rely on authorisation from the public trustee to locate next of kin in these instances?

**Mr Taylor:** There is an arrangement with ACT Policing that they will call us when there is what is commonly called a police call-out. If there was a death under unknown circumstances that might be subject to a coronial, they will call us to do things like secure the premises and see whether there was information around relating to family. There might be a will, et cetera. We go along and do that, but we do not necessarily administer the estate. There is a legal line drawn between doing that and intermeddling in an estate.

**MS LE COUTEUR:** What is the legal situation if someone does die intestate and there are no obvious relatives? In this particular instance, it seemed to become the responsibility of the landlord because there was no-one else. How can that be? It seemed obvious that the public trustee was the body involved. How could it be that it is reasonable that it is the unfortunate landlord? Will it mean that you do not want to rent to older people who might die?

**Mr Taylor:** Sure.

**MS LE COUTEUR:** This is not a silly question.

**Mr Taylor:** I should preface that by saying that we do, very often, administer the estates of people who die intestate, on appointment by the court, or we can voluntarily seek to administer the estate ourselves. And there are some very difficult situations along the lines that we have perhaps alluded to. But the reality is that the legislation does not make it a responsibility of the Public Trustee and Guardian to administer the estates where there is nobody there to do that or they have not left a will. It even goes a step further: there are quite often situations where families will not bury their own family because of the cost. We have had a number of those situations during the year, where we have been urged to take on the burial of a family member where the other members of the family would not do so.

**MS LE COUTEUR:** Do you think there needs to be some sort of legal change giving a clear responsibility if someone dies intestate with no obvious relatives?

**Mr Taylor:** Sure; that would be a start. But then, of course, the public trustee would have to be funded to do these kinds of things. Those estates are generally what we might call non-viable, and the public trustee is a largely self-funding entity. We receive \$518,000 a year in community service obligations. That has not been reviewed for over 10 years. I would suggest that we are now subsidising the

community service obligations to the extent of about 500 per cent.

**MRS JONES:** Have you put in bids to budget cabinet to have that reviewed?

**Mr Taylor:** We will be doing so in the next 12 months.

**MRS JONES:** In the next round?

**Mr Taylor:** We had sought in the past to rely on growing the commercial aspects of what we do to be able to cover the shortfall. But there is a belief that the community should have an ownership in the Public Trustee and Guardian and that that should come from community service obligation funding.

**MRS JONES:** I turn briefly to the trust fund GreaterGood. I was recently pleased to learn of its existence. Can you outline when it was set up? What is it intended to achieve?

**Mr Taylor:** Yes, it was set up by the Public Trustee and Guardian in 2003. I think it is true to say that immediately prior to that, the Public Trustee and Guardian had been appointed as trustee for the ACT bushfire recovery appeal. Looking back on that, I think it was evident that the Public Trustee and Guardian had all of the assets and mechanisms in-house to establish itself as what the taxation office calls a public ancillary fund. A public ancillary fund is also a deductible gift for a recipient category 2 and a registered charity.

With some consultation with the community and with the department at the time, the Public Trustee and Guardian went ahead and established itself as a foundation with all of those accreditations. It was primarily set up to address a shortfall when conducting will interviews with clients. Very often the question of charity or philanthropy will come up in a will interview. Either they will promote the question or we do. People will seek advice on what is a—

**MRS JONES:** Mechanism.

**Mr Taylor:** good mechanism, a better mechanism, than just throwing cash at a charity. Essentially, GreaterGood is an endowment fund. It retains the capital; it invests the funds for growth; and it distributes the net income—so net of fees—that we pay external fund managers every year. I think it is true to say that we have distributed about \$10.5 million to charities operating in the ACT since 2003. We have in the order of \$21 million in assets in GreaterGood at the moment.

**MRS JONES:** Finally, I believe that the decision about who those funds are distributed to is in part based on the wills?

**Mr Taylor:** Totally directed by the testator—

**MRS JONES:** And with those wills—

**Mr Taylor:** or settled.

**MRS JONES:** say someone wanted to donate to a body which then ceased to exist. What is the process there?

**Mr Taylor:** There is a standard set of deeds, one for the gift fund and one for the open fund. It is a standard provision in that deed that the board—the Public Trustee and Guardian GreaterGood board—will make a decision based around the requirement that it should go to a like charity.

**MRS JONES:** Are people able to donate to that fund in their wills not deciding where the money will go? Is that money then distributed by a decision of the board?

**Mr Taylor:** It can do so, yes, although the nature of GreaterGood is that it is a low cost, low budget organisation distributing most of its benefit. So the board does not see itself as having a role in determining social need or good. Generally, the conversation would be that we would like you to distribute it, for example, for rural education. As to how that might be done, that would be a lot easier for the board to determine than a blanket cause.

**MR HANSON:** In respect of the funds that you manage—by and large, you are self-funded—how are you going in terms of your returns?

**Mr Taylor:** That has become a significant problem for Public Trustee and Guardian. Four or five years ago we were probably returning as much as four per cent on our cash common fund, which we manage internally. We are now getting about 1.93 per cent on a restructured investment strategy that allows us to spread the investment over 12 months. Still, we rely on the commissions from those investments to survive. It is quite clear now that the volatility of the financial market is going to continue for some years yet. We are going to have to revisit our funding model early in the new year to raise our fees in other areas to—

**MR HANSON:** Right, so you have to cut your cloth, raise fees or go cap in hand to government. Are those the three options?

**Mr Taylor:** The reality is that we will be going to government for extra funding because unfortunately the public trustee does not have an ability to refuse to act in any of the capacities. We are ordered by a court or, generally speaking, by a tribunal. For example, if we are ordered to administer an estate that is not viable, if we are ordered to act as a litigation guardian for somebody, if we are ordered to be a financial manager for somebody et cetera, generally speaking we cannot refuse and generally speaking those activities are probably going to cost us money rather than return to us.

**MR HANSON:** Have you presented this issue to government or are you in the process of doing so?

**Mr Taylor:** I have a briefing that is pretty well with JACS at the moment. We are hoping to introduce that to the minister within the next month.

**THE CHAIR:** If there is nothing further, thank you for appearing.

Appearances:

Office of the ACT Human Rights Commission

Watchirs, Dr Helen, President and Human Rights Commissioner

Toohy, Ms Karen, Discrimination Commissioner, Health Services Commissioner  
and Community Services Commissioner

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

**THE ACTING CHAIR:** Before we get started I ask you to acknowledge the privilege statement.

**Dr Watchirs:** I acknowledge the privilege statement.

**Ms Toohy:** I acknowledge the privilege statement.

**Ms Griffiths-Cook:** I acknowledge the privilege statement.

**THE ACTING CHAIR:** There has been a small increase in the budget for, I am assuming, complaints handling and advice. Is that because the complaints handling has increased or it is just CPI? It is on page 10 of budget statements D.

**Dr Watchirs:** The increase refers to extra funds for the financial assistance scheme of the Victims of Crime Commissioner of about \$100,000 and for two Aboriginal workers, liaison officers, also for the Victims of Crime Commissioner. As well, Ms Toohy has got a legal one for the unregistered health workers code.

**THE ACTING CHAIR:** Are those positions filled at the moment? Are you recruiting?

**Dr Watchirs:** The two Aboriginal positions are filled.

**Ms Toohy:** We are recruiting. This is a new position for my team.

**THE ACTING CHAIR:** Have complaints to the commission increased?

**Dr Watchirs:** This is a new policy that the government is introducing. We do not have complaints in that space yet. This is anticipating both community education and stakeholder engagement over the next period. There has been an extensive period of community consultation around it but the implementation will commence once the legislation is actually enacted.

**MS LE COUTEUR:** What, if any, role have you in the protection of older members of the community? As context, Legal Aid just said that the number of calls to their OPALS line has hugely increased. The equivalent used to be 100, and now it is up to 1,200. I note that aged care institutions are generally run by the commonwealth but what role do you have in protecting some of the more vulnerable people in Canberra? Any of you?

**Ms Griffiths-Cook:** Both Karen and I can probably speak to that one. As Public Advocate we occasionally receive calls with people raising concerns. We certainly saw, I think it was over the past 12 to 18 months, an increase in calls in relation to older persons experiencing some form of abuse. In those instances we can certainly provide an advocacy response. Most of the time when those calls have come through we have actually referred to a community advocacy organisation, given the nature of the concerns. That has been a more appropriate response than our own. But there have been occasions when we have intervened through both the management assessment panel in terms of trying to coordinate an appropriate response with multiple agencies and/or direct advocacy ourselves.

**Ms Toohey:** Within the role of the Community Services Commission, we have a specific responsibility for older people. That tends to be about issues around retirement villages. Also within the age discrimination area we get a number of complaints to do with age discrimination. We have less to do with older persons abuse because it tends to be in the home, which is not an area that I regulate. We certainly work with the Aged Care Complaints Commission, now the Aged Care Quality and Safety Commission, particularly around clinical issues that arise in aged care. It certainly is a space that we have oversight of.

**MS LE COUTEUR:** You mentioned retirement villages. Do you only deal with retirement villages and not the nursing home level? Is that what you are saying?

**Ms Toohey:** No, we can deal with complaints across the board. Retirement villages, I guess, is a very specific area of the work that we have legislative responsibility for.

**MS LE COUTEUR:** Do you have any oversight of the high-care levels of the aged care sector, the nursing home-type level?

**Ms Toohey:** The oversight there is primarily undertaken by the commonwealth agencies. As I said, we certainly have oversight with respect to the provision of clinical services: doctors, nurses, those sorts of interactions.

**MS LE COUTEUR:** As straight medical complaints?

**Ms Toohey:** Yes. There is actually nothing precluding people bringing those sorts of complaints to us, and certainly again we work in cooperation with the Aged Care Quality and Safety Commission on those sorts of matters. But it tends often to be an issue that is dealt with through the commonwealth agencies.

**MS LE COUTEUR:** Because they are the funding agencies, I guess?

**Ms Toohey:** Yes.

**THE ACTING CHAIR:** They have the processes set up with the Aged Care Quality and Safety Commissioner; is that right?

**Ms Toohey:** Yes. Again, because we are a business trading in the ACT we certainly can deal with those complaints. It is a very small part of the work that we get.

**MS LE COUTEUR:** I think Ms Griffiths-Cook mentioned older individuals in the home and that you were doing some work with them. Would they ever be referred to you from—

**MRS JONES:** I think she said that they do not have coverage of older people in their own homes.

**Ms Toohey:** At a formal complaint level, we do not unless it is about services being provided into the home. I might leave Jodie to answer that.

**THE ACTING CHAIR:** As in home care services provided by the commonwealth?

**Ms Griffiths-Cook:** Yes. With issues like that we can deal with complaints about that.

**MS LE COUTEUR:** I was thinking more in general of older people. We have got the elder abuse line for older people who may be suffering from abuse of some sort. I thought you were saying that that was an emerging issue as far as you are concerned but possibly I have totally misheard you.

**Ms Griffiths-Cook:** No. We have had a number of inquiries where the underlying issue has been an allegation of elder abuse, sometimes by a related person, and other times existing within spaces that are more in the service space. Where it is a related person, typically we will work to try to coordinate or identify what would be the appropriate services that are available to respond to and support the person to deal with that. We generally do not receive calls directly from the person. It is often a concern being raised by someone either related to or in contact with that person who is concerned that they may be experiencing elder abuse.

**MS LE COUTEUR:** Are you getting more or fewer issues?

**Ms Griffiths-Cook:** We have seen more. But in saying that I am not talking about huge numbers. I do not know whether that is an issue of people not identifying that the Public Advocate perhaps is a source of potential assistance in that space or something else.

**MRS JONES:** Has the commission been involved in the ACT's response to the national plan on elder abuse in any way?

**Ms Toohey:** No, we have not, through our area.

**MRS JONES:** I think we have covered what services the commission provides. Is there any more work you would like to be able to do in the elder abuse area that you are not funded for rather than not scoped for?

**Ms Toohey:** There is a new commission that has just been established in New South Wales which establishes a new model for oversight of elder abuse and disability. Certainly that is something that we are monitoring; what that model looks like. It is in response to the Law Reform Commission review. It certainly expands the scope of regulatory oversight into homes of people and into those interpersonal relationships. Certainly as Older Persons Commissioner, that is something that we are monitoring.

**Dr Watchirs:** The Aged and Disability Commission in New South Wales starts on 1 July.

**MRS JONES:** Does that replace their disability commission?

**Dr Watchirs:** It does. Currently with the New South Wales Ombudsman, that role, that function will transfer to the new commissioner. It is slightly different because the New South Wales commissioner is essentially being replaced by the NDIS Quality and Safeguards Commission. It re-scopes what that role is responsible for and certainly articulates very clearly the responsibilities in the older person space.

**MRS JONES:** Obviously there are some people who fall outside the NDIS?

**Dr Watchirs:** Yes.

**MR PETTERSSON:** There was a discussion in this place at an earlier time about the right to education: that every child has the right to have access to free school education appropriate to his or her needs. Have there been any complaints received to the HRC regarding the right to education?

**Ms Toohey:** We get a range of complaints related to the right to education. Certainly, an area that has been subject to individual complaints to the commission and also systemic work by the commission is particularly around overseas students or children of overseas students. That continues to be an area that we engage in. Certainly, it raises issues around the right to free education.

**MR PETTERSSON:** You do feel it is an issue?

**Ms Toohey:** Yes.

**Dr Watchirs:** We did a report in 2015 called *Priceless*, referring to the right to education, and the change by the education and training directorate from a waiver system that made it difficult for refugees and asylum seekers. Now it is a simplified scheme, but not foolproof, so that those people can get access to free public education.

**MR HANSON:** The inclusion of the Victims of Crime Commissioner with the Human Rights Commission bodies has led to what I perceive to be no divergence of view publicly. Previously, often there was a Human Rights Commission position, and there would be a position that was entirely different from the Victims of Crime Commissioner. They spoke with separate voices and they had a different take on issues.

I may be wrong; in terms of public statements—I am not saying that internally there are not disagreements—certainly, from the public perspective, what I have seen is joint statements, and of the same position, emanating now essentially from the Human Rights Commission, which has subsumed the Victims of Crime Commissioner. I note that the Victims of Crime Commissioner is not here today, but can you point to public statements that have been made where there is any divergence of view between the Human Rights Commission and the Victims of Crime Commissioner; or is it now just

all one view?

**Dr Watchirs:** I apologise; the Victims of Crime Commissioner is interstate today. I might take that on notice, if you do not mind.

**MR HANSON:** Sure.

**Dr Watchirs:** There have been occasions when we have had a nuanced view, where the Victims of Crime Commissioner will have a specific concern. But the overall issue is that a legislative response needs to be human rights compatible. I would say that that would be the biggest change in the merger, and the change in the Victims of Crime Commissioner's role.

**MR HANSON:** There is nothing that precludes the Victims of Crime Commissioner, though, from making their own statements, is there?

**Dr Watchirs:** Absolutely not. It is preserved under the new scheme.

**MR HANSON:** That is right. I would be interested, if you are taking it on notice, in seeing where there has been any divergence of view on a position, on an issue, between the Victims of Crime Commissioner and the Human Rights Commission. A concern that was raised at the time of the amalgamation was that the independent voice of the Victims of Crime Commissioner, which is often quite different because they represent a different view, a different perspective, would then be lost.

Certainly, on the surface—and it is difficult for me to see everything—it would appear that that may have occurred. I would be interested in seeing any evidence that that is not the case, and pointing to, “Here's a position from the Victims of Crime Commissioner that's entirely different from the Human Rights Commission,” on a particular issue. All I have seen are consistent positions.

**Dr Watchirs:** There is certainly a trend of—

**MR HANSON:** I am not talking about internal processes, because that is not really the issue here. It is more about the public position; that is what matters.

**Dr Watchirs:** There is certainly a trend of all commissioners looking at substantive policy input. Both of my fellow commissioners did independent submissions recently on Our Booris, Our Way, and there was one on education and bullying.

**MR HANSON:** It is appropriate that people do have different positions, but it now seems to me, on the surface, that the Victims of Crime Commissioner's independent view on issues, that used to be sometimes consistent with and sometimes divergent from the Human Rights Commission's view, now has been subsumed into a singular view. I hope I am wrong.

**Dr Watchirs:** I would not think that that was the case. The Victims of Crime Commissioner has been very busy with the financial assistance scheme, the transfer from Government Solicitor to the ACT. The new intermediary scheme is a huge new project, and there is the Aboriginal unit within the victims of crime area—victim

services.

In this financial year we have received 69 clients that are Aboriginal. In the previous year it was 28 and in the year before that it was 15. That has been another area of focus. The victims of crime charter has also been a focus of the victims of crime commissioner. She has been busy.

**MR HANSON:** If she were here, I would pursue that, but I appreciate that she is not.

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

**MR HANSON:** Yes, thanks.

**THE ACTING CHAIR:** I would like to thank everyone for their appearance today, particularly, in this last session, Legal Aid services, the Director of Public Prosecutions, Public Trustee and Guardian, and the ACT Human Rights Commission. For those witnesses who took questions on notice, could you please get those answers to the committee support office within five working days of the receipt of the uncorrected proof *Hansard*. We will now adjourn for lunch.

**MRS JONES:** What about the Inspector of Correctional Services?

**THE ACTING CHAIR:** I am sorry; we will hear from the Inspector of Correctional Services before we adjourn for lunch.

Appearances:

Office of the Inspector of Correctional Services

Minty, Ms Rebecca, Deputy Inspector of Correctional Services

**ACTING CHAIR:** Hello, Ms Minty. Could you acknowledge the privilege statement, please?

**Ms Minty:** I acknowledge the privilege statement.

**MRS JONES:** Ms Minty, I believe that the inspector is currently undertaking the healthy prison review. Would you like to tell us what the scope is and how that is going?

**Ms Minty:** Under our legislation we are required once every two years to conduct a review of a correctional centre. We call this the healthy prison review. It is based on the World Health Organization methodology that is used in other inspectorates around the world. Essentially it is looking at four different pillars of a healthy prison. We commenced the review at the start of the year, in January. It involves a number of discrete aspects about consulting with the community and consulting with different stakeholders. It culminates next week, when we will be on site at the AMC for a week. We are a pretty small outfit—we have about 2.2 FTE in staffing—so we are bringing on experts with different expertise to assist with the on-site review.

**MRS JONES:** What kinds of experts will you need for that review?

**Ms Minty:** I have a legal background and Neil has extensive experience in corrections. We will also bring aboard people with medical backgrounds, nursing staff, forensic psychologists; and someone with experience in prison industries who has worked in other prisons, developing industries and connections with the community. We also have people familiar with security and administration of prisons, so it is quite a wide-ranging team. We also have two members of the Western Australian inspectorate joining us. One of them is a cultural liaison officer. He is coming on board also to give us some cultural advice and to assist with engaging with some of the Indigenous detainees.

**MRS JONES:** Are you undertaking any other reviews at the moment? We have seen some of your reviews come through the chamber into incidents at the facility.

**Ms Minty:** That is right. We also have the power under the legislation to do critical incident reviews. They are defined in the legislation. So far in this financial year we have had six that have fit the definition of critical incident, and we have tabled three of those. So we have got—

**MRS JONES:** There are three more.

**Ms Minty:** Yes, there are three more.

**MRS JONES:** When are they likely to be complete, or are we not sure?

**Ms Minty:** Probably in the next sitting period we will be in a position to table one, then the two more beyond that. I could not give you an accurate—

**MRS JONES:** Thank you. I understand that the inspector has recently completed reports on the treatment of remandees and also looking at women's accommodation as well as a critical incident report. Does the inspector have any role in or view on the government's responding to those reports, or is it completely at arms' length from the inspectorate?

**Ms Minty:** I think it is an important function of our office to stay engaged with Corrective Services and follow up on recommendations. In fact we made 39 findings in that remand review; there were no specific recommendations. The rationale behind that was that corrective services were in the best position to devise the solutions to address those findings. There were 39 findings. A number of those were not accepted. There were nine accepted. A number of others were accepted in principle. We are quite pleased with the engagement with corrective services to date in terms of uptake of some of our findings. For example, they have just introduced a policy on remandees, which is something that has not existed to date. That is a really pleasing aspect. Obviously it will need to be cemented in other ways, in terms of training staff and so on, so we will keep engaging with corrective services on that. It is an ongoing process and I think that is the way the model of the inspectorate—

**MRS JONES:** Works, yes.

**THE ACTING CHAIR:** Ms Minty, there have been some recent media reports—this may be under human rights but I think it is you—that suggest that there are human rights problems with guidelines for prison visits. Is that something that you are investigating?

**Ms Minty:** Do you mean in relation to visitors accessing detainees? Could you be more specific?

**THE ACTING CHAIR:** There were some media reports on human rights issues about both visitors accessing prisoners and prisoners being able to access their visitors. By the sound of things, though, that is not something you are looking into.

**Ms Minty:** No. We are not tasked with the mandate to handle individual complaints. It is very clear that we handle only systemic issues. So where we do receive complaints, we would refer them to either the Human Rights Commission, if it involves a discrimination matter, or to the ACT Ombudsman. But certainly the issue of visits, accessing visitors and standards around visits is very much within the ambit of our healthy prison review, so we will be looking at that.

**THE ACTING CHAIR:** I am trying to stretch my memory back. I think there were some media reports about women being denied access to visit because of the clothes they were wearing.

**Ms Minty:** I am not aware of that specific allegation.

**THE ACTING CHAIR:** I might follow that up with the Human Rights Commission.

**MRS JONES:** Ms Minty, a matter that I will hopefully be raising with the minister as well, time permitting, is some correspondence I have received about a woman inside the AMC with an eating disorder who is struggling because of her vegetarianism to have enough calories in her eating. Is that something that might be assessed in the upcoming review, that type of issue?

**Ms Minty:** Provision of food is well within the grounds of the healthy prison review. We would not follow it up in an individual sense but in the past six months we have been engaging with the community to hear examples like this—if it is true—because individual cases can make up part of a systemic issue—

**MRS JONES:** That is right. I think it is about buy-ups being available in one part of the prison but not the other, and that fresh fruit could be bought but is not able to be bought by that individual. I am not sure if the women's section has access to the same buy-ups as some of the other sections of the prison. I will raise it with the minister as well but I just thought I would now, seeing as you are here.

**Ms Minty:** To clarify, the way we fit in with the official visitors, which often deal with those day to day—

**MRS JONES:** That is right. In fact I believe that issue was raised with the official visitor as well. It is just that there has not been a solution for—

**Ms Minty:** I would be happy to hear further about it.

**THE ACTING CHAIR:** Thank you.

**Hearing suspended from 12.24 to 1.58 pm.**

Appearances:

Gentleman, Mr Mick, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries

Justice and Community Safety Directorate

Glenn, Mr Richard, Acting Director-General  
Pryce, Mr David, Deputy Director-General, Community Safety  
Cvetkovski, Ms Dragana, Chief Finance Officer

ACT Emergency Services Agency

Whelan, Ms Georgeina, Acting Commissioner  
Wren, Mr Howard, Chief Officer, ACT Ambulance Service  
Brown, Mr Mark, Chief Officer, ACT Fire & Rescue

ACT Policing

Johnson, Assistant Commissioner Ray, Chief Police Officer  
Chew, Commander Michael, Deputy Chief Police Officer  
Levay, Ms Nicole, Director, Corporate Services

**ACTING CHAIR:** Good afternoon and welcome back to this afternoon's session of the eighth day of the Select Committee on Estimates 2019-20. There is a pink privilege statement on the table. I note that we have some witnesses who appeared earlier this morning. Minister Gentleman and Ms Whelan could you acknowledge that you have read and understood the privilege statement?

**Mr Gentleman:** Yes, I have. Thank you, chair.

**Ms Whelan:** Yes, I have, chair.

**ACTING CHAIR:** As we are not having opening statements, we will proceed straight to questions. Minister, how does this budget assist the ACT government's front-line emergency service staff in carrying out their role?

**Mr Gentleman:** What we have done this year is provide some initiatives for more staffing in front-line emergency services. We have two recruit courses coming for ACT Fire & Rescue, more paramedic services as well as other services to assist ESA. It is really important that we look at the growth of the territory and the opportunity that this budget provides to support those front-line service workers.

**ACTING CHAIR:** You mentioned the recruitment from two firefighter colleges. Mr Brown might want to come up to the table now. What roles will those 36 new firefighters perform once they are recruited?

**Mr Gentleman:** Yes, we want to ensure the provision of a 24-hour service to the ACT community. It is necessary at times for ACT Fire & Rescue staff to provide that commitment. Some of the staff are now moving towards retirement, so it is important

that we recruit early to be able to support those staff who are moving towards retirement. I will ask the Chief Officer, Mr Brown, to provide you with more detail.

**ACTING CHAIR:** Have you read the privilege statement, Mr Brown?

**Mr Brown:** Yes, I have. The additional firefighters who will be recruited as part of colleges 42 and 43 will primarily be to replace front-line staff who are retiring. After their 20-week training program—the first college will commence next February—they will join their colleges at front-line fire stations across Canberra.

**ACTING CHAIR:** How does the recruitment identify bringing more women into firefighting?

**Mr Brown:** The ESA has a women in emergency services strategy. We have a target of recruiting 50 per cent men and 50 per cent women, should those candidates meet the required standard. So far we have not got to 50-50. With the three recruit colleges that we have commenced since that strategy was put in place, we have managed to recruit 25 per cent women. There is room for improvement but it is still a lot better than we have achieved in the past. We are going to be doubling our efforts to get more women in colleges 42 and 43.

**ACTING CHAIR:** I ask this question across the three prongs of the ESA. I will start with you, Mr Brown. What are the levels of contract versus labour hire, versus permanent staff within ACT Fire & Rescue?

**Mr Brown:** All front-line firefighters are permanent employees. We do not have any contract or labour hire staff in emergency services.

**THE CHAIR:** That is fabulous to hear. I am very buoyed to hear that.

**MRS JONES:** I turn to the additional firefighters and any modelling that you have done of retirement in the cohort that you already have. Have you done any work on that? What is it looking like?

**Mr Brown:** We have. It is difficult to get exact numbers because many people who are about to leave the organisation do not make their intentions clear. However, we believe that once we recruit these additional two colleges, by the end of 2020 we should be very close to our funded establishment.

**MRS JONES:** What does “funded establishment” mean?

**Mr Brown:** That is the number of positions. We are funded to fill all our front-line positions. In the case of Fire & Rescue, it is 338 officers and firefighters.

**MRS JONES:** Just in firefighting?

**Mr Brown:** No, that is shiftwork and day work positions.

**MRS JONES:** All in fires, though?

**Mr Brown:** That is right.

**MRS JONES:** I want to ask about the police numbers. I understand that I should do that in the next section. Is that right?

**ACTING CHAIR:** Yes.

**MRS JONES:** Were there additional ambos in the promise as well?

**Ms Whelan:** Mr Wren, do you want to come forward, please?

**Mr Wren:** I have read the statement, thank you.

**MRS JONES:** How many new ambos are we getting?

**Mr Wren:** Thirty.

**MRS JONES:** When will they be delivered?

**Mr Wren:** The recruitment process has commenced for those 30 people. It is in two components because we target already qualified and trained paramedics and people coming straight out of university. The first component of that is the people who are already qualified.

**MRS JONES:** When will the 30 be delivered?

**Mr Wren:** By the end of the financial year; it will take us—

**MRS JONES:** This financial year?

**Mr Wren:** My apologies; the upcoming financial year 2019-20.

**MRS JONES:** So by the end of 19-20?

**Mr Wren:** Yes.

**THE ACTING CHAIR:** And you, I am assuming, are in the same boat as the rest of the ESA in that you try to target at least 50 per cent women in those recruitment figures?

**Mr Wren:** We are somewhat at an advantage in that, for the past several years, at least two-thirds of our recruitment have been women.

**MRS JONES:** On the retirement side, what is your modelling telling you?

**Mr Wren:** We have not had quite as much of an impact from retirements as the fire service generally. We believe that they are very small numbers each year—maybe two to five per year over the next few years. But it is starting to have an impact that previously we would not have had.

**MRS JONES:** Going back to the fire service, what was the per year retirement for the past few years—say the past three or four years?

**Mr Gentleman:** We do keep an eye on it. Remember the old system of superannuation where you were rewarded if you went at 54 and 11 months?

**MRS JONES:** Yes.

**Mr Gentleman:** We are keeping an eye on that as well.

**Mr Brown:** I will have to take it on notice to give you the exact number of people who retired last year.

**MRS JONES:** We have just heard that it is about two to five on the ambo side. Can you give a rough idea for a start and then take the rest on notice?

**Mr Brown:** I would like to give you the exact number on notice, if I could.

**Ms Whelan:** May I just add, from an overall Emergency Services Agency perspective, that we are now working towards a robust strategic workforce management plan so that we can anticipate what our requirements are, target those areas most in need of operational capability, and ensure that any business cases we put forward are informed by what Canberra's workforce needs are across all four services.

**MRS JONES:** That sounds like some work that should definitely be done.

**Ms Whelan:** And it is work that we already have underway.

**MS LE COUTEUR:** I have a question about ambulance levies. The question is not so much about the dollars, though I see from budget paper 3, at page 237, that you expect to get \$24.7 million from private super, private insurance. I am not quite sure where I find how much you expect to get from people who do not have insurance. Would you know where that is?

**Mr Gentleman:** We might ask our finance expert to come and give you some detail.

**Ms Cvetkovski:** As to a breakdown in private health insurance cover, I will need to take this one on notice. I need to consult with CMTEDD on this. If we need exact numbers, I will need to take that on notice, please.

**MS LE COUTEUR:** Okay.

**THE ACTING CHAIR:** Do you want to repeat the question so that we get it.

**MS LE COUTEUR:** Page 237 of BP3 tells us that, with the ambulance levy, the forecast for 2019-20, \$25.6 million, is paid by the private insurance companies. My financial question is: how much is paid in terms of ambulance user charges apart from that?

**Ms Cvetkovski:** I do not have that with me at the moment.

**THE ACTING CHAIR:** That is okay; I was just making sure that you understood exactly what the question was.

**Ms Cvetkovski:** I understand the question; I just do not have that information with me at the moment.

**MS LE COUTEUR:** My more major question is: why do we have the policy that we have? Looking at your page about ambulance fees and services, if you are a concession card holder, it will be covered; if you have private insurance, it will be covered. The only people who actually pay it are the low income people who are slightly above Centrelink but do not have enough money for private insurance. These are some of the people in Canberra who are doing it the toughest. Why do we have a levy which appears to be 100 per cent targeted at these people?

I will read from your website. It says:

Due to the nature of the ACT Ambulance Service's business it interacts on a daily basis with people who are distressed, injured or in situations which give rise to personal stress. Such circumstances will not in and of themselves, be considered grounds for waiver. Financial hardship is often a component of exceptional circumstances but is not in and of itself grounds for consideration of an exceptional circumstances waiver.

It sounds as though you are never going to get an exceptional circumstances waiver. One of the reasons I am asking this question is that I have had some interaction with constituents who, it would seem to me, could not afford to pay the ambulance levy. It is close to \$900.

**Mr Pryce:** Perhaps we can get the chief officer up. We do actually issue exemptions, if that is what your question is around. When people incur a fee for the Ambulance Service, there are exemptions, and we do issue exceptions, especially in some hardship cases.

**MS LE COUTEUR:** A question on notice could be: how many exemptions have you given? But I just read out your policy there, which sounds as though being neither broke nor stressed is good enough. I am not quite sure what—

**MRS JONES:** What are the criteria?

**MS LE COUTEUR:** Yes. On the basis of what is on your website, there is plenty of information but it does not look as though there is much chance that financial hardship or significant stress are grounds by themselves.

**Mr Wren:** I cannot tell you the exact numbers, but I can say that we get a constant stream of requests for waivers.

**MS LE COUTEUR:** I am sure you do.

**Mr Wren:** There is a range of reasons. If it is financial stress, there is a process that is followed whereby people are offered an opportunity to pay in instalments over a

period of time, if that can be facilitated. Beyond that, if people really are genuinely experiencing severe financial hardship and can demonstrate that, generally by a third-party report from a support service or something of that nature, that will be considered very favourably.

**MS LE COUTEUR:** Can you take on notice how many people applied, how many people got waivers, and how many people were given a pay in instalments option?

**Mr Wren:** Yes, we can take that on notice.

**MS LE COUTEUR:** I only asked for the amount of money that you got from people in terms of payments for ambulance fees but can you also say the number of people who were charged. I suppose we can do it by dividing the ambulance levy amount by the amount you got, but if you could take both of those numbers, that would be good.

**Mr Wren:** The number of people who are invoiced and who subsequently pay their invoice?

**MS LE COUTEUR:** The number of people who are invoiced, and then the amount of money you got in total, yes.

**Mr Wren:** Yes, we can take that on notice.

**MS LE COUTEUR:** More generally—this is a question for the minister—it would appear to me that the only people likely to pay this are people who are in the bottom quartile. They are not in the bottom five per cent, because they do not have Centrelink payments, but they are unlikely to be in the top 50 per cent, because they do not have private insurance. Why do we have a fee, which is—

**MRS JONES:** \$982 from 1 July.

**MS LE COUTEUR:** Yes; it is not an inconsiderable amount of money. It is not \$10 or something. Presumably the ambos make a professional judgement and you do not go in an ambulance unless you have a need to go in an ambulance. Presumably you have been well and truly screened. No-one goes on joy rides in ambulances, to my knowledge, in Canberra. Why are we charging the less well-off people in Canberra quite an amount of money for a medical service?

**Mr Gentleman:** Those who are in any financial hardship have a provision within the Ambulance Service to seek a waiver, as we have heard. There are a number of groups within our community that do not have to pay for the Ambulance Service: school students, pensioners or concession card holders, people in incidents involving motor vehicles on an ACT road or road related area, good Samaritans, persons in lawful custody, minors under care orders, deceased persons, victims of domestic violence, and people in financial hardship or exceptional circumstances. We have talked about financial hardship.

**MS LE COUTEUR:** Your website clearly says:

Financial hardship is often a component of exceptional circumstances but is not

in and of itself grounds for consideration ...

Just being broke is not good enough, according to your website. The general question remains: why do we have this levy, which appears to be only paid by the less well-off of Canberra? What have I got wrong in this analysis?

**Mr Gentleman:** It is paid by all of those except the ones that we have just outlined across the ACT for the use of the Ambulance Service.

**MRS JONES:** But the point Ms Le Couteur is making is that she believes that there is a set of people who cannot afford it but who are nonetheless being targeted by it.

**Mr Pryce:** Ms Le Couteur, I am looking at the words from the website, and we will have a look at that. The intent is not to say that financial hardship cannot be—

**MS LE COUTEUR:** It does say that.

**Mr Pryce:** It says it is not a single component. So someone just saying, “I’m in financial hardship this week,” in and of itself does not mean they cannot pay. As we said before through the chief officer, there are arrangements to pay it off over time if they have a capacity. But there is a whole range of exceptional circumstances including just the discretion of the opinion of the chief officer where he can waive the fee.

I assure the committee that ACTAS has a heart. In the ones I have seen where people have sought exemption for various reasons, we have offered a waiver or have worked with them to lessen their burden. At the end of the day, ACTAS provides a service to support people at a time of critical need, and I want to make it clear that this is definitely not a decision at that point of providing the emergency service or getting them to treatment.

**MRS JONES:** No, but the reality is that it can have an effect on the next time someone needs to call an ambulance.

**Mr Pryce:** It does; and, again, under that same bit on the website five situations are listed, including the opinion of the chief officer, where we can waive the fee, and they are fairly exhaustive. If someone puts forward a case to say that there are certain circumstances, we look at that generally favourably and with a heart.

**Mr Wren:** Every waiver does come to me personally and I have not knocked one back in the time that I have been the chief officer.

**Mr Pryce:** We will give the further detail to Ms Le Couteur’s question on notice.

**MRS JONES:** Minister, while ESA seem to do the very best they can with this policy situation, are you convinced that the exemptions are enough to avoid people taking an ambulance, getting severe bill shock, somehow paying it off and then never calling an ambulance again?

**Mr Gentleman:** I have not seen any evidence of that occurring.

**MRS JONES:** Ms Le Couteur just said she has had conversations with constituents who have had exactly that experience.

**Mr Gentleman:** I would be very pleased if Ms Le Couteur could pass those details to me so we could look at that. As I said, I have not seen any evidence that that has occurred.

**THE ACTING CHAIR:** I have had representations from elderly people who had not realised they could apply for waivers and that once they had realised that and made applications they were looked upon quite favourably.

**Mr Wren:** Absolutely.

**Mr Pryce:** To pick up on what I said before, we will have a look at the website wording again and see whether we can improve that to make it clearer. The intent is not around crippling people with financial burden and hardship after they have suffered some health emergency. Equally, we will take on board the views expressed and look again at the notices we provide to people following an ambulance service to make sure that they understand that there is a provision if exceptional circumstances exist.

I am pretty confident that that is already there, but we will look again at whether we can make that more prominent or more upfront in the face of people so they do not get bill shock just after they have just been through a medical emergency and probably been to hospital.

**THE ACTING CHAIR:** Having gone through it when my son broke his leg, it was quite distressing to receive a bill. However, I must add that there was a very clear provision saying, "Please contact us if you have difficulty." The Ambulance Service was very good and provided me with a payment plan.

**Mr Pryce:** As I say, our intent is not to cause bill shock or to add burdens to people who have just gone through an emergency, so we will look at that.

**MRS JONES:** I am sure that is not your intent, nonetheless it is occurring. I believe 17 financial hardship waivers were made in the 2016-17 year. How do we get to that figure of \$982? That is not the full cost of picking someone up in an ambulance and taking them to hospital.

**Ms Gentleman:** Correct, it is not the full cost.

**Mr Wren:** It is rather complicated because it factors in a component for the standby; it is not just the cost of the actual incident and attendance. There is a background cost because regardless of whether the ambulance does a case there is a cost. This was calculated a number of years ago and—

**MRS JONES:** So you mean that into the cost is factored the existence of the service and that it is waiting to go?

**Mr Wren:** Yes.

**MRS JONES:** That seems grossly unfair to the person who calls it when it should be the business of taxpayers in general to have the system ready to go.

**Mr Wren:** I can only advise what I know.

**MRS JONES:** I want to go to ambulance response times. In 2018-19 the accountability target for priority one incident response time 50th percentile was eight minutes. The estimated outcome is 9.1 minutes, over one minute slower than the target, for the second year in a row. Why was the target not achieved?

**Mr Gentleman:** I am very pleased to say that we have some of the fastest response times in the country. We have seen the demand on ACTAS services increase. This is why we have increased resourcing for the service. I will hand over to the chief officer to give you more detail.

**Mr Wren:** As the minister said, our response times are towards the top end of response times nationally. It is essentially a case of increasing demand year on year, a situation which faces every ambulance service. Within the past three weeks we have put on an additional resource to address that. Over the next 12 months we have the additional 30 paramedics and that will also address the increasing demand.

**MRS JONES:** Note d under table 23 on page 18 of budget statements D says priority one records that are incomplete due to operator or system errors or where incidents are outside the ACT or where the priority rating has been changed are excluded. I have been informed that priority ratings are at times changed by drivers and not by the call centre. How often does that occur?

**Mr Gentleman:** They are changed by paramedics, and we give the flexibility to the paramedic crews heading out to the call as to whether that priority remains as given or—

**MRS JONES:** How would a paramedic on the way to a call know if the priority changes?

**Mr Gentleman:** We are just about to explain that for you. We have looked at the functionality of the ability for them to look at priority changes on their way out. Current practice is for priority one cases to be initially graded by the call taker; that is in the clinical dispatch guidelines. The case may be subsequently re-graded by a paramedic communication centre clinician.

Under the Australian road rules an ambulance crew must consider whether, based on the information provided by the Comcen, the case is reasonable to treat as a priority one. If the ambulance crew do not consider the information reasonable, they are required to seek clarification from the Comcen. If there is no additional information, the crew is able to re-grade the case to priority two.

**MRS JONES:** Nonetheless, I have a couple of questions. First of all, if the clinician in the call centre believes that the case should be priority one, under what possible

circumstances could the ambulance crew on the way to a job think that it should become priority two? Secondly, why would you not include those numbers in the records?

**Mr Wren:** In respect of the first part of the question, if the clinician believes that the case should remain as a priority one, then it will remain as a priority one. There is a capacity for the clinician to override the crew's decision. But generally speaking, this—

**MRS JONES:** But aren't they generally off to the next case by that stage?

**Mr Wren:** No, not necessarily. That does not happen all that often. The main reason that this happens is that the case has gone out to the crew as a priority one based on the first allocation of priority, if you like. The crew have seen this. They have started the case as a priority one and they have read further information on the mobile data terminal and decided that it may not necessarily meet the criteria. They will then check back. If there is no additional information, they are permitted to downgrade the case.

**MRS JONES:** So they are in disagreement with the clinician.

**Mr Wren:** Sorry?

**MRS JONES:** So they are in disagreement with the clinician?

**Mr Wren:** No, they are in agreement with the clinician if—

**MRS JONES:** So it is done in consultation with the clinician—

**Mr Wren:** Yes.

**MRS JONES:** that the priority one gets downgraded; always?

**Mr Wren:** Yes, unless the clinician does not involve themselves in it, which occasionally they will not.

**MRS JONES:** Explain to me how the clinician could be not involving themselves in a downgrade.

**Mr Wren:** That may be the situation where they are looking at another case or talking to another caller.

**MRS JONES:** So they are on to the next case. Then it is up to the drivers—

**ACTING CHAIR:** Paramedics.

**MRS JONES:** Yes, okay.

**Mr Wren:** Yes, they are all paramedics.

**MRS JONES:** who are on their way to a case to downgrade it—

**Mr Wren:** Yes.

**MRS JONES:** and the clinician may not see that because they may be busy doing something else—just to clarify.

**Mr Wren:** That is correct. It can happen like that occasionally. However, can I also say that the crews are able to upgrade cases as well? That does not happen as frequently—

**MRS JONES:** No, I am sure it does not.

**Mr Wren:** but it does happen.

**MRS JONES:** How many cases were excluded because the priority rating was changed in the reporting period?

**Mr Wren:** I would have to take that on notice. I cannot tell you that off the top of my head.

**MRS JONES:** Please do. Can you give me the information for the financial year before as well? We spoke about the decision-making process for a paramedic to downgrade a P1 incident and the fact that there is sometimes oversight, but if the clinician is busy there may not be. Does the downgrading of a P1 to a P2 incident have to go back to Comcen? It does not, does it?

**Mr Wren:** Yes.

**MRS JONES:** So it is reported on the system but it does not need a tick off from Comcen.

**Mr Wren:** It does not need permission but they are required to check that there is not any additional information that may not have made it to the MDT. There can be a number of reasons for that but they are required to check that there is not information that they have not got.

**MRS JONES:** Have there been any studies or internal work done on the situation of when cases are downgraded? Do you have a body of work on that of your own?

**Mr Wren:** Yes, from several years ago we have.

**MRS JONES:** When was that completed?

**Mr Wren:** The last time was 2015. However, since then, on a case-by-case random case review, the allocation of the correct priority is one of the things that is reviewed.

**MRS JONES:** You check?

**Mr Wren:** Yes.

**MRS JONES:** Can you report back to the committee with a copy of the 2015 report?

**Mr Wren:** Yes, I can.

**MS LAWDER:** Mrs Jones has asked about how many cases were excluded because of priority rating. You said you would take that on notice. Could you break that down into how many were downgraded, how many were upgraded, for example, from a two to a one, and also how many were downgraded or upgraded with and without the consultation with the clinician?

**MRS JONES:** Do you record that?

**Mr Wren:** Again, there are two parts to the question. It is actually a little harder for us to check the number of cases that were upgraded. That is not as easy to do. We cannot break down by whom and at what point the case was downgraded. All we can say is that subsequent to the allocation of the original case, there was a change in the grade. We cannot break that down because it is frequently done over the radio.

**MRS JONES:** Okay. To wrap up, when you refer to some of the best response times, are you comparing response times on a territory versus state level or a metropolitan versus metropolitan level?

**Mr Wren:** That is capital city—

**MRS JONES:** So it is metropolitan versus metropolitan?

**Mr Wren:** Yes.

**MR PETTERSSON:** Can I get an update on what training has been provided to firefighters in responding to incidents with light rail.

**Mr Brown:** Thanks for the question. The training for firefighters responding to light rail incidents is ongoing. We have general awareness training that is still being conducted. It is conducted every Friday afternoon in consultation with Canberra Metro personnel out at the Mitchell yard. That is general familiarisation around safety on the rail corridor and the operation of the rail operations centre. In addition to that, we are training all our rescue accredited officers in the new equipment we purchased to actually lift the light rail vehicles. That is being rolled out as we speak. I can provide numbers but I will have to take that on notice.

**MR PETTERSSON:** The numbers would be great. In terms of training and equipment, is that actually using the equipment or being told how to use the equipment?

**Mr Brown:** No, it is actually using the equipment. We have conducted a number of operations out at the Mitchell yard where we have lifted the rail cars. Then, when we train other staff, we are lifting a container so they can actually simulate lifting a rail car using the same hydraulic and airbag equipment.

**MR PETTERSSON:** I remember a figure from earlier that there were eight trained instructors in—

**Mr Brown:** Rescue instructors; that would be correct.

**MR PETTERSSON:** Is that still the same number?

**Mr Brown:** I would say it would be correct, yes.

**Mr Gentleman:** And we have 89 ACT Fire & Rescue personnel who have completed the familiarisation session on the light rail cars, which includes cabin access and controls, lifting points for rescue, electricity supply and safety within the light rail corridor. The delivery of familiarisation sessions has been prioritised for the technical specialists within ACT Fire & Rescue as well. These specialists are associated with the rescue equipment required to respond to the light rail rescue incident at those key locations. Those sessions are ongoing and commenced on 13 September 2018. They take place on Friday afternoons when Canberra Metro is able to facilitate it.

**MR PETTERSSON:** The numbers that I can recall from the community discussion a couple of months back when we watched a PowerPoint presentation are that 89 had dealt with the presentation about lifting points. But you are now talking about people getting hands-on experience with the equipment. That is what I really want to know about. I understand that you are going to provide those numbers?

**Mr Brown:** Yes, we can provide those numbers.

**MRS JONES:** The training every Friday afternoon is for one hour, isn't it? Is that correct?

**Mr Brown:** It is really variable. It is dependent on what the crews want to do and the capability of the Canberra Metro people to extend it. I would say that, at a minimum, it would be one hour.

**MRS JONES:** Is it 89 people who have done that, or 200 that have done that?

**Mr Brown:** No, that figure of 89 was some time ago. I will provide updated figures.

**MRS JONES:** Let us say it is double that, even, which is 160 or 180 or so people; how many firefighters do we have?

**Mr Brown:** Officers and firefighters: 338.

**MRS JONES:** Three hundred and thirty eight; so less than half have done the familiarisation, but those people are being put on shifts all over the city now without having done the familiarisation?

**Mr Brown:** Remembering that while the light rail vehicles are shiny and new, all of our firefighters are trained to lift heavy vehicles, whether they are—

**MRS JONES:** But not under electrical wires?

**Mr Brown:** Yes, they are. It is all part of the safety training that we deliver to firefighters to operate out there—

**MRS JONES:** Are the lines above the light rail vehicles at the same height as the power lines?

**Mr Brown:** Firefighters are trained to look at those hazards.

**MRS JONES:** No, I asked a very direct question: are the electrical wires above the light rail vehicles of the same height as our power lines in the ACT?

**Mr Brown:** No, they are—

**Mr Gentleman:** We will take that on notice and come back to you with the—

**MRS JONES:** I would have thought that if familiarisation courses have been done, someone sitting here would know if they are at the same level or not. Do you not know, Minister Gentleman?

**Mr Gentleman:** What I was going to say is that we will take it on notice because there is a national code for the fitment of electricity poles and wires, whether it is for light rail, whether it is for supply for domestic use or whether it is high-voltage use.

**MRS JONES:** Blind Freddy can see that those light rail lines are a hell of a lot lower than power lines. If the answer to whether people have been properly trained to operate underneath them is that they have done general training for electricity wires, it is not the same thing. One-hour training for fewer than half of our firefighters to familiarise themselves with the general situation, and perhaps nothing like that number having actually done physical practical training in this space, leaves a lot to be desired, doesn't it, now that these things are actually operational and we have had accidents already?

**Mr Gentleman:** Mr Brown has answered your question, in that they are all trained—

**MRS JONES:** They certainly have not all been trained. That is not what Mr Brown said. Mr Brown said that somewhere above 89 people—

**THE ACTING CHAIR:** Mrs Jones, do you have a question?

**MRS JONES:** Yes—have finished the familiarisation training, and you cannot give me an updated figure on what that is.

**Mr Gentleman:** We will take that on notice.

**MR PETTERSSON:** In the best case scenario of someone who is a regular firefighter and has undergone all of the training made available to them, what are those different components? There is a PowerPoint presentation, there is familiarisation—

**Mr Brown:** There is on-site familiarisation, and there is actual—

**MR PETTERSSON:** That is the Friday afternoon session?

**Mr Brown:** Yes; and there are actual lifting techniques using the high-capacity hydraulic tools and airbags that were purchased specifically for the light rail.

**MR PETTERSSON:** How comprehensive is that? Is that one-day session training or is that—

**Mr Brown:** Off the top of my head, I would say it would be close to half a day, but I can clarify that.

**Mr Pryce:** Mr Pettersson, don't forget that they are on top of all of the skills, capabilities and training that firefighters get throughout their career, and safety is the first aspect. Before they go onto any scene, they are making risk assessments on safety. We are talking about firefighters who go into live buildings, with electricity, so the first thing is to make the environment safe.

**MR PETTERSSON:** I understand that, but when firefighter representatives, these people that you do hold up, raise these concerns with us, that is also indicative.

**Mr Pryce:** We understand that.

**MS LAWDER:** I want to ask about ambulance crewing. Budget paper 3 at page 126 talks about \$65,000 budgeted for scoping service delivery and models of care for the ACT ambulance service. Could you explain how that \$65,000 will be spent and what you are including in that?

**Mr Wren:** Yes. The proposal is that we will engage the services of an experienced consultant to look at some options that we can implement, rather than just sending two paramedics in a large truck to every case. There has been quite a lot of work done interstate, and we would like to leverage off that.

**MS LAWDER:** What are the minimum crew levels that you have allocated for each day and each shift under your model of crewing?

**Mr Wren:** This was the subject of considerable change and review over recent years. Rather than having an absolute, set number, we moved to a model that allows a little bit more flexibility. The reality is that we still aim to have a minimum of 10 ambulance crews on, as a minimum. The minimum is considered to be an overnight number, and during the course of the day we put additional crews on to meet demand because the demand increases across the peak of the day.

**MS LAWDER:** I think you said in your first answer that the study will look at interstate models which will include the crewing. You mentioned whether two people going to each—

**Mr Wren:** Essentially, there are a number of components to it. One is that you divert a case before it actually requires any ambulance response. That implies that you have a range of other services available to refer people to. The other model is that you send

an ambulance resource but it is not a traditional, two-person, stretcher ambulance. That resource may have a range of different capacities.

**Mr Gentleman:** Some jurisdictions have motorcycle paramedic delivery.

**THE ACTING CHAIR:** Yes, Sydney does; I saw that the other day.

**MS LE COUTEUR:** Melbourne does.

**Mr Gentleman:** That allows them to get to a patient quicker through traffic. Of course, they will not be able to carry the patient in that case, so they have to make that decision before they implement the system.

**Ms Whelan:** The use of the consultant is to allow us to have an evidence-based model and to inform our decision-making, optimise the number of ambulance personnel we have, and make sure we provide the right crewing levels to the right jobs.

**MRS JONES:** Just to clarify, the minimum crewing level is 10 overnight and higher during the day?

**Mr Wren:** Yes.

**MRS JONES:** What is the new crew level for during the day?

**Mr Wren:** During the day, at the moment it is 14.

**MRS JONES:** Is it different on different days of the week?

**Mr Wren:** Not at this stage. We have not made any modifications for day of the week.

**MS LAWDER:** Based on the 10 overnight and the 14 during the day currently, can you advise the committee how many shifts since October 2018, broken down by month, have fallen below the minimum crew level?

**Mr Wren:** I would have to take that on notice.

**MS LAWDER:** Following on from that, I am interested in staff who may be on leave relating to stress, whether it is PTSD or other mental health conditions. How many are currently on leave relating to mental health conditions?

**Mr Wren:** Again, rather than mislead you, I will take that on notice, just to get an absolutely accurate number.

**MS LAWDER:** I am also referring here to the Senate education and employment references committee report: what response or actions have you taken in relation to the findings and recommendations of that report?

**Mr Gentleman:** We want to provide the best welfare for our ACT ambulance service. They are a front-line service, and they often see trauma every day. We are looking to be able to provide better resilience and wellbeing for the services, to see whether they

are detecting and responding to threats, for example, and there is the effectiveness of governance on wellbeing as well.

**MRS JONES:** But what have you done since the Senate inquiry?

**Mr Wren:** Over the past 12 months we have implemented a peer support program. We have provided a number of specific training initiatives around people self-identifying where they are at and also being able to pick up more readily concerns that they may notice in some of their colleagues and peers. We have also put in place a program that goes by the acronym MANNERS which attempts to minimise people's exposure to possibly distressing activity. That is the first component of it.

**MRS JONES:** What does MANNERS stand for?

**Mr Wren:** Again, you catch me somewhat—

**MRS JONES:** Sorry.

**Mr Wren:** The first bit is “minimise”, which is one of the really important ones, but I would have to let you know what the rest of the acronym stands for.

**MRS JONES:** Could you take that on notice; and how that is taught to people, essentially, would be great to know.

**Mr Wren:** It was delivered as part of our in-service training, so it was face to face. It is a program that was developed by the ambulance service in Victoria specifically for paramedics.

**MRS JONES:** Perhaps you can give us a summary of what is in that training.

**Mr Wren:** I can do that on notice, yes.

**MS LAWDER:** Are MANNERS and the peer support the same thing, or two different things?

**Mr Wren:** They are very different activities.

**MS LAWDER:** What results have you seen? Have there been more incidents reported? What has been the outcome?

**Mr Wren:** One of the issues with these things is that it takes a long time for you to see an absolute result. We do not expect to see a dramatic change in the number of people who are reporting issues with their emotional wellbeing in the short term. What we do have is a lot of very positive feedback from our staff that what contact they have had so far with the peer support program has been very positive. Also they have found that the MANNERS program, for example, has also been well received. They see it as being useful and they are very willing to engage with it, which is very encouraging.

**Mr Gentleman:** On top of those programs we have the straight talk program, the

psychological screening support and the chaplaincy program.

**Ms Whelan:** What is important to note is that it is a whole-of-agency approach. We have a full-time staff member now who is setting up a health and wellbeing area, who is overseeing the rollout of the services not only for ACTAS but also for the whole of the agency, because it is driving a very positive cultural change.

We do have data on the number of peer support members we have had trained across three of the four services—we have the Rural Fire Service to go—and we have very good statistics on the number of times our members are contacting a peer for that support. We would expect to see a spike initially because we are encouraging people to come forward. We are monitoring those numbers, and each of our chief officers will then receive a de-identified summary so that we can have a health check on the status of all four of our services and our enabling support. We have just finished with Fire & Rescue in the past week and the feedback has been overwhelmingly positive.

**MRS JONES:** Do you have a program for recovery from PTSD? From my understanding, current psychological practice is that if someone goes through the process of recovery essentially they can then become a better operator, where they do not necessarily slip back in because they have learned where their mental limits are.

**Ms Whelan:** There are a number of approaches that we are taking to this. The first one is we have been partnering with the ADF in Canberra of late, and we have had a number of our staff members attend the arts program which is actually about the road to recovery, building resilience and confidence and then looking to work with those individuals to transition them back into the workplace. We have a number of members who are working in non-operational roles because we are encouraging them to remain in the workplace for a positive and healthy attitude. I would suspect that the data we are now gaining as a consequence of the rollout of more formal programs will inform us as to how we can better work in a multi-disciplined approach to bringing our staff members back. We are also identifying positions in the ESA that are ideal for members on a return to work program so we can ease them back into their operational roles.

**MRS JONES:** To clarify the questions on notice, are you able to give us how many ambulance officers are currently employed and what that number will get to after the additional 30, if that is right, that you are recruiting by the end of the financial year. You took a question on the number of shifts below minimum occurring since October 2018. Could you also break it down by day shift versus night shift?

**Mr Wren:** Okay, I will take both of those on notice.

**THE ACTING CHAIR:** Thank you. Witnesses, could you please get the answers to questions taken on notice to the committee support office within five working days of the receipt of the uncorrected proof *Hansard*.

**THE ACTING CHAIR:** We will now hear from ACT Policing. Could you please acknowledge the privilege statement that is on the table? Assistant Commissioner Johnson and Ms Levay, if you would not mind doing that now?

**Asst Commissioner Johnson:** I note the privilege statement.

**Ms Levay:** I acknowledge the privilege statement as well.

**THE ACTING CHAIR:** As we are not taking opening statements we might go straight to questions. Minister, how will this budget ensure the public safety of Canberrans through an ACT Policing lens?

**Mr Gentleman:** Through this budget we have begun transitioning towards a police services model for the ACT community with the recruitment of over 60 new police personnel over the coming years. That model will see ACT Policing deliver a more visible, connected and efficient police service. The new investment will support policing to deliver a system-wide approach towards crime prevention, disruption and response activities supporting our efforts to reduce, of course, our recidivism target of 25 per cent by 2025.

We have looked at how this model can operate in other jurisdictions. We have seen success. We have worked very hard with ACT Policing over the past couple of years to move forward to bring in this model and to fund it through this budget.

**THE ACTING CHAIR:** Will there be any additional police officers in this budget?

**Mr Gentleman:** Yes.

**Asst Commissioner Johnson:** Yes, there will be.

**MRS JONES:** How many?

**Asst Commissioner Johnson:** I think, of the 60-odd FTE that we talked about, by the end the vast majority will be operational and the vast majority of those will be sworn police officers. At this point I could not say exactly how many because there will be particular positions that might be either a sworn police officer or an unsworn officer in particular skill sets. But the vast majority will be.

**THE ACTING CHAIR:** How will the priorities of this budget assist with lowering the rates of crime and recidivism in the ACT, as the minister just outlined?

**Asst Commissioner Johnson:** The purpose of the policing services model was to try to look at how we might be able to provide a service that is aimed at prevention more than response over some years. I think in previous fora and publicly I have noted the fact that our priority two calls particularly have increased 30-odd per cent over the past five years, which has impacted on our ability to continue doing what we do in terms of responses to the community.

The plan, through the policing services model, is to use other ways to try to solve more holistically problems within the community, work more with the vulnerable and where we can intervene early or be proactive we think we can reduce the calls for service. A large number of those calls for service are not always crime related. For example, in the space of mental health or family violence, where we can do something that solves the problem, we may not need to return as many times as police do.

**THE ACTING CHAIR:** Is this model something new that you are trying? Has it been something that you have seen in other jurisdictions?

**Asst Commissioner Johnson:** We have seen it work in other jurisdictions. Jurisdictions both in Australia and overseas have tried it in different ways and with different approaches, and everybody has got their own context. I guess what we are doing is adapting it to our community but in ways and shapes that have worked in other jurisdictions.

**Mr Gentleman:** I think we have seen police start to work in a different way, particularly with our most vulnerable in the community. A really good example of that was—it was just last year, I think—with the Indigenous community event at the front of Old Parliament House. Some of the Indigenous community went into The Lobby Restaurant and staged a bit of a protest in the restaurant.

Previously you may have seen police simply go in, arrest the offenders and detain them. Instead of that, police sat down with the Indigenous community out the front of Old Parliament House and went through their issues. It went quite calmly, without having to arrest those offenders. You will see a bit more of a change, with this new policing service model, in the way we deal with our most vulnerable in the community, thinking about community first.

**MRS JONES:** You mentioned that, of the 60 new policing personnel, the majority will be operational and the majority of them will be sworn officers. If there are 60, the majority of whom are operational, will it be 40 or 50 or something like that?

**Asst Commissioner Johnson:** Without holding me to it exactly, I think it is about 68 or 69 FTE in total. I would say probably 60 would be sworn.

**MRS JONES:** You have announced over 60 new personnel?

**Asst Commissioner Johnson:** Yes, over 60. I guess what I am allowing for is the opportunity where we want specific skill sets, which might be contracted, for example.

**MRS JONES:** It is not an increase of 30 sworn and 30 unsworn or something like that?

**Asst Commissioner Johnson:** No, I would not see it that way. I think the best example will be operationalised intelligence. One of the first things we are working on this year is to set up the operationalised intelligence centre, which basically gives us 24/7 intelligence capability and support of operations. They could, and most of them probably will, come from the sworn ranks. Some of them might be recruited externally as specialist intelligence people who may not be. Some of the exact numbers will be a bit dependent on opportunity, who might be interested and other things. There is a good example. At least one of them is planned to be a psychologist. That will be one who probably will not be a police officer. Again, it is hard to be sure on the figures but I would have thought certainly into the 50s, if not up into the 60s, will be sworn police officers.

**MRS JONES:** How was this number arrived at and when will the new numbers be delivered?

**Asst Commissioner Johnson:** The final year of the budget measure will see the full number. It will build from here on through. This year, I think you can see in the budget lines, it is about \$2.2 million, which obviously will be less in terms of people, but it gives us a chance to plan and be sure that we have got ourselves ready for future recruitment. Obviously to be ready and have recruits come online from even next financial year we will have to have them in the college in January. We are tuned in for a course to start in January already.

**THE ACTING CHAIR:** How long does the course go for?

**Asst Commissioner Johnson:** About 25 or 26 weeks. It is pretty much six months.

**MRS JONES:** Will any of the new personnel be stationed at Gungahlin station?

**Asst Commissioner Johnson:** Potentially.

**MRS JONES:** But you have not decided?

**Asst Commissioner Johnson:** We have not finalised that yet, no.

**MRS JONES:** On notice, could you please provide me with a breakdown of how the \$34.9 million will be spent over the four years, as much as you have decided?

**Asst Commissioner Johnson:** Yes, we can do that for you.

**MS LE COUTEUR:** I have a question on page 5 of budget statements D. It is about crime-related community safety strategic indicators. I am interested in some more breakdowns of this. First, can I confirm that this is not specifically ACT data but is Australian data?

**Asst Commissioner Johnson:** I am not sure what data you are referring to.

**MS LE COUTEUR:** As I said, page 5 of budget statements D: Strategic objective 2, safe community. It refers to crime-related community safety.

**Asst Commissioner Johnson:** I have the table you are looking at now.

**MS LE COUTEUR:** First, am I correct in believing that these are not Canberra figures but Australian figures?

**Asst Commissioner Johnson:** The figures do not look familiar to me in terms of what ACT Policing has in their purchase agreement. The measures are familiar, certainly.

**Mr Pryce:** This is part of a national survey of community satisfaction with policing. It is a landline phone call. We have people who are involved from Canberra who inform this. The problem is that it is a small sample size and they may not be wholly

representative of the demographics. They do their best. It is part of a national survey, but people are polled from here, if that is what you are asking.

**MS LE COUTEUR:** It is part of a national survey, but this is not just the Canberra part; this is the national survey figures that you are giving me. That is the question I am trying to ask. Do we know the answer?

**Mr Pryce:** These are ACT.

**MS LE COUTEUR:** These are ACT only figures, compared against the national.

**Mr Pryce:** Compared against the national.

**MS LE COUTEUR:** Compared against the national? Are we on a different table? I cannot see where it is compared against the national.

**MRS JONES:** Targets and outcomes.

**MS LE COUTEUR:** If it is compared against the national, you are somewhere other than me.

**Mr Gentleman:** We are just getting some more information for you.

**MS LE COUTEUR:** Budget statements D, page 5.

**Mr Gentleman:** Whilst we are getting that, I do have specific statistics from the ACT. These are crime trends from 1 April 2018 to 31 March 2019. The number of offences reported between those dates shows a decrease of 6.5 per cent or 2,293 offences when compared to the previous 12 months.

**MS LE COUTEUR:** Mr Gentleman, can you maybe take these really interesting figures on notice. It is a bit too hard for us to try to write our own table.

**Mr Gentleman:** I was just doing it while the information was coming out.

**Mr Glenn:** Ms Le Couteur, if I can answer your direct question, these are ACT figures drawn from the national survey.

**MS LE COUTEUR:** Thank you.

**Mr Glenn:** The caution that we state against them is that they are a small sample size out of a national survey, which may not be 100 per cent.

**MS LE COUTEUR:** Given that it is a small sample size, you may not be able to answer this, but do you have any gender disaggregated data for this?

**Mr Pryce:** No, I do not.

**Mr Glenn:** I am not sure if the instrument itself has that.

**MRS JONES:** Can you take that on notice?

**Mr Pryce:** We will take it on notice. It is a national survey conducted by an external survey group; I am not sure they disaggregate it.

**Mr Glenn:** I am told no.

**MS LE COUTEUR:** I assume then that you also do not break it down between day and night? That would be very interesting.

**Mr Glenn:** Other than the perception of safety measure, which talks about people's safety during the night and during the day.

**MS LE COUTEUR:** Yes, particularly that one.

**Mr Glenn:** There are two different measures there.

**MS LE COUTEUR:** You have people at night; you do not have it by day.

**The ACTING CHAIR:** It says "by themselves travelling on public transport during the night".

**MS LE COUTEUR:** They are all night.

**Mr Glenn:** Indeed, yes.

**MS LE COUTEUR:** You have night. Did you do day as well or do you just assume that everyone feels safe during the day?

**Mr Glenn:** I will need to take that one on notice.

**MS LE COUTEUR:** Sorry, I should have said it more clearly. Have you done any work on what is a very surprising figure to me: that people feel a lot safer walking around their neighbourhoods at night than they do travelling on public transport? Given that the buses all have CCTV on them, as far as I can see, and the bus interchanges have multiple CCTVs in them and some of them are even quite close to police stations, have you done any work on why only around half of us feel safer walking around our neighbourhoods at night than we do when we are travelling on public transport? Given what would seem to me to be the greater safety, given what I was talking about with the CCTVs and police on public transport, why is it so?

**Asst Commissioner Johnson:** I am generally not sure why it would be so. We can certainly have a look at that data, but I think that even with what we would have, it goes to public perception, not, to some degree, public reality. I could not explain why there was such a difference.

**MS LE COUTEUR:** Given that it is one of your strategic indicators, I assume it is something that you are trying to do something about?

**Asst Commissioner Johnson:** Yes.

**MS LE COUTEUR:** What are you doing on this?

**Asst Commissioner Johnson:** We talk about community. The transport community is one of the classics for it. We might often think about community as a geographical location, but as we plan our future service model, community is also those who are travelling on public transport at any one point in time. Part of our police services model into the future is how we support Transport Canberra and better ensure that people feel safer on the buses, light rail and others—as much as they are actually safe. Some of that is going to be profile related. We hope that our policing services model reforms will be high profile. We will have more police officers visible. We should be able to do that in the communities where people feel less safe, and that will include places like buses and light rail.

**MRS JONES:** There was a US city that instigated free travel for people in uniform. It got them onto public transport when they were on the way to and from work as well. They did that to change the perception of public transport.

**Asst Commissioner Johnson:** I think it is still the case in Sydney, for trains and the like.

**MS LE COUTEUR:** It is a whole other area. I will not go down that particular rabbit hole.

**MRS JONES:** I turn to the police station upgrades. The budget paper states on page 158 that a little over \$9 million will be spent on upgrading ACT Policing facilities that are housed in ACT government-owned buildings to ensure that they are fully accessible for people with disability and mobility impairments. What exactly are the upgrades? I also want to make sure that I have not missed something. Am I correct that these do not include soft interview rooms for Gungahlin, a lunch room for Gungahlin or a fix to the leaks in the windows of the meeting room in the city police station?

**Asst Commissioner Johnson:** The exact specifics of those I cannot be sure of. I will hand over to Nicole to answer that question in more detail. The \$9 million-odd is for urgent unavoidable repairs across the building.

**MRS JONES:** Repairs, right.

**Asst Commissioner Johnson:** Repairs might be the wrong word; urgent and unavoidable building works. It is whatever fits into urgent and unavoidable to ensure that they are fit for purpose, but I will hand over to—

**MRS JONES:** I am sure that the personnel working out of Gungahlin would think that having a lunch room was pretty urgent but, anyway, go on.

**Asst Commissioner Johnson:** Yes, and I think perhaps the issues around Gungahlin we were planning to do some work on, anyway. There are things we think we can do, anyway. However, I will hand over to Nicole and she can answer the question.

**Ms Levay:** In relation to the \$9 million, a lot of it is to do with where there is non-compliance with the fire system. It is also for accessibility: ramps. It is making sure that the ramps are correct and for handrails. There is emergency lighting, external and internal.

**MRS JONES:** Is that at Belconnen or—

**Ms Levay:** It is across all of our accommodation. In relation to Gungahlin-specific, we are looking at how we can make that more usable for our workforce. There is currently a small allocated area as a lunch room—

**MRS JONES:** I have seen it.

**Ms Levay:** which we—

**MRS JONES:** It is not a room.

**Ms Levay:** No.

**MRS JONES:** It is a part of the office.

**Ms Levay:** Yes. We are looking at introducing wi-fi there as well so that they can make use of the conference rooms. They can use that as an overflow at Gungahlin as well.

**MRS JONES:** It is a very small police station for a very big area now.

**Ms Levay:** But with the police services model also, the intent is that, with the mobility platform solution that we have introduced, we are looking at our workforce being more mobile.

**MRS JONES:** Understood.

**Ms Levay:** So there will be less need to actually go back to the stations.

**MRS JONES:** I am not sure the personnel I have spoken to would agree that having a lunch break out in the community is quite the same as being able to decompress in a lunch space where there is no work going on and where you are not being pestered or asked something. It is just worth considering.

**Asst Commissioner Johnson:** The challenges at Gungahlin station are not lost on me. We understand those challenges and we will work as hard as we can to make the space that we have got as usable as possible.

**MRS JONES:** Make an appeal to the minister as well to understand and pay attention to those problems, yes.

**Asst Commissioner Johnson:** I think, certainly now that we have got the policing services model in our future sights, the conversation around police stations is something we need to have with government—what is the profile now, noting that the

model—

**MRS JONES:** I know Ms Cody has a supplementary, but then I want to come back to finish the questions.

**Mr Pryce:** Can I add to that? The directorate is working very closely with Policing around a master accommodation plan and the future needs. As the chief officer just said, this is in parallel with the transition to the police services model, noting that that might change some of how that is delivered—what is the infrastructure that is needed to deal with it? We are doing a bunch of work with the minister and through ACT Policing to project the future needs, similar to what we have done with the ESA around future fire stations and whatnot. It is the same: is it the police infrastructure that we need to support their future model?

**MRS JONES:** It occurs to me that a lot more thought has gone on with the fire brigade over the last few years than has gone on with the police.

**ACTING CHAIR:** I am not sure who is best to answer this question. I note that Ms Levay said—maybe it was you, Assistant Commissioner Johnson—that some of that money was going to urgent and—

**Asst Commissioner Johnson:** Unavoidable.

**ACTING CHAIR:** Unavoidable, thank you. I drive past the Tuggeranong police station a fair bit. I notice they have big concrete blocks—

**Asst Commissioner Johnson:** They are concrete bollards.

**ACTING CHAIR:** Bollards, yes. I was going to call them bollards but I was not sure. Is that some of the other work that you will be looking at? I do not know why there are big bollards there, but I am assuming it is because there is a risk to traffic being able to breach the building.

**Ms Levay:** That was under the protect ACT Policing budget appropriation in 2016-17, I think it was. That is to protect so that there are no car ram raids into the building, yes.

**Asst Commissioner Johnson:** I think there may have been something actually at Tuggeranong that predicated that at some point in the past.

**MRS JONES:** That is why we have big flower pots outside our building too.

**Asst Commissioner Johnson:** Yes.

**ACTING CHAIR:** I assumed that was the case, but I thought I would ask.

**MRS JONES:** In respect of the mobility platform you referred to before, that is smartphones, I presume?

**Asst Commissioner Johnson:** Yes.

**MRS JONES:** So they can do reports as they go.

**Asst Commissioner Johnson:** It is a range of things, but certainly one part of it is smartphones and a unified communications platform.

**MRS JONES:** I have had a report that the new recruits could not fit at the Gungahlin station. Is that in any way correct?

**Asst Commissioner Johnson:** Could not what, sorry?

**MRS JONES:** That the new recruits were not able to be housed to work from the Gungahlin station.

**Asst Commissioner Johnson:** If we did not put new recruits in there—I am not sure whether that is the case—it would have been because the roster was full. We can certainly take that on notice. If we could not house them, it would be because the roster was full, not because of any other reason.

**MRS JONES:** Finally, on the progress of the futures program that you mentioned a moment ago, when are we planning on that being completed?

**Asst Commissioner Johnson:** The futures program, the broader program of work?

**MRS JONES:** First of all, the design, I suppose. When is that? I understand that there is a sort of a concept process underway. Is that correct?

**Asst Commissioner Johnson:** I guess there are a number of parts to futures, much of which has already been delivered. An example is the unified operations communications phone. The platforms that it provides us with are being delivered as we speak. There are some other things that are already being delivered. We are on the futures journey already.

In respect of the transformation to the services model, quite a bit of planning is already in place. But we are now at the point where, without the certainty of funding and planning over the next four years, yes, we are at the point where we have a broad plan, absolutely, but it is now just delivering it, to be fair.

**MRS JONES:** I had better ask for a briefing on the futures program, because it is the answer to a lot of things, apparently, but I do not know what the details are.

**Asst Commissioner Johnson:** Yes; we would be happy, through the minister's office, to do that for you. That could be a longer conversation than is possible in the time we have. We would be very pleased to do that for you.

**THE ACTING CHAIR:** Maybe we could have one for the committee, Mrs Jones.

**MRS JONES:** Yes, absolutely.

**THE ACTING CHAIR:** The other committee.

**MRS JONES:** Yes, the whole committee. Is it still your expectation, as stated in estimates last year, minister, that you will accept the recommendations of the futures program in full?

**Mr Gentleman:** I have certainly accepted those recommendations, yes.

**MRS JONES:** Have you accepted them in full?

**Mr Gentleman:** We have worked quite well with the Nous Group and ACT Policing on how to implement this program. Indeed the futures team within ACT Policing have done a fantastic job with their group in ensuring we can go forward to deliver a safer Canberra. You have seen the targets there for recidivism. We intend fully to meet those.

**MRS JONES:** Do you have a list of what the recommendations of the futures program were, and can you give that to the committee on notice?

**Asst Commissioner Johnson:** We will take the question on notice to see if it is framed in the way that you have suggested—

**MRS JONES:** No, I do not mind how—we could have the whole report, if you like. We would be more than happy to read it.

**Asst Commissioner Johnson:** Yes, we will see what we can get for you.

**MR PETTERSSON:** How commonplace are roadside drug tests, and what form do those tests take?

**Asst Commissioner Johnson:** I can get you the figures. Drug testing is carried out using basically a saliva swab in a scientific process that allows that to happen. Certain police officers are trained in the use of it. Not everyone is trained. It is done on the side of the road; it takes longer than a breath test. We did, up to 31 March this financial year, 766. We think that by the end of the year it will actually be more like a thousand-odd, which is a step up from the year before, which was about 800. And that is a step up from the year before, which was about 600.

**MR PETTERSSON:** Do you set up roadside stops like I often see for drink-driving, or is it more targeted?

**Asst Commissioner Johnson:** You can certainly set up roadside stops. You can also stop cars that you think are not being driven as they should be, and test there as well. Both methods are used.

**MR PETTERSSON:** How many police are trained to do roadside drug tests?

**Asst Commissioner Johnson:** We might have to take that on notice. We might be able to get you that answer on notice before the end of the hearing. I do not have it at hand.

**THE ACTING CHAIR:** Do you plan on training more?

**Asst Commissioner Johnson:** Yes. Inevitably, more will be trained. It is primarily traffic operations, and as people come and go, with the training, they do not lose it. If they go back into general duties, for example, or somewhere else, we will inevitably have more people trained. There is a cost that goes with the tests. We have to be reasonably prudent with the use of the test. They are certainly more expensive than doing alcohol testing. There is more prudence around their use, but, yes, we will have more people trained.

**MRS JONES:** With roadside testing for cannabis, do we have the capacity to do that?

**Asst Commissioner Johnson:** We can do on the drug test basically a positive for cannabis test.

**MRS JONES:** On the roadside?

**Asst Commissioner Johnson:** Yes.

**MRS JONES:** What does that show?

**Asst Commissioner Johnson:** It will indicate the presence of cannabis in the body.

**MRS JONES:** Is it like a blood alcohol test that gives a level?

**Asst Commissioner Johnson:** No, it is not; it is positive or negative, as with all drug tests.

**MRS JONES:** Are those the same units that are used for the rest of the drug testing—physical units, as in the physical equipment?

**Asst Commissioner Johnson:** With respect to the machinery behind it, the technology behind it, I might have to take on notice, or hand over to the deputy who has responsibility for traffic. He might be able to give you more detail.

**MRS JONES:** That would be great.

**Cmdr Chew:** The roadside screening test is an oral swab which then indicates the presence of an illegal substance. A second test is conducted with a different type of equipment, and the test is then sent away for formal analysis.

**MRS JONES:** Does the initial result tell you that there is some kind of illegal drug in the system? What does it tell you?

**Cmdr Chew:** It depends on the test, as to what they are testing for.

**MRS JONES:** You pull someone over for drug testing. Are you testing for opioids? Are you testing for—

**Cmdr Chew:** Any illicit substance.

**MRS JONES:** So the initial test—

**Cmdr Chew:** The swipe—

**MRS JONES:** The initial swab is for any illicit substance?

**Cmdr Chew:** Within reason.

**MS LE COUTEUR:** Opioids are not always illicit. I am sorry; I am trying to find out what you are talking about there.

**Cmdr Chew:** Cannabis, MDMA, ecstasy and amphetamines.

**MS LE COUTEUR:** So not opioids?

**Cmdr Chew:** I would have to take that on notice about the exact ones.

**MRS JONES:** Yes, we are happy for you to come back and confirm that.

**Cmdr Chew:** Opiates—

**Asst Commissioner Johnson:** I suppose it would be partly unhelpful. If it is okay with the committee, we would not give too much detail, if you know what I mean.

**MRS JONES:** You can come back to us in a written format and we can decide whether it gets published or not. That is fine. We can take your advice.

**THE ACTING CHAIR:** On advice from you, as to whether we publish.

**Asst Commissioner Johnson:** Yes, thank you.

**MRS JONES:** I am just saying that is the process to keep—

**Asst Commissioner Johnson:** We would be happy to do that, if that is okay.

**MRS JONES:** Sure, no problem. I think I remember from previous estimates hearings that only a limited number of physical units, equipment, can go out on the road for drug testing. What is the number now?

**Cmdr Chew:** I would have to take that on notice.

**MRS JONES:** Okay.

**Asst Commissioner Johnson:** It is certainly limited.

**MRS JONES:** Of course—cost.

**Asst Commissioner Johnson:** Certainly, when you are talking about alcohol testing, you can have an Alcometer in pretty much every car. Again, I would rather not talk about exactly how limited it is, but it is certainly more limited.

**MRS JONES:** You never know who is listening in to estimates.

**Asst Commissioner Johnson:** It is more limited and each test is slightly more involved and more expensive than an alcohol test.

**MRS JONES:** Maybe on notice, so that we can get it in a written format and then work with it, tell us how many of the units you have, how often they are deployed in how many cars, and the difference in cost between an alcohol test and a drug test.

**Asst Commissioner Johnson:** We can do that.

**MR PETTERSSON:** Is the approach to targeting drug drivers more responsive to identifying behaviours as opposed to a more randomised approach in detecting drink-drivers?

**Cmdr Chew:** It forms probably both. With impaired drivers as a collective, whether it is drugs or alcohol, there are certain requirements that the police officers understand, whether it is driving behaviours or whether it is random. We have moved to a targeted regime, to try and make sure we remove the impaired drivers from the road, as against potentially a bulk testing of drivers.

**Asst Commissioner Johnson:** The point to be made when you are talking about drug testing is that, they are more limited, and they are more expensive. You can reasonably, for alcohol testing, set up a station and do 100 tests. That probably would not be the way we would do drug testing, simply because of the nature of the test. There is an inconvenience to traffic members, members of the public, which is greater.

**MRS JONES:** Yes, it takes time.

**Asst Commissioner Johnson:** There is time involved in it. It tends to be a little bit more targeted, but it does not stop it being used in a random way, as we mentioned.

**MRS JONES:** From time to time.

**Asst Commissioner Johnson:** Yes.

**THE ACTING CHAIR:** We are all finding this extremely enjoyable and interesting, but I am afraid we are well and truly over our time today. I remind witnesses who have taken questions on notice that we would appreciate those answers being received by the committee secretary within five working days of the receipt of the uncorrected proof *Hansard*. We will have a short adjournment.

**Hearing suspended from 3.18 to 3.35 pm.**

Appearances:

Rattenbury, Mr Shane, Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health

Justice and Community Safety Directorate

Glenn, Mr Richard, Acting Director-General

Tierney, Ms Melissa, Executive Branch Manager, ICT, Capital Works and Infrastructure

Peach, Mr Jon, Executive Director, ACT Corrective Services

Owen, Ms Belinda, Acting Director, Road Safety and Transport Regulation

Chief Minister, Treasury and Economic Development Directorate

Snowden, Mr David, Chief Operating Officer, Access Canberra, and Commissioner for Fair Trading

**THE ACTING CHAIR:** I ask witnesses to confirm that they have read and understand the privilege statement.

**Mr Rattenbury:** I am comfortable with the privilege statement, thank you.

**Mr Peach:** I am comfortable also, thank you.

**THE ACTING CHAIR:** Some recent media reports suggested there were some human rights problems with the guidelines for prisoner visits.

**Mr Rattenbury:** Is this around dress codes with the inspector's office?

**THE ACTING CHAIR:** Yes.

**Mr Rattenbury:** We have a set of guidelines for dress codes at the gaol around issues of not being able to introduce contraband and just good order and security. You cannot, for example, come in wearing bikie colours. So there is a dress code standard. However, a document had also been put up in the visits area that was not an authorised document; it had not been signed off by my office or by the executive director. It set out a set of dress standards that, frankly, were a bit sexist and were not supported. It has now been removed. Whether it breached human rights standards I am not sure because they are not our standards and the document has been removed.

**THE ACTING CHAIR:** It was not sanctioned by the directorate or the minister?

**Mr Rattenbury:** No. We have not been able to source exactly where that came from. Our best guess is that someone was probably trying to spell out a bit more clearly the guidelines. I like to think it was done in good spirit, but it was to a standard that was not appropriate.

**MRS JONES:** Unauthorised helpfulness?

**Mr Rattenbury:** Yes, which is usually a good thing, but in this case it was not a set of guidelines that was appropriate. The best short answer I can give you is that they did exist but they should not have.

**MS LE COUTEUR:** Minister, you are also the Minister for Climate Change and Sustainability and there is a government carbon neutral target. What work is being done at the AMC to address that issue?

**Mr Rattenbury:** I will invite Ms Tierney to come forward, who has been doing some particular work in this space and will be happy to let you know.

**Ms Tierney:** The directorate developed its sustainability management plan in 2018, and it runs to 2020. Our primary focus is on our highest emitting sites in terms of greenhouse gases and then transport fuels. At the AMC we have undertaken high level energy audits to understand how we can change the infrastructure and implement energy efficiency measures. In 2018-19 we completed the upgrade to three energy efficient boilers. In 2019-20 we have also done pre-work for our upgrade of the AMC building management system. We have set ourselves a target to reduce greenhouse emissions by 0.7 per cent in 2019-20 across the JACS portfolio, compared to the 2018 calendar year.

**MS LE COUTEUR:** I understand there is a proposed new reintegration centre. Is climate change a part of the considerations in designing that?

**Ms Tierney:** Yes, it is for all new JACS infrastructure moving forward. Legacy infrastructure, existing infrastructure, is harder to retrofit in terms of sustainable solutions, but we also have managed to do that in other areas of the JACS portfolio—namely, policing. To answer your question, it will be an energy efficient building.

**MS LE COUTEUR:** Does that mean it will be an electric building?

**Ms Tierney:** Yes.

**MS LE COUTEUR:** With PVs on the roof, presumably?

**Ms Tierney:** I will take that one on notice.

**MS LE COUTEUR:** Have you been looking just at the energy uses of the building of the AMC in particular? Clearly it is a residential facility, so there is a lot of food and waste, which also have greenhouse implications. Are you looking at those as well?

**Ms Tierney:** We are aiming for our facilities to be Actsmart accredited, and we understand that the AMC is well on the way to that. We have a recycling workshop at the AMC and green waste.

**Mr Rattenbury:** On the recycling front we have made good progress. A couple of years ago we introduced the recycling centre Ms Tierney spoke of. It has had two benefits: the first is to provide an employment opportunity for seven to eight detainees and the second is that it has substantially reduced our waste to landfill to the extent that not only are we getting recycling outcomes by producing a financial outcome but

we are reducing the cost of having to send waste out. It was a good project all round.

**MRS JONES:** Minister, when the women were moved from the cottages and the management unit across to the high security cells, works were undertaken to make the accommodation more suitable. Have all those works been completed?

**Mr Peach:** The works that were undertaken have been completed. We have recently undertaken further works to ensure security in the female detainees area, but the works we committed to doing have been completed.

**MRS JONES:** Were those extra works in the outdoor exercise area?

**Mr Peach:** They were not actually in the yard. They were to the rear of the unit, to allow for an outdoor green area.

**MRS JONES:** What level of access do the women have to the outdoor exercising area?

**Mr Peach:** Pretty much all the time they are unsecured from their cell areas.

**MRS JONES:** So whenever they are not locked in their cells?

**Mr Peach:** Absolutely. The exercise areas are accessible at the end of the unit all day. The area outside of the unit, which is the green area, at this moment in time they are getting access to that three hours per day.

**MRS JONES:** Is it correct that on 29 April this year up to three women detainees left the exercising area and went over to the male section of the prison?

**Mr Peach:** On 29 April three female detainees did access a restricted area. They did not access the remand area of the prison; they accessed what we would consider an out-of-bounds area between the two different units.

**MRS JONES:** It has been stated to me that two of those three came back fairly quickly and that one of them did not; is that correct?

**Mr Peach:** It is correct, yes.

**MRS JONES:** And during the period when the other detainee was out she allegedly engaged in sexual activity with one of the male detainees; is that correct?

**Mr Peach:** We have information that a male and a female detainee came into contact. We have nothing to support the allegation that there was sexual activity between the two. Both detainees have been interviewed and both have refuted the claim that there was any sexual activity. We are currently finalising an internal management review of the incident to ascertain how the incident occurred and what we can do to prevent this from happening into the future.

**MRS JONES:** While the detainees were in contact with each other, was there any period of time where they were not in view of security cameras?

**Mr Peach:** They were not in view of the cameras for a period of approximately 14 minutes.

**MRS JONES:** Since this issue, has a lock been put on the gate to the exercise area? Was it unlocked, or was there no lock?

**Mr Peach:** The fence that we are talking about that the ladies scaled was nothing more than a demarcation fence.

**MRS JONES:** They scaled it?

**Mr Peach:** Yes. It was a pool fence, for want of better words.

**MRS JONES:** A little fence.

**Mr Peach:** Yes. It was purely there as a mark to stop them from accessing the area. It was never intended as a management fence. Previously they had been accessing the area unsupervised. Since then, obviously, we do not allow the ladies out into the area unsupervised.

**MRS JONES:** The exercise area, or the green space?

**Mr Peach:** This is the green space. The exercise areas are completely—

**MRS JONES:** That is why the three hours only a day, yes.

**Mr Peach:** Absolutely.

**Mr Rattenbury:** Until the fencing is rectified.

**MRS JONES:** Have there been any implications that you know of from the incident for the woman or the man physically?

**Mr Peach:** None that I am aware of. The concern you raised around the potential for sexual activity was obviously a concern for us too. As a consequence of that, the female detainee in question was offered the opportunity to access health services. She initially did not take it up but she did later. Obviously that would be health in-confidence information, but we have no information to suggest or to confirm that any sexual activity occurred at the time.

**MRS JONES:** Were there any statements from other inmates that suggested they did engage in physical sexual contact?

**Mr Peach:** We are still going through the process of the internal management review, so at this moment I have not got that information.

**MRS JONES:** Since 29 April you have not finished interviewing people?

**Mr Peach:** We have. The report is being finalised as we speak.

**MRS JONES:** How many inmates have made statements?

**Mr Peach:** Again, without actually seeing the internal management review, I would not be able to answer that.

**MRS JONES:** Maybe you could take that on notice.

**MR PETTERSSON:** If these individuals did engage in sexual conduct, are there consequences for that?

**MRS JONES:** Apart from the obvious.

**Mr Peach:** Obviously there are always sanctions and disciplinary charges, but what we would actually charge them with, and particularly how we would get evidence that that occurred—

**MRS JONES:** With no CCTV footage.

**Mr Peach:** Absolutely. Even though under the Corrections Management Act we have the balance of probability as the test of proof, as opposed to beyond reasonable doubt, it would still be a very broad string to draw to—

**MR PETTERSSON:** What I am trying to get at is: whilst we are following this line of questioning, are we trying to reach these conclusions for some reason, or are we just curious?

**MRS JONES:** Me?

**MR PETTERSSON:** Yes.

**MRS JONES:** I do not need to answer questions from you about why I am asking questions, but obviously we need a secure prison that keeps the women and men separate.

**MR PETTERSSON:** I understand that. I am just trying to understand your line of questioning in asking whether there are any consequences for them engaging in that conduct.

**Mr Peach:** There are certainly consequences for them being in the out of bounds area. They are dealt with through the disciplinary proceedings. That is where we would take disciplinary action, absolutely.

**MRS JONES:** Should this be classified as an escape from their area?

**Mr Peach:** No, it would not be.

**MRS JONES:** What do you classify it as?

**Mr Peach:** An escape would be an escape from the actual facility.

**MRS JONES:** So is this just classified as an unauthorised movement or something?

**Mr Peach:** It would be considered to be accessing an area that is out of bounds or restricted to the detainees.

**MR PETTERSSON:** What will the expanding ACT bail support program involve?

**Mr Glenn:** The bail support program provides a range of supports for people who are on bail to access people to assist them to meet their bail conditions, to make their court appearances and so forth, and to put services around those individuals so that they can maintain the commitments they have made to the court to behave in particular ways and be able to avoid being placed on remand. The expansion will effectively allow more people to participate in that program and to be able to access the services that are provided. I will see if we have access to any further information about numbers. But essentially it is an expansion of the existing program.

**MR PETTERSSON:** So it does not provide them with new services; it simply allows a larger cohort to access those services?

**Mr Glenn:** Indeed, and the services that are being provided are subject to trial, so it is a learning experience as we go through the process to determine the best mix of services and arrangements to best facilitate people's bail.

**MR COE:** I would like to know about the reintegration centre. Can you please, firstly, give an overview of what is being proposed?

**Mr Rattenbury:** Yes, certainly. To go to the big picture, over the last couple of years we undertook a feasibility study on future accommodation needs at the AMC. As I have said publicly and as we spoke about in question time recently, through that the government made an explicit decision not to expand the high security element of the AMC but instead to put a greater emphasis on justice reinvestment.

However, given how little spare capacity we have at the AMC but also the fact that at the moment everybody at the AMC is in a high security jail, we took the decision to commission the reintegration centre as an essentially low security facility. It is outside the wire. It will be built, if you know the site at all, where the transitional release centre is. It will be built in that part of the jail.

**MRS JONES:** Next to the car park.

**Mr Rattenbury:** Yes, out on that side of the AMC. It will be 80 additional beds. We are about to commence more detailed design work whereby we will be engaging with a series of our stakeholders in workshops to talk through issues of both design and operational questions to maximise the impact of that new facility.

**MR COE:** When do you expect it will be operational?

**Mr Rattenbury:** The 2021 calendar year.

**MR COE:** Of the expense that has been allocated, \$35 million, if the design work has been done that is a bit of a back-of-the-envelope figure, I guess?

**Mr Peach:** The \$35 million is actually the projected build cost. As you will be aware, we have received approximately \$990,000 for the planning stage. The \$35 million is the projected build cost.

**MR COE:** The scope of the project must be finalised. Is it?

**Mr Peach:** We are actually at about 30 per cent design at the moment. We are still building the final design of the centre, yes.

**MR COE:** How do you get \$35 million if it is not fully scoped?

**Mr Rattenbury:** Based on the design estimates so far.

**MR COE:** In terms of the likelihood of \$35 million being the right amount, is there a plus or minus or is that the upper limit?

**Mr Peach:** The 30 per cent mark at the moment, I would suggest, would be the accurate value of the build.

**Mr Rattenbury:** The last time we did an expansion, of course, we came in \$9 million under the projected cost. Whilst I cannot guarantee we will do the same, it is probably a more conservative estimate.

**MR COE:** What is the scope? What will it actually include?

**Mr Peach:** At this point in time it includes an additional four units, some ancillary buildings to support the services that we will be providing, new accommodation for administration workers there and also some refinements to the gate area there.

**MR COE:** Are the four units 20 each? Is that how it will work out?

**Mr Rattenbury:** Yes.

**MR COE:** What will the prison population be at that time?

**Mr Rattenbury:** It depends. Our anticipation is that quite a few of the occupants of the new buildings would come from within the existing AMC. We have a significant cohort of people who could well be classified as minimum security, who are either towards the end of their sentence or are at a point where the reintegration centre will work for them. Each person will be individually risk-assessed. We anticipate that a significant cohort would come from within the AMC.

**MR COE:** What about the FTE required to operate it?

**Mr Peach:** We are still working through the model for that, but clearly one of the things that we are absolutely committed to is engaging wider with the sector. A lot of services that are coming in are not provided directly by ACT Corrective Services. The

operation model is still to be finalised.

**MR COE:** What will be the plan for the transitional release centre and how it works in with the reintegration centre?

**Mr Peach:** As I have confirmed, the operation model is still being determined. Whether the transitional release centre is subsumed into that—and it is a 95-bed minimum security unit—or whether there is actually a way of purposing the transitional release centre for something that may be more of a low security release centre is still being finalised now.

**MR COE:** How many beds are there in the transitional release centre at the moment?

**Mr Peach:** Currently there are 15.

**MR COE:** In a similar vein, minister, you said a few months ago, I think, in a media release that you do not expect an expansion of the main campus of AMC.

**Mr Rattenbury:** No. As you probably know, we are doing an expansion of the Hume health centre at the moment and I intend to further expand industries and the like. I expect to expand ancillary services but we are seeking to avoid an expansion of the high-security accommodation.

**MR COE:** In terms of how it is that you came to determine that the reintegration centre was the best investment, as opposed to building on the main campus or expanding the main campus, what was the decision-making process for making that call?

**Mr Rattenbury:** There are several components to it. It is more cost effective to build minimum security than high security. Obviously the simple construction standards are lower. Given that at the moment we have a large number of minimum security detainees in a maximum security jail, there is, I think, a disconnect there. Of course, under our human rights principles we seek to have the least restrictive form of security where possible. Having minimum people in a minimum environment is better.

Finally, as part of our broader agenda on justice reinvestment and seeking to really change people's life trajectories we wanted to put more money into other work, such as the bail hostels, the justice housing program and a range of programs that we are investing in. The savings we are able to have from not building maximum security but instead building minimum security are giving us that opportunity to use those funds differently.

**MR COE:** When you cited that \$200 million for the cost of a main campus expansion, was that based on a rough per unit cost?

**Mr Rattenbury:** That was based on the feasibility study we had done and, yes, that was the estimated cost in that study.

**MR COE:** Is that as simple as \$40 million or \$50 million per unit of 20 beds?

**Mr Peach:** No, it was not. It was a fairly comprehensive study that we had done that looked at a range of different accommodation options and it was actually costed to rebuild for specific numbers at the time.

**MR COE:** Has that document been published?

**Mr Rattenbury:** We published an executive summary. Given some of the security information that was contained in the full report, we sought to produce an executive summary style and it conveyed the bulk of the information whilst being mindful of the security needs. We sought to be as transparent as possible in releasing that.

**MR COE:** In terms of the prison numbers, what you are saying is that you do not anticipate any time when there is going to be a greater need for higher security beds than what we have now?

**Mr Rattenbury:** Not at this time. I cannot say there will never be a need in the future, obviously with population growth and a range of other things, but the commitment we have made is to go down the justice reinvestment path and seek to minimise the number of people that need to be in a maximum security jail, if that makes sense. If we are able to move a significant cohort out of the maximum security area into the minimum security area and potentially into more community-based programs, that obviously gives us greater capacity in the maximum security jail where we need it for those cohorts of people. Does that make sense?

**MR COE:** Yes, it certainly does. Is the basis for that decision the philosophy?

**Mr Rattenbury:** Yes.

**MR COE:** Or is it actually based on criminologists' projections and the like?

**Mr Rattenbury:** Certainly we have got John Walker doing—

**MR COE:** Criminal statisticians or whatever?

**Mr Rattenbury:** Yes, he is a criminal statistician. He does that modelling work for us, his data projections, and he is currently doing a new round of that. I just cannot think of the time frame, but we have it done regularly so that we are constantly ensuring and looking to the projections. We will continue to do that work on an ongoing basis.

**THE ACTING CHAIR:** Thank you, minister. This question might be directed at you, Mr Peach; I have asked the minister this type of question before. There has been a commitment in this budget to move away from insecure work, to move away from labour hire and contractors, towards a more permanent workforce. I was wondering (a) what is the split of workforce in corrections officers in the jail and (b) whether that is a piece of work that you are looking at.

**Mr Peach:** Thank you for the question, Ms Cody. I can say that I saw the stats on labour hire this afternoon and we have nobody from labour hire at all with us at the moment. Obviously, we want to fill our permanent positions with permanent staff. We undertake, where we have permanent vacancies, to fill them as soon as we possibly

can.

**THE ACTING CHAIR:** Would you mind, on notice, providing us with the breakdown of the staffing profile: contractors, permanent, casual.

**Mr Rattenbury:** Yes, we will take that on notice.

**MS LE COUTEUR:** It is my understanding that the government is currently developing a disability justice strategy. I am interested to know what impact that is going to have on Corrective Services, both for detainees and for offenders on intensive corrections orders?

**Mr Glenn:** The disability justice strategy which Ms Stephen-Smith and Mr Ramsay are developing goes to the nature of the supports that can be provided to people with disability in a whole range of areas where there is an intersection with the justice system. There are issues about how people with a disability might interact with the criminal justice system, for example. This morning we spoke about the intermediary scheme, which is currently focused on the intermediaries. A possible extension to that in the future is around people with some communication difficulties.

There are also a range of areas around people's engagement with the civil justice system. Instead of going from, I suppose, a deficit model that says that we are not just going to look at people who get into trouble—everybody interacts with the legal system in one way or another in their ordinary day-to-day life—if there are some supports that we can provide to people with disability to be able to do that more effectively and in a safer way, then that is to the benefit of the system as a whole and to those individuals. How that then translates into people who are on intensive correction orders or are otherwise bound up in the corrections system is something that is still emerging as the strategy is developed.

Clearly, if there is a greater focus on the specific needs of people with disability in terms of communication issues—how support can be provided to enable people to access advocacy services, for example—all of these will have impacts on the relationship with government and officials, which ultimately should make that path easier for people and potentially avoid situations where there is contact with either the civil or the criminal justice system that is unnecessary.

We know that, potentially, people with disability are disproportionately represented in some of those areas because of issues of misunderstanding or difficulties in the system itself in dealing with people with disability.

**THE ACTING CHAIR:** We will have the minister for disability on Friday morning.

**MS LE COUTEUR:** I was specifically interested in how this was going to impact on people who had already had a connection with the criminal justice system and were thus potentially residents of AMC or in intensive corrections or whatever.

**Mr Peach:** There are two parts to that. The first one is that we already have an assisted care unit within the AMC which is staffed by health professionals, as well as support services to assist people with disability. The latest round of the disability

justice strategy is looking to employ disability support workers. That will enable us to do two things. One is to provide the greatest supports within the AMC for people with complex needs. But it would also start to enable us to link better with the NDIA and start looking at transition planning with them. That is a key problem for us. Obviously, once somebody comes into custody there are very few supports they can access through the NDIA, but one of them is therapeutic aids and the second one is transition release planning. If we had that support from a disability support worker, we could enhance the kinds of supports that we do now.

**MRS JONES:** I want to go to a couple of quick issues on female detainees. Minister, was a payout made to a female detainee after a USB was found with CCTV footage of the detainee naked on it?

**Mr Rattenbury:** No.

**MRS JONES:** No?

**Mr Rattenbury:** No.

**MRS JONES:** Secondly, a woman wrote to me, and I believe to you as well, who is suffering from an eating disorder and is inside the women's unit. She is a vegetarian and has a heart condition. Her concern is that the access to buy-ups is not equitable and it is difficult for her to get enough nutrition. She wants to put on weight in order to have a medical procedure. Do you know about this issue? Have you got some thoughts on it?

**Mr Rattenbury:** Yes. I received that email yesterday as well. Obviously the content of the email was concerning. I sought information on it straightaway. Mr Peach has quite some detail, so perhaps I can hand to him to run you through the specifics.

**Mr Peach:** First of all, the email actually came to me today, from the detainee's mother. I have spoken to the detainee's mother today to discuss the issues at length with her. The detainee is currently accommodated within our protection unit within the female accommodation unit. As a consequence of the nature of that unit, the female detainees do not have access to self-catering facilities. That is based on the fact that because of the nature of the detainees that are usually held within that unit, their behaviour would be unpredictable and therefore we would not allow them access to knives, hot water et cetera.

As a consequence, these detainees are provided with the standard menus that would be provided to any and all detainees within the AMC. All those meals are provided in line with the Australian national food standards, and they were last reviewed in approximately 2016, in line with the ACT government healthy eating initiative.

Going to the specific detainee's request, which was actually made on 18 June, where she requested access to restricted buy-ups so that she could supplement her own diet with items such as fruit and vegetables, that was actually granted on that day. But the system in buy-ups is two weeks in arrears orders, so they have to wait two weeks for that to come around. When we found out about that, that was resolved—today. She is now being provided with access to fruit and vegetables, and from next week she will

be accessing the buy-ups she requests.

In addition to that, we have engaged with the senior dietitian at the Canberra Hospital to make sure that our meals are again reviewed, since 2016—

**MRS JONES:** For a vegetarian?

**Mr Peach:** For vegetarians, absolutely—for all detainees. In addition to this, Canberra Health Services are acutely aware of the detainee and are providing appropriate treatment and support to her. Again, just to reiterate, I have spoken to the lady's mother today. She was happy with the resolution as we spoke to her. I think it is also important to note that in that conversation the detainee's mother passed on her significant compliments about the role of our women's and children's services coordinator, who has been dealing with the detainee specifically.

**MRS JONES:** I am sure it is not easy; that is right.

**Mr Peach:** Absolutely not. But it is, again, a success story that with some of the roles we have done the staff are being viewed in such a professional way.

**MRS JONES:** It is a success story now that there is a solution. That is good. I want to go back to the original question about the female detainee and the USB. Was a request made for compensation?

**Mr Peach:** No.

**MRS JONES:** Nothing that you are aware of?

**Mr Peach:** No.

**MR PETTERSSON:** What process is in place to deal with a prisoner on a hunger strike?

**Mr Rattenbury:** As you are no doubt aware, Mr Pettersson, we have just had cause to think very carefully about that. We had a circumstance in the ACT; it is well known publicly. We were forced to really think about that because we went into territory that is unknown, both for ACT Corrective Services and for Australian corrective services, in the sense that this hunger strike lasted longer than any other event.

I can say that we worked extremely closely with Canberra Health Services, particularly once the detainee reached a point where medical intervention was necessary—well, not necessary: where the detainee's health became a medical issue in the sense that he was being attended to by Canberra Health Services as much as he would consent to. He was ultimately transferred to hospital when required.

**MR PETTERSSON:** It is a good high-level answer. I was wondering if you could go into a bit more detail. What are the processes that the AMC went through?

**Mr Peach:** When a detainee indicates to us that they are entering a hunger strike, the first thing we do is record that as a fact. We still continue to provide meals to the

detainee. They will then either tip away the food or put it back out. After three days, we elevate that. It is not usual for a detainee to say, “I am going to go on a hunger strike”. After three days we start monitoring that. We work closely with Canberra Health Services, observing and monitoring the detainee’s health. Obviously, from there, it can be fluid. It really depends on how long that process goes and how quickly the detainee engages with us.

Invariably, we try to identify the rationale, why they are doing the hunger strike. It is usually a complaint and request. Where we can address the request and complaint, we will do. That usually brings a resolution to the situation. This was an incident where it was very difficult to resolve the request and complaint. As the minister said, it was an ongoing process and it was ongoing work with Canberra Health Services, in negotiation with the detainee, to try and resolve the issues that brought him to the hunger strike in the first place.

**MR PETTERSSON:** Is this the first hunger strike or the first extended hunger strike?

**Mr Peach:** This is the first extended hunger strike. It is what you determine as a hunger strike. We have regular—

**MR PETTERSSON:** The three-day mark that you mentioned previously—how commonplace are those?

**Mr Peach:** They are not frequent. I would not be able to tell you. I cannot remember more than maybe two in my time in ACT Corrective Services.

**MR PETTERSSON:** How many years is that?

**Mr Peach:** Less than two years. I will say that in my career I have found that a detainee refusing to eat for more than three days is a fairly regular occurrence.

**MR PETTERSSON:** Have there been any refinements to processes in response to the most recent one?

**Mr Peach:** We have undertaken a significant policy and procedure update review. We are currently updating the policy relating to hunger strike within the ACT on the lessons learned from the last one. Mostly it is around explaining and confirming negotiation strategies et cetera that we would employ. One of the big learning curves was how we work with Health a lot in dealing with these matters.

**MR PETTERSSON:** One of the things that were reported in the media was that Minister Rattenbury had reached out to other jurisdictions. Did other jurisdictions have helpful advice?

**Mr Peach:** Yes, absolutely. They have all experienced similar things, but not to the same extent. As the minister said, this is the longest one in Australia that we have experienced. Perhaps the biggest advice actually came from the police, who have experienced negotiators—far more than we have. But, yes, different advice came from different places.

**MR HANSON:** Can you advise me how many assaults have occurred on guards in the last 12 months or so? I do not know whether there is a period that you particularly measure?

**Mr Rattenbury:** Are you happy if we go by financial years?

**MR HANSON:** Whatever period you measure it in. Given that it is budget estimates, probably by financial year.

**Mr Rattenbury:** Sure.

**MR HANSON:** And—if you cannot tell me now, you could maybe take it on notice—can you say whether there is a particular category of assault. I imagine there are minor assaults and serious assaults.

**Mr Rattenbury:** Yes. There are a series of report on government services, ROGS, categories. That data is available; I just do not think we have it with us today.

**MR HANSON:** Even if you do not have the specific number, is this a regular occurrence, is it infrequent or is it a problem?

**Mr Peach:** I am just trying to see if I have got an answer. The first answer is that any assault on a member of staff is a problem. In terms of assaults in the ACT, there is a very big difference between a serious assault and a push or shove. We fairly infrequently have any serious assaults on our staff; they are few and far between. We do report and record every single assault on our staff. I can give you the data for 2017-18, but we are still waiting for the latest. In 2017-18 there was 1.05 per 100 prisoners, which was a reduction from 1.8 the previous year. That was a prisoner on officer assault rate, so it was not necessarily serious assaults either.

**THE ACTING CHAIR:** That was ACT rates?

**Mr Peach:** Yes. That was five assault incidents against staff in 2017-18 compared to eight assault incidents in 2016-17. On those figures, we have actually seen a reduction in our assault rate.

**MR HANSON:** Have the perpetrators of those assaults been charged? What happens?

**Mr Peach:** It depends on the severity of the offence. We would refer a prisoner assault to the police, for the AFP to determine how they would proceed.

**MR HANSON:** Have any officers that have been assaulted been provided with any compensation?

**Mr Peach:** I would have to take that on notice. I am not aware of any.

**MR HANSON:** Are there any that are off work as a result?

**Mr Peach:** At this moment in time I cannot think of any that were off work as a result, but again I would like to confirm on notice, if I may.

**MR HANSON:** Right. On a related issue, in terms of the potential for a riot to occur, and I hope it would not, do officers train, in preparation for a potential riot type scenario?

**Mr Peach:** We are currently reviewing our entire emergency response capacity. Over the last 12 months we have established a new use of force procedure and are currently training all our staff in appropriate use of force. We do have a number of staff that have previously been trained in advanced operational skills. However, that training is now being replaced with our new use of force package. And our emergency preparedness is being built on continually.

**MR HANSON:** I take it from that that there has been a bit of a gap, but it is something that you are now addressing. Is that correct?

**Mr Peach:** It is correct; we are building that capacity. But we also have to reflect that if we were to lose the jail, our biggest response would come from ACT police, purely by the numbers that we have. We have 474 detainees in custody. Even if we had every single member of staff on duty today, we would only have about 118 prisoner officers on duty.

**MR HANSON:** Have you rehearsed those procedures with ACT Policing?

**Mr Peach:** Planning is underway for an exercise with ACT Policing to do that this year.

**MR COE:** With regard to contraband and intelligence that supports the acquisition of contraband, have there been any policy changes over the last year?

**Mr Peach:** Yes, absolutely. In 2017-18 we were fortunate enough to secure significant funding for our security. I think it was \$8.8 million. That consisted of building an intelligence unit within ACT Corrective Services, which now constitutes four staff from the previous one. They have developed a very comprehensive intelligence management framework which talks about how staff report intelligence, how we analyse it and how we use it tactically.

We have also added there in recent times a resource from ACT Policing and embedded a police officer with us so that we can work with police very closely in identifying crime outside of the AMC that is emanating from the AMC and also in detecting avenues of contraband and other potential for disorder. That is proving to be extremely positive. Alongside that we also hold a monthly intelligence management committee, which is held at my level, which looks at the tactical intelligence and makes sure that we are focusing our resources in the best way we can to deal with all those different instances of disorder that we may broach, and also contraband.

**MR COE:** Are the searches all targeted searches, or are there regular sweeps through units?

**Mr Peach:** We do a range of both. Every area in the jail is regularly searched as part of our mandatory searching program. But there is also an increased reliance on target

searching. Where we do receive intelligence that suggests that somebody may have access to contraband, then clearly we are active in that space.

**MR COE:** Has the expansion of the intelligence unit led to finding more contraband?

**Mr Peach:** We find more contraband but we also stop more contraband coming in. So it is very difficult to say we find more contraband as a result of the intelligence. We get far more finds from targeted intelligence. That is probably a better way to describe it. Previously we may well have found more contraband as a result of non-targeted searching. Now our searching is far more specific and we recover things as a consequence of targeting. So it would be an unequal balance to say we find more contraband as a consequence of that; I think we find it more regularly because we target.

**MR COE:** Is the primary focus of the intelligence unit on contraband already within the jail or on trying to stop contraband from coming in?

**Mr Peach:** Both. We have active work with ACT Policing on some of our intelligence products about identifying pathways for contraband coming in. We run operations to prevent contraband coming in and to thwart what we would consider to be routes of contraband coming in. That could be, for example, things coming over the fence—intercepting those things when we know there is likely to be a drop. But of course we also maintain good and strong intelligence within the prison so that we can identify when people have got it. As I said earlier, we specifically work with ACT Policing, and that is particularly in the realm of trying to stop contraband coming in.

**MR COE:** Is it illegal for a visitor to attempt to give contraband?

**Mr Peach:** To attempt to bring something in is illegal, yes.

**Mr Rattenbury:** And charges can result.

**MR COE:** Even if the item itself is not dangerous?

**Mr Peach:** Under the CMA we can legislate what prohibited items are, and therefore it would be classed as a prohibited item by law.

**Mr Rattenbury:** It is in the Corrections Management Act.

**MR COE:** Has anybody been charged with trying to smuggle in contraband?

**Mr Peach:** No, not—

**MR COE:** But you have—

**Mr Peach:** Sorry, I was thinking about prohibited items. Certainly on drugs charges we have had people prosecuted previously, yes.

**MR COE:** But if the intelligence unit is stopping contraband from coming in, that

suggests it is being intercepted at some stage. If it is being intercepted and you have intelligence that suggests it is coming in, that also would suggest that you know who is attempting to bring it in, which surely is grounds to pass on to the police.

**Mr Peach:** We would actually have to catch them in the act to be able to charge. That is the challenge. We can stop it coming in. We can have drug dogs run across people but we do not have the ability to search people, so we have to turn people away unless we can get a police response to attend at that moment in time. We have no ability to arrest as prison officers.

**MR COE:** True, but it is pretty compelling evidence if you are actually taking contraband off a person.

**Mr Peach:** There is very much a difference between taking contraband off a person and stopping them coming in because we know it is there because it is secreted about the person. We can identify where we believe there is contraband actually on a person but we cannot take that forward and go and search that person, under our act. We can only turn them away. It is corrections' job to stop the contraband coming in, not to make the arrest. If police operations are running, police can do that. We cannot do that. Our job is to stop it coming into the jail.

**MR HANSON:** Do you have a police officer at the jail on a permanent basis so that you can quickly respond like that?

**Mr Peach:** No. The only police officer we have embedded with us is within our intelligence unit, which is not based at the prison.

**MR COE:** What about, with regard to contraband, trying to smuggle in weapons or makeshift weapons? Have you located any?

**Mr Peach:** Again, I cannot recall anybody actually trying to bring in a weapon. The challenge with weapons is that weapons are readily made within prisons anyway. So the actual benefit to somebody of trying to smuggle a weapon in, unless it was something in the nature of a firearm, would be a pretty pointless risk really. So the focus of our contraband strategy in terms of things coming in is not one of weaponry. Equally, we have X-ray and metal detector portals that would pick up the metal weapons, so they are easily detected without intelligence.

**MR COE:** What about weapons found in the jail, makeshift weapons? Have any of those led to charges being laid separately to when they have actually been used, so for possession of a weapon?

**Mr Peach:** Only under our internal disciplinary processes.

**MR COE:** At what point does it go from internal to being a criminal charge?

**Mr Peach:** The reality is that it would be if and when it was used that we would refer it as a dangerous weapon to the police.

**MR COE:** So possession alone would not be deemed criminal?

**Mr Peach:** We would deal with that under our internal disciplinary processes.

**MR COE:** How do you make that call?

**Mr Peach:** Again, it is a conversation we would have with the police. I am not speaking for the police, but the test for us would be the public interest. The fact that somebody has made a weapon does not necessarily mean they are intending to use it. We would deal with those under our disciplinary processes within.

**MR COE:** What is the maximum penalty you can give under your internal processes?

**Mr Peach:** Our processes can be up to and including 28 days separate confinement but they also include things like fines. They include a range of different penalties that we are able to use: loss of position, loss of privileges also.

**MR COE:** But you are unable to extend a stay in prison?

**Mr Peach:** Absolutely.

**Mr Rattenbury:** That is a matter, of course, for the judiciary. We could not do it as an administrative decision.

**MR COE:** I guess that goes to the crux of the question. Somebody could repeatedly be in possession of weapons or makeshift weapons and not be referred to the police, or the police are not taking it on; therefore somebody in the course of a year, just say, could be in possession of numerous weapons and still get released as per their release date.

**Mr Peach:** Yes. We cannot extend somebody's stay in prison. That is a matter for the courts. Obviously our primary concern for the prison is detainee, staff and visitor safety and welfare. If we had a detainee who was continually making makeshift weapons, we could under the Corrections Management Act segregate them for indefinite periods under review, so keep them out of the mainstream of the population. The last time we—

**MR COE:** The final release date remains the same, though.

**Mr Peach:** Absolutely.

**Mr Rattenbury:** Certainly it would go to questions of parole. For example, if someone was coming up for parole, corrections would provide a report to the Sentence Administration Board that this person had a series of disciplinary issues. The Sentence Administration Board operates independently, but one of their considerations is compliance with conditions. If I understand your questioning, they would say, "This person is not ready for release, because they're clearly still involved in the preparation of weapons."

**THE ACTING CHAIR:** Mr Coe. I am not sure how that related to the budget. Thank you very much to the officials.

We are now dealing with Justice, Consumer Affairs and Road Safety. My question starts from a consumer affairs perspective. Can you provide an update on the ACT's egg labelling standards?

**Mr Rattenbury:** We can. As you know, there has been a revision of the egg labelling standards. That is due to come into effect—bear with me; I will find the date for you—in August this year. This will include simplified wording regarding egg labelling requirements, new retail signage wording for free-range eggs, and the inclusion of definitions for egg types et cetera.

There has been a refresh of the act there. That is as a result of changes at a national level as well, so we had to reflect those national changes in ACT law. As that legislation takes effect, our inspectors from Access Canberra will engage with impacted businesses to ensure they understand the new standards and are implementing them. It will be an educative approach at the start. We will seek to get out there and make sure they are implementing the rules as expected. If somebody continued to obviously breach, despite the warnings, we would go down more of an enforcement path. In the first instance, it will be about making sure businesses know the requirements.

**THE ACTING CHAIR:** Will that be based on the stocking density of chickens—hens?

**Mr Rattenbury:** Yes.

**THE ACTING CHAIR:** What proportion of ACT retailers are displaying this information already? Do we have those numbers?

**Mr Snowden:** It is a current requirement that all retailers display labelling in relation to stocking of eggs. That would be in relation to whether they are barn, caged or free range. So that requirement is there already.

**THE ACTING CHAIR:** Will there be changes under this new—

**Mr Rattenbury:** Yes. There are new labels, essentially.

**THE ACTING CHAIR:** What are the time frames for retailers having to implement those new changes?

**Mr Snowden:** The passage of the law has already occurred.

**THE ACTING CHAIR:** That is right, yes.

**Mr Snowden:** It has been delayed until 26 August. My understanding is that retailers have already been engaged in relation to those changes. We will be developing further information, as we go out on our retail programs, to provide to retailers. We expect that there will be a high level of compliance from the get-go. Our observation of that sector is that they are well informed about the changes that are required. Where there are small businesses that may not necessarily have the resources to avail themselves

of the information, we will assist them with the compliance process.

**THE ACTING CHAIR:** I note that, Mr Rattenbury, it is a bit like providing advice rather than instant fines; so you will be working together with retailers and suppliers to make sure they meet all the standards, while also ensuring that they are doing the right thing?

**Mr Rattenbury:** Yes. It is not that we just want to catch people at the beginning. One would anticipate a certain amount of transition period.

**MS LE COUTEUR:** I understand that this is the place where we can talk about road safety, unlikely though it seems to me.

**Mr Rattenbury:** Yes, this is the section. This is a diverse portfolio.

**MS LE COUTEUR:** Yes. This is a road safety question. There has been a lot of community discussion over the years about speed cameras. Have you had any research about them in terms of their road safety positivity or otherwise?

**Mr Rattenbury:** I am actually very pleased; just last week we were able to release a report that we commissioned through the Monash University Accident Research Centre, known as MUARC, a well-respected road safety research institution in Australia. That was done as part of a commitment to review the road safety camera program. We wanted to test the efficacy of the program, and particularly the different types of cameras. That report showed that the cameras do have a very strong impact on road safety.

We also tested the different types of cameras. They found that the mobile speed vans were the most beneficial in delivering on a benefit-cost ratio, in terms of the cost of putting them out there versus the impacts. I have failed to bring my figures with me on the actual impact. I am looking to my colleagues for that information. The report demonstrated that the speed cameras have reduced the number of accidents in the ACT. Through regression modelling, they have produced some specific figures on the dollar impact of that, as well as the number of reduced accidents. I will ask my colleague to refresh the numbers for me.

**Ms Owen:** As the minister said, the MUARC evaluation found really significant road safety benefits from the presence of the camera system. The mobile cameras alone were attributed to, in a 12-month period, a saving of \$60 million worth of crash costs to the community. I think it was around 120 casualty crashes and almost 3,000 property damage crashes.

**MS LE COUTEUR:** So it is a purely statistical thing. There is not any particular crash you could say that you stopped.

**Mr Rattenbury:** No. With the nature of modelling, as you would appreciate, it is a model.

**MS LE COUTEUR:** Did you also look at the red-light cameras in that study?

**Ms Owen:** Not as part of the most recent evaluation, no.

**MS LE COUTEUR:** And the Hindmarsh Drive point-to-point speed camera, is that part of it as well?

**Ms Owen:** Yes, the point-to-point camera was part of the modelling of the evaluation. It was found to have prevented some crashes in the time. I do not have the numbers for that component; I can take that on notice?

**MS LE COUTEUR:** How do you tell it prevented a crash?

**Ms Owen:** The camera evaluation as a whole found that in the five-year period they were looking at pre and during the evaluation time it reduced median speed on the ACT network by almost five kilometres per hour. When they were looking at modelling what was prevented in terms of the crashes per different camera type, it was compared to when the camera was not there, using locations that previously we had not assessed as suitable sites and looking at the previous crash stats and comparing it to the absence of those crashes in the time the cameras were present.

**MS LE COUTEUR:** So it is specifically comparing a road before and after camera in that research?

**Ms Owen:** Yes, and also including roads of similar nature, design, speed limit or usage type compared to the ones that had camera sites.

**MS LE COUTEUR:** The obvious comment is that over the last five years there has been more congestion on Canberra's roads and that a number of them would appear to have slowed down regardless of any speed camera. Was that something your researchers looked at?

**Mr Rattenbury:** We will have to take that one on notice, Ms Le Couteur. We will have to check the report. In terms of the fixed point-to-point system, I now have the estimates from the report. It estimates an 11 per cent reduction in casualty crashes, which are both fatal and injury crashes, over the period and property damage crashes of 13 per cent.

**THE ACTING CHAIR:** You were just referring to the point-to-point cameras then?

**Mr Rattenbury:** Ms Le Couteur specifically asked about Hindmarsh Drive and the only point-to-point camera we have is on Hindmarsh Drive.

**THE ACTING CHAIR:** Yes. I had forgotten we moved the other one.

**Mr Rattenbury:** Removed, in fact.

**THE ACTING CHAIR:** What about the speed cameras on the Tuggeranong Parkway?

**Mr Rattenbury:** Yes, they were part of the study as well.

**THE ACTING CHAIR:** And you have seen a reduction in speed limits along there as well?

**Mr Rattenbury:** Of speeding, yes.

**THE ACTING CHAIR:** Did the study look to re-evaluate speed limits on roads?

**Mr Rattenbury:** It did not, no. It was purely about the speed cameras. In recent years we have significantly increased the number of locations at which the mobile speed vans are allowed to operate. We have also allowed them to operate in school zones. Previously there was a prohibition for reasons that are not clear to me, but nonetheless it was there. We have also invited the community to nominate locations where they would like the cameras to go. We have had over 500 community requests for vans to be sent to certain areas. That is usually the result of people being concerned about speeding in their street or outside a school. Those are the sorts of constituent queries we get.

**THE ACTING CHAIR:** For those many people watching us today, how do people go about that?

**Mr Rattenbury:** Access Canberra is the easiest way. Sometimes it is just people talking to me and I go back and ask the team to send the cameras to particular locations. But the more formal channel is to go through Access Canberra, or you can email my office, whichever is more convenient.

**MR HANSON:** The victims charter of rights: can you give me an update on its progress, please?

**Mr Rattenbury:** Yes, I can. That work is continuing. There has been a very active process of engagement with a range of community stakeholders, being led by the Victims of Crime Commissioner. For me, it has been really important to make sure that victims have a real say in how that charter is designed, what their expectations of it are and where they think things can be improved. I think that many victims often do not feel a sense of resolution. I see the victims charter as being an important part of people feeling safe, having good information about what is happening in their case, and being given a sense that justice has been done.

**MR HANSON:** We have talked quite a bit about it over the years. Can you give me a date in terms of when it will be finalised? Can you let me know whether it will be backed up by legislation? There have been those who have said that, unless it has a legislative instrument that backs it up, it is a toothless tiger and it is just a motherhood statement.

**Mr Glenn:** Mr Hanson, as to your second question, yes, we would anticipate, subject to decision by government, that there would be legislation associated with the victims charter. At the moment there are governing principles for the treatment of victims of crime in the Victims of Crime Act. Those governing principles would be changed to accommodate the new descriptors in the victims charter. By way of timing, I would expect the charter to be coming for decision from government potentially later this year, with a view to having implementation in 2020.

**MR HANSON:** Will there be an exposure draft? What is the process? Will it just be a fait accompli or will a final draft be put out? I know there has been consultation as we go but—

**Mr Rattenbury:** To be honest, Mr Hanson, I have not taken a view on that. If you have particular views, I am open to—

**MR HANSON:** I would like to see it.

**Mr Rattenbury:** Yes, sure. The question is: do we bring it forward as legislation and let it sit on the table for a while or do we have an exposure draft?

**MR HANSON:** You are still deciding?

**Mr Rattenbury:** Yes. I have not made that decision yet. We could bring it in as legislation and have it go to a committee; that is another possibility. All of those things add time, but it is an important document. For me, part of the decision-making will be getting a sense from the agency of how much consensus there is amongst the stakeholders on the model that comes forward. If there is a high level of consensus, I will be more inclined to proceed quickly. If there are disputed areas, that invites a different process.

**MR COE:** Is now the right time to ask about the privacy commissioner's work?

**Mr Rattenbury:** Try. Let us see how we go.

**MR COE:** At its core, what projects does the privacy commissioner work on?

**Mr Glenn:** The ACT government has an arrangement with the Office of the Australian Information Commissioner to provide the privacy commissioner service to the territory. That consists of two main functions. Firstly, it is to receive complaints about privacy issues in relation to the ACT public service. Secondly, there is, within that arrangement, an expectation that the commissioner will conduct some type of audit or review in relation to ACT government operations. They change from year to year. Sometimes that is an audit of privacy compliance of a particular agency. I think the current work is around looking at compliance with privacy policies, the publication of those policies on agency websites and how they are articulated. There is an assessment of that.

It is a critical function. It is relatively small. The numbers of complaints are relatively small but they certainly do occur. Our regular auditing function is probably the main piece which keeps a progressive rolling audit of privacy issues across the public service.

**MR COE:** Whereabouts are they reported—the case load and what they are working on?

**Mr Glenn:** I can take that on notice. I am not sure whether that is reported separately in the IRC's annual report or if there is a place where it is reported in another

directorate's report. I will have to take that on notice.

**MR COE:** Is it in the budget? Are there any accountability indicators?

**Mr Rattenbury:** Not that I can recall.

**Mr Glenn:** Certainly, in the budget, it is actually in the base for the Justice and Community Safety Directorate, to be able to fund essentially a contracted arrangement with the commissioner.

**MR COE:** In terms of the contract that we have with the commonwealth agency, is that a fixed amount or does it scale up according to case load?

**Mr Glenn:** It is a fixed annual amount. It is in the order of \$80,000 to \$100,000.

**THE ACTING CHAIR:** On behalf of the committee I would like to thank the ministers, statutory office holders and their respective 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, all answers to those questions need to be with the committee secretary within five working days of the receipt of the uncorrected proof *Hansard*. If members wish to lodge questions on notice, please get those to the committee support office within five working days of the hearing, day one being the next working day after the hearing, which is tomorrow.

**The committee adjourned at 4.45 pm.**