



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON JUSTICE  
AND COMMUNITY SAFETY**

(Reference: [Annual and financial reports 2015-2016](#))

**Members:**

**MRS G JONES (Chair)  
MS B CODY (Deputy Chair)  
MS E LEE  
MR C STEEL**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**TUESDAY, 7 MARCH 2017**

**Secretary to the committee:  
Dr A Cullen (Ph: 620 50142)**

**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 10.01 am.**

Appearance:

Office of the ACT Director of Public Prosecutions

White, Mr Jon, Director of Public Prosecutions

**THE CHAIR:** Good morning everyone, and welcome. I declare open this morning session of the first day of public hearings for the Standing Committee on Justice and Community Safety on the 2015-16 annual reports.

The proceedings this morning will commence with consideration of the 2015-16 report and related issues of the Justice and Community Safety Directorate, during which the committee will also consider the annual reports of the Director of Public Prosecutions, the Legal Aid Commission ACT, Public Trustee and Guardian, and the Public Advocate of the ACT regarding responsibilities of the Attorney-General. In the afternoon the committee will hear from the Minister for Justice, Consumer Affairs and Road Safety and Minister for Corrections, and the Minister for Police and Emergency Services, together with their officials.

I remind witnesses that the proceedings are being recorded by Hansard for transcription purposes, and are being webstreamed and broadcast live. Before we begin, I remind witnesses of the protocol, protections and obligations entailed by parliamentary privilege, and I draw your attention to the pink privilege statement on the desk, which sets out these important matters.

We will begin with the Director of Public Prosecutions. The committee welcomes the Director of Public Prosecutors, Mr Jon White SC, to the table. Mr White, could you confirm for the record that you are aware of the privilege statement and its implications?

**Mr White:** Yes, I am, thank you.

**THE CHAIR:** Thank you. Before we proceed to questions, would you like to make a brief opening statement?

**Mr White:** Yes, thank you. As members of the committee will be aware, last year was yet another busy year for the ACT Director of Public Prosecutions. The business of our superior courts has been increasing markedly over the past few years, and the business of the Magistrates and Childrens Court continues in a similar vein to what we have had over a number of years.

I have highlighted in the annual report a number of successes over the period of the report, including some very big and significant cases that have been run by the office. It is true to say that the overwhelming message from the people who work at the DPP is that we continue to do our best to provide an adequate prosecution service for the people of the ACT, and under circumstances where resources are ever tightening upon us and our workload is ever increasing.

**THE CHAIR:** Thank you, Mr White, for appearing before the committee today. We will now move on to questions on your area. I want to ask about administrative restructuring. What restructuring have you undertaken in the directorate over the 2014-15 and 2015-16 financial years, and were external consultants engaged to advise the directorate on this restructuring? How much was spent on that?

**Mr White:** We have not done that during the reporting period. We are proposing to retain external consultants to advise us on the way forward for the next five or 10 years for the office. I have highlighted in the report that there are structural issues, particularly at the senior levels of the organisation, the senior lawyers of the organisation. We have difficulty retaining senior staff, and that has impacted upon our delivery of services over the period of time. We do propose to go down that route of getting external consultants so that we can get some benchmarking about what the appropriate levels of service are, what the appropriate levels are in terms of seniority of staff dealing with a particular complexity of matters, and what performance measures can be put in place to provide a framework against which the performance of the office can be tested.

**THE CHAIR:** As a supplementary to that, to what extent has the balance changed between executive staff, middle management and lower level staff handling different cases?

**Mr White:** One of the things that we have been trying to do is to identify the opportunities for paralegals to take a greater role in the preparation of cases for court. That really reflects general developments in the legal profession whereby more routine work is pushed down, if you will, to lower levels as an efficiency measure. We are very fortunate in the ACT in having access to a very fine body of paralegal employees. Many of our paralegals are law students and they get great assistance by working in our office for a couple of years, learning the ropes and then going on to legal careers. Some of them stay with us, but very often they will receive their training with us and move on.

The key development where we are pushing at the lower levels is to involve them more in the preparation of cases. We would even like to have them given a right to appear in court on simple pleas and mentions. This would free up our trained lawyers to do more significant work: the running of hearings in the Magistrates Court and instructing and presenting trials in the superior courts.

**THE CHAIR:** I am sure we will come back to that shortly.

**MR STEEL:** I have a few supplementaries. Is the reason for looking at restructuring a response to the increasing complexity of cases that you are seeing in the Supreme Court in particular, or is it a range of factors?

**Mr White:** It is mainly to do with that. We really need to identify our senior lawyers as working on complex cases, of which there are a greater number than there used to be. Just the number of murders in the territory has increased significantly. Each murder is very resource intensive for the office and requires, at various stages, two or even three lawyers working on it intensively at a high level. We need to free resources, our junior lawyers, to make them available to assist in those bigger matters. It is not

just murders. We have had major drug conspiracies, and a big fraud matter that ran for eight weeks during the reporting period. A lot more complex cases are coming before the superior court. So we really do need to free up junior legal staff to assist in those matters and also to run the summary hearings in the Magistrates Court where most of the family violence matters, for example, get determined. Many of those, of course, run to hearing. So that is really what is behind it.

**MR STEEL:** When you talk about benchmarking, are you talking about remuneration?

**Mr White:** Partly about remuneration; numbers of staff and what level of complexity various levels of staff should be dealing with. I say in the report that at the moment the very top level of cases is being dealt with by me, my deputy and the assistant director, who are all SES officers, and that below that we have five levels of lawyers, who are all non-SES lawyers, who are expected to run some very complex cases. So something has to give. The executive cannot continue to run those complex cases and also run the office, which is in itself an increasingly complex matter to do.

**MR STEEL:** You also have a large increase in the number of domestic violence cases—

**Mr White:** Yes.

**MR STEEL:** and in relation to parking infringements that go to court, as well as a few other minor-level offences?

**Mr White:** Yes. The major impact for us in the summary courts is family violence. The other matters tend to wax and wane, but the level of family violence reporting has increased significantly, and that has led to a great increase in the number of matters before the courts. The figures are in the annual report. I am often asked: does this mean that there has been an outbreak of family violence in the ACT? Definitely not. It is about reporting. Members will be aware of the horrific murders that have taken place in the last year or so in the ACT. Very many of them have centred on issues of family violence and that has led to a greater reporting of family violence. I think we should acknowledge that the police are now much better at dealing with issues of family violence than they once were, and that increases reporting rates as well.

**MR STEEL:** My substantive question leads on from family violence. It is about the new audiovisual records that police are keeping when they are attending family violence incidents. What difference has that already made to prosecuting those sorts of issues?

**Mr White:** The difference has not yet really shown up directly in the way the courts are dealing with matters, because those matters are only just now coming before the courts. But the dynamic has really changed. I will explain it briefly. What happens now is that, when police attend a family violence incident, they will take a video recording, a video or audio recording, of a statement of the complainant, and that statement then becomes the evidence-in-chief of that complainant in the hearing.

The real significance of this is that everybody knows before the hearing exactly what

the complainant will say happened on the night. If that is properly managed, that will encourage defendants to plead guilty earlier, because they will know what the evidence against them is, and it takes out of the equation the concept of the complainant withdrawing her complaint, if I can use a gender term, but for reasons that members will appreciate. It takes the complainant withdrawing her complaint off the table, because that evidence, so to speak, is already in the bag, and will be put before the court.

We expect that this will really change the dynamic of family violence hearings. We have not really seen that flow through because we are only just starting to see the first of those matters come into court.

**THE CHAIR:** Mr Hanson, do you have a supplementary on the DV matters?

**MR HANSON:** No, I have a supplementary on the original question. My supplementary was to the question that you asked, but then Mr Steel had a supplementary. I was asking for a supplementary, but you have now moved on to another matter to which I do not have a supplementary.

**MS LEE:** I notice that in the report you stated:

It is particularly disappointing to note that although I cautioned as long ago as my 2012-2013 report that the appointment of a fifth judge would require additional complementary prosecutorial resources, this was not given priority in the recent budget. Similarly, the announcement of additional police resources is not complemented—as it surely must be—by an increase in resources for my Office. This does not say a lot for the agility of the budgetary processes in the Territory.

Given confidentiality of course, are you able to give us some specific examples of the risks that you face and your office faces because of the shortfall in terms of funding?

**Mr White:** Yes. There are probably two main areas. First of all, we have to split our resources between the Supreme Court, which is very busy, and the Magistrates Court, which is increasingly busy, particularly in the family violence area. We are spreading our resources thin, and clearly we cannot provide the same level of service spreading our resources across those two areas.

But really coming back to possibly a point I was making in response to Mr Steel's question, we are hampered in our ability to put our best foot forward in the Supreme Court in those serious cases which require a lot of resources. One needs a great deal of experience and training to be able to prosecute those complex matters at a higher level, and if we cannot attract the right people at those levels then we are not going to be able to provide the service that we would wish to the community.

**MS LEE:** And you stated earlier that there is a lack of senior-level prosecutors and that means that the burden of actually trying the cases at the very high level falls on the executive.

**Mr White:** Yes.

**MS LEE:** Could you give the committee a rough idea—I understand it probably is difficult to do—of how much of your time is devoted to prosecuting cases compared to management?

**Mr White:** Yes that is difficult, but I would say I am involved in the legal side of the business probably about 70 per cent of the time. My area of specialisation at the moment is appeals, either in the High Court or in the Court of Appeal. My other senior lawyers are not really available to assist me in that regard. In respect of my deputy and assistant directors, who are also part of the executive, 90 per cent of their work would be involved in prosecuting matters. My assistant director, Shane Drumgold, for example, has been running back-to-back murder trials. He is just starting another one today. My deputy director, Margaret Jones, has been prosecuting murder trials, big fraud matters, AND helping me in the Court of Appeal.

That puts a lot of burden in terms of the legal work on senior members of the office, who are trained and experienced to run those cases, but there is a lot of demand, as members will appreciate, on our time in terms of management of an office of now 70, 80 people.

**MS LEE:** In terms of either a comparison to other jurisdictions or how you see an office running, what would be the ideal in terms of being able to spend on management?

**Mr White:** I think probably 60-40 for all members of the executive. I certainly favour members of the executive having a hands-on role in terms of leading from the front, doing trials. There is an issue of morale for the office when they see leaders doing that, and also we are the people with experience and expertise. But we do feel that our ability to contribute to law reform discussions and those sorts of things is hampered by the fact that we are simply engaged in litigation for most of our day.

**MS CODY:** How much do you rely, then, on other agencies for example, for investigations or those sorts of things when prosecuting or determining whether to prosecute?

**Mr White:** We are a completely downstream agency. We do not engage in investigations ourselves at any point. But most briefs of evidence we receive are from the police and they are well investigated and professionally investigated. But we also receive briefs of evidence, for example, from territory regulatory authorities which may or may not be investigated to the same extent. A lot of our work is involved in commenting upon briefs of evidence, asking for matters to be chased up, seeking further investigations.

Obviously our ability to do that is compromised if we are nose to the grindstone in court every day. I have to say, I am astounded sometimes at 10 o'clock on a Monday the office is silent because all the lawyers are in court. And it really is quite striking. Of course, while they are in court they are not able to prepare for those cases where they have to comment on briefs of evidence or prepare the case for next week which might be a complex trial in the Supreme Court, or proof witnesses and so on and so forth. That is the sort of juggling act that we have at the moment.

**THE CHAIR:** As a supplementary to that—and I know the question is: “How long is a piece of string?”—compared to how perhaps you have experienced resourcing compared to needs in previous years, can you please give us an idea of the quantum of staff that you need to be able to do your job properly?

**Mr White:** I have to say that obviously I am talking with government at the moment in the current budget process, and—

**THE CHAIR:** Are we are talking about a 50 per cent increase or a 10 per cent increase?

**Mr White:** I am talking more a 10 per cent, 15 per cent increase. I think that would be fair to say.

**MS LEE:** Two FTEs?

**Mr White:** Two FTEs. Yes, I think that is probably fair to say.

**MS LEE:** And that higher senior prosecutor—

**Mr White:** Yes, we are looking at seeing how we can address the issue at the higher levels. If one compares us to, say, New South Wales where there is a whole coterie of crown prosecutors and senior crown prosecutors who are paid at a very high level, probably, at about the same level as the executive service salaries—

**MS LEE:** But they are purely reserved for doing legal work?

**Mr White:** And they are purely reserved for doing legal work, and complex legal work. They are the ones doing the murders and the complex drug conspiracies and so on and so forth. We effectively lack anything like that. Part of any increase would be targeted at that level.

**MR HANSON:** You talked about a resourcing crisis. Following on from that theme—and this is not the first time you have appeared before this committee and the estimates committee suggesting that this same resourcing crisis has been ongoing for a while now—what is the actual impact of that? You talked about not being able to provide the same level of service. Is this resulting in failed prosecutions? Is it a matter of not being able to prosecute certain matters that you would have otherwise prosecuted? Is it the inability to retain staff? Is it all of those, or are there other matters? What does this actually mean? In tangible terms, does it mean that we are just not able to prosecute crimes that we should be?

**Mr White:** At this stage it does not mean failed prosecutions or matters that we are not able to prosecute, but obviously we have to keep that issue under review. What it does mean is that staff are under a great deal of pressure and are working long hours. Employment outside can be more attractive under those circumstances.

They get very good training in my office because we have a commitment to doing advocacy in-house. My people are very marketable. In the past few months I have lost, for example, a person to a senior position in Queensland at Queensland DPP, a person

to a senior position in Victoria in Legal Aid or Public Defender. The grass is greener for those people, and those people who remain are under a lot of pressure to produce results.

As I say, at this stage we are not contributing as we should do to law reform and just the general discussions within the legal community about procedural matters and so on and so forth that we should be, because we just do not have the time to contribute.

**MR HANSON:** And have you been subject to any efficiency dividends over the past few years?

**Mr White:** Yes. We have had the same efficiency dividends as the rest of the public sector.

**MR HANSON:** Regardless of the fact that your workload has increased in its complexity and its volume and that you have got a problem with experience within your office, the government has squeezed you for an efficiency dividend?

**Mr White:** Yes. That is a very colourful way of putting it, but yes, that is so.

**MR HANSON:** Other than the budget process—and it seems that we have had the same conversation a number of times, and you keep going back to the government, they do not give you any more resources and in fact they seem to take away from you through efficiency dividends—if you do not have any success through the budget round, what are your predictions? Does this mean that there will be failed prosecutions? Does this mean that there will be matters that we cannot prosecute? Does this mean that staff are under even more stress? What is the impact going to be? Eventually there is going to be a break, is there not? You have managed it, crisis managed it. At what point does the system break?

**Mr White:** If I may say so, that is a fair observation. We cannot continue on as we are. One would hope that we will always maintain—and our primary focus is on this—the quality of prosecutions. But that comes at a cost, at a human cost in terms of the burden that individual officers have to bear and so on and so forth. I have been in this game for a long time. I am always reluctant to talk about what we would not prosecute, but that is present in our mind. Those issues are present in our mind.

**MR HANSON:** But you are considering matters that you will not be able to prosecute because of resourcing concerns?

**Mr White:** My optimism does not allow me to consider such things too greatly, but obviously we cannot keep going on forever.

**MR HANSON:** You have been optimistic for the past few years when you have appeared before this committee. I would have thought that there would be a point at which your realism must replace your optimism and you have to start crisis managing, essentially, to reduce the number of prosecutions that you are engaged in.

**Mr White:** Yes.

**MR HANSON:** What do you do? Do you reduce prosecutions in the more serious matters, or do you start at the bottom with the less serious matters, or how would you approach that?

**Mr White:** With respect, I agree that it is inevitable that something like that will have to come into play. I have not really considered it in detail, but also I would prefer not to telegraph those things that we will not be prosecuting.

**MR HANSON:** Fair call.

**Mr White:** Our commitment is certainly to family violence, sexual offending, which is a large part of our practice. Sexual offences take up an enormous amount of our practice, and we are very proud of what we do in those areas, and murders and those really major cases. So those are the real focus of our practice.

**MS CODY:** Industrial manslaughter?

**Mr White:** Nobody has been charged with industrial manslaughter, as such, in the territory, although members will be aware that there are matters from time to time, including a current matter, where the authorities are considering what action to take in that area. That is another area, and that is an area which has really gained a lot of prominence in the past five years or so. There are always areas that require attention and—

**MR HANSON:** And will you be making that point to the government in your budget submission?

**Mr White:** Yes.

**MR HANSON:** Because ministers will need to make a decision?

**Mr White:** Yes.

**MR HANSON:** You are saying here that there will eventually be crimes that will not be prosecuted because of resource constraints. Will you advise ministers, perhaps in confidence, “This is the nature of the crimes that will no longer be able to be prosecuted because of the resource constraints”? If ministers have got to make decisions about resourcing and they have got to understand what the implications of those are, will you be putting that sort of information in your budget submission or will you be doing it on a more case-by-case basis depending on what the particular case is and perhaps the chance of a successful prosecution?

**Mr White:** I think government can be in no doubt of my position in relation to resources. Without disagreeing with the thrust of your question, I would probably like to leave it at that, but I can assure members of the committee that I am in very constant contact with government over this issue. The new—

**MR HANSON:** Unsuccessfully, obviously.

**Mr White:** The new attorney is taking on board all of the issues of his portfolio,

including the issues to do with my office, and I am speaking to government on a regular basis.

**MS LEE:** Can I have a supplementary on that?

**THE CHAIR:** Yes, and I also wanted to give Ms Cody the opportunity for a substantive if she wanted. So either/or.

**MS CODY:** Can I do a bit of both?

**THE CHAIR:** Yes.

**MS LEE:** I also have one supplementary to that as well.

**THE CHAIR:** I just want to alert the committee to the fact that we have four different bodies appearing, and a half hour each, but I think we can go up to 10 minutes over here. Let us go to Bec first, then to Elizabeth for the supplementary and then a main question. If we can keep it fairly brief, that would be great.

**MS CODY:** My question was simply: do you choose not to prosecute cases now?

**Mr White:** No.

**MS LEE:** Just while we are on resources, would it be fair to say that the squeeze in the budget—you talked previously about losing good staff.

**Mr White:** Yes.

**MS LEE:** Does that impact on remuneration for the same sort of background and experience, paying prosecutors, and also impact in terms of prospects for promotion, because that is an important thing for any young lawyer to look at?

**Mr White:** Yes.

**MS LEE:** Would it be fair to say that it impacts on that?

**Mr White:** We have to offer a structure that offers a proper career advancement, and we are, unfortunately, not able to do that, particularly at the senior levels. I would say that we pride ourselves on giving very good training to junior lawyers. They are in court from day one, and they get very good support from the office in terms of the way they conduct themselves in court. But eventually those lawyers need to feel that they are progressing, and if they do not, they will be looking around for other employment. If there is a sort of ceiling in terms of seniority, that does have an impact.

**MS CODY:** Following a bit of a theme still, I know I asked you about industrial manslaughter. I notice that there were a few work health and safety prosecutions that you held in the reporting period.

**Mr White:** Yes.

**MS CODY:** I note that you talk about one in particular where a very large fine was the outcome.

**Mr White:** Yes.

**MS CODY:** Do you know if that fine has been paid?

**Mr White:** I do not, off the top of my head. No; actually, I do not know.

**THE CHAIR:** Is that within your ambit to take on notice?

**Mr White:** Yes, I can take that on notice. The enforcement is really a matter for the courts rather than for us.

**THE CHAIR:** Yes.

**Mr White:** But I will be able to make some inquiries about that, yes.

**THE CHAIR:** If you can let us know, that would be good.

**MS CODY:** From reading the report, there seems to be a lot of talk of pleading the cases out.

**Mr White:** Yes.

**MS CODY:** Particularly in the work health and safety area.

**Mr White:** Yes.

**MS CODY:** There is not a lot that goes to trial.

**Mr White:** Yes, that is true.

**MS CODY:** Is there a particular reason for that?

**Mr White:** We do not have a particular softer approach in relation to those sorts of crimes than any other, but we are always balancing the utility of negotiating a plea against the utility of running a case.

**MS CODY:** You mentioned before that it is a downstream agency, so you rely on other people for briefs?

**Mr White:** Yes, that is true.

**MS CODY:** Does that have an impact in the plea bargaining?

**Mr White:** The quality of the brief obviously does have an impact. We might not be in quite as strong a position as we might otherwise have been had certain investigative decisions been taken. And in this area there are time limits within which cases must be laid or charges must be laid. If we have something like a murder, we can wait for

years for matters to be investigated, but that is just not available in the industrial area, so that puts an extra restraint—

**THE CHAIR:** I have a supplementary to that, Mr White. In this area, are your briefs coming from WorkSafe ACT, are they coming from the police, or is it a combination?

**Mr White:** They come from WorkSafe ACT, but the police are involved in any death from a coronial point of view.

**THE CHAIR:** Yes.

**Mr White:** So part of the investigation will have been conducted by police but the briefs for the work safety matters come from WorkSafe.

**MS CODY:** Following on from that, I note that in one of the work safety matters that are discussed in here, you talked about trying to prosecute a project manager in the definition of an officer.

**Mr White:** Yes.

**MS CODY:** And it seemed that the matter was dismissed.

**Mr White:** Yes.

**MS CODY:** Would that be because of the way the legislation is currently worded? Is there a way that that could be stronger? Would that make a difference in those sorts of fields?

**Mr White:** That is difficult to say. I think the magistrate in that case was not convinced that the person was really taking part in the running of the business. There are tests that try to look to the substance of what a person is doing in relation to a business rather than the formalities, because obviously people hide behind the formalities from time to time. That was just a case where the magistrate was not convinced on the evidence that this person really was connected in a sufficient way to the business. I do not think that is a problem with the legislation as such. We had our case, we put it, and the magistrate did not accept it.

**THE CHAIR:** We might move on now, Mr White. I am sure there are other questions that members of the committee would like to put on notice. At the end of this section, I will explain how that is all done, but I am sure you have got the basics.

**Mr White:** Yes, absolutely.

**THE CHAIR:** You will be getting some questions and you will have a few days to respond.

**Mr White:** Yes; thank you very much.

**THE CHAIR:** Thank you very much for appearing.

**Mr White:** Thank you, and may I be excused?

**THE CHAIR:** Yes. Thank you so much.

Appearances:

Legal Aid ACT

Boersig, Dr John, Chief Executive Officer

Monger, Mr Brett, Chief Finance Officer

**THE CHAIR:** I will move to the next witnesses, from the Legal Aid Commission of the ACT. We welcome Dr John Boersig and Mr Brett Monger. Can you confirm for the record that you are aware of the privilege statement and its implications.

**Dr Boersig:** I am.

**THE CHAIR:** Before we proceed, would you like to make a brief statement? We are talking quite brief.

**Dr Boersig:** No, but thank you for the opportunity to be here.

**THE CHAIR:** I might start with a question regarding resourcing. In particular, my understanding is that, as we are talking about budgets here, the ACT government had committed in May of 2015 to an extra 867 over two years to the Legal Aid Commission. Has that money been forthcoming?

**Dr Boersig:** That money was forthcoming. It is a lapsing program, so that is a matter that will be considered in the current budget.

**THE CHAIR:** Can you please explain what the money was to pay for and what will happen if that is not renewed?

**Dr Boersig:** The money was received on the basis of a baseline funding bid. When I say baseline, what I mean is that it was an overall package put to government to say, "Here are the costs of delivering cases five years ago; here is how it has progressed." It is the natural progression. "This is what it has cost Legal Aid over this, and we are able to demonstrate that."

**THE CHAIR:** So it was not for a special project?

**Dr Boersig:** No.

**THE CHAIR:** It was about your basic operation. Can I just confirm this, also? It is my understanding that your workload will have increased as a result of our greater focus in the community at the moment on domestic violence. I know I have certainly recommended that people get in touch with you. Can you please give us a bit of an idea of how that is affecting your ability to do the work that you do?

**Dr Boersig:** In quite a number of ways. Of course, in relation to the family violence list, the criminal list, we are on the other side of that and have a reactive role for defendants in those matters. Mr White was talking about that situation; we are dealing with the criminal offending.

On the other side, we are also the major deliverer of services to women and primary victims in relation to applications in the domestic violence lists. We have seen an escalation, for the very same reasons you heard about before, because of this increase in reporting—which is very welcome. But that requires us sometimes to have three or four lawyers there on a Tuesday, which is one of the main hearing days. It is also affecting the numbers. We are getting more calls on our helpline; you would have seen that we had nearly 16,000 calls last year.

**THE CHAIR:** How does that compare to the year before? Do you know?

**Dr Boersig:** It has gone up about nine per cent, so it is significant. It is an important service.

**THE CHAIR:** Yes, of course.

**Dr Boersig:** We see a lot more people coming to the Family Court, and we are seeing a connection between family law proceedings and domestic violence proceedings.

**THE CHAIR:** Of course.

**Dr Boersig:** The commonwealth government is funding legal aid commissions nationally to set up family violence duty services in the Family Court.

**THE CHAIR:** Have you put that to the government as part of your submissions on the upcoming budget?

**Dr Boersig:** Yes, the government is aware of this. It has not been announced formally at this stage.

**THE CHAIR:** No.

**Dr Boersig:** That will be something that is done by the commonwealth government. We are currently preparing for that and employing staff.

**THE CHAIR:** Do you know how much you are expecting to receive?

**Dr Boersig:** This year, a bit over \$340,000, and then 0.555 each year for two years.

**THE CHAIR:** Additional?

**Dr Boersig:** Additional, yes.

**MS CODY:** You were talking about family violence and the bigger impact. I was also looking at your community legal education. Do you have a program that focuses on family and domestic violence as well?

**Dr Boersig:** We have set up a number of programs in the past year, particularly the cultural liaison unit. That is a program that was established with people of Muslim background or Arabic speaking. We are looking to open up those communities to our services, for the reason you spoke about and other reasons. That has drawn a lot of

people to us, and it has been very successful from that point of view.

We couple attending women's groups, going to mosques and the like with some small groups. We have also expanded our outreach services. You will see we have 12 outreaches around Canberra now. We used to have two a few years ago. That is in an endeavour to bring people in and get them into contact so they can get some initial advice. In addition, when we are giving community legal education at a school or community group, we are seeing the numbers are really accelerating. We also stay behind and if people want to have a chat about their legal problems we do that. We have changed the style and the service in terms of accessibility.

**THE CHAIR:** Is that in a school environment?

**Dr Boersig:** Schools and community groups. We run the Youth Law Centre and that is one of our key connections with schools.

**MS CODY:** Do you find that when you do a lot of this outreach type of work it is not just legal services that are required?

**Dr Boersig:** Exactly. The issues that we face here in Canberra are the same as elsewhere. There is a cluster of problems around these people. If there is a housing problem, there is a family violence problem and there is an income problem. One of the things that all the legal services are doing—that is, the Women's Legal Centre, community legal centres and us—is ensuring that we have referrals and we provide information. We are setting up protocols with a whole range of organisations from Communities@Work through to MARSS, the Women's Legal Centre and so forth so that we make the right connections for those people.

One of the aspects of the commonwealth funding is for a social worker position around family violence. To be quite candid, the key thing that person needs to do is to pick up the phone and make the contact. You will know that from your own experience. If you can make that call, you can help that person. That is one of the criteria. We have been very lucky to engage someone who will be able to do that and has been doing that for about 10 years on the ground in women's refuges.

**THE CHAIR:** Fantastic.

**MS LEE:** I have a supplementary. Mr Boersig, you referred to the two cultural liaison officers. Is that their title?

**Dr Boersig:** Yes.

**MS LEE:** What is their background expertise? What were the criteria that the Legal Aid Commission put in place when hiring those two officers, and the justification for why those criteria was set?

**Dr Boersig:** We saw, more generally, a need in relation to the Muslim community. It was coming anecdotally and indirectly. We talked with a number of people in the community about what kind of service we might operate. We settled on a structure where we had a male and a female. The initial focus was with Arabic speakers. We

had trialled a program the year before with a Zimbabwean in an endeavour, again, to assist young African men, mainly, who we were seeing were getting into a lot of trouble in the courts. From that we realised that if we developed a liaison service we were able to do a range of things. People coming from other countries are not always that comfortable coming to an office where no-one speaks the language and where everything is this colour here.

The two things I said to our workers were: one, your job is to go out and get in contact with the people out there about our services and bring them in and, two, your job is to train us here in the Legal Aid Commission around how to better provide a service. We do that. We have done that for a long time with our Aboriginal and Torres Strait Islander officers but, clearly, we need to be able to provide better services.

**THE CHAIR:** Can I just clarify how many languages you are working in now?

**Dr Boersig:** The last I saw, there were nearly 50.

**THE CHAIR:** How do people access those language services?

**Dr Boersig:** We have a number of speakers of languages in the commission, probably about eight or nine different languages, but otherwise we go through the interpreting services.

**MS LEE:** I know that if there was no budget you could probably extend this out, but you said that it was an anecdotal sort of feel that the priority was Arabic speaking—

**Dr Boersig:** It was. The figures showed that that was the case. But they have expanded their work. In relation to interpreting services, in 2009 we spent around \$4,000 on interpreters. Last year we spent \$55. That is the difference it is making.

**THE CHAIR:** Absolutely. It is a good thing in a way.

**MS CODY:** Just to follow on from Ms Lee, it is going to sound a rather odd question, but I am sure you will understand.

**Dr Boersig:** Yes.

**MS CODY:** Do your cultural liaison officers dress differently as well? I know that there are some—

**THE CHAIR:** Expectations?

**MS CODY:** Yes. There are some areas of the community where seeing somebody in a suit would be detrimental to liaising quite well with them. Do they take that into account?

**Dr Boersig:** They dress in the way they feel most comfortable. Sometimes they wear clothes that are appropriate to their background. One is Egyptian and one is Syrian. Yes, it is crucial.

**THE CHAIR:** It is about trust.

**MS CODY:** Absolutely.

**THE CHAIR:** That is very important work.

**MR STEEL:** You have mentioned in the report that you have made an investment in the early resolution of legal matters to avoid the costly and lengthy process of litigation. What sort of early resolution mechanisms are you investing in?

**Dr Boersig:** That is primarily in relation to our family dispute resolution service. We have a 75 per cent success rate in relation to those matters. That is a situation where people are going through the Family Court or just starting in the Family Court and they are referred to us for conferencing, where both sides are represented by a convener.

In the last year the Chief Magistrate has made some practice directions in the Children's Court. We are now receiving care and protection matters in that process. That is in relation to matters where there is a prospect of restitution to the family in relation to care and protection. That is quite unusual, and that is reflecting the desire from both the court and us to find early resolution for those children.

**MR STEEL:** What about working with business in terms of matters that they are raising?

**Dr Boersig:** We provide a range of services. In particular, the helpline service is open to anyone to come and speak with us. As I said, that is an increasing service. There were nearly 16,000 calls last year. Obviously people in Canberra want to be able to pick the phone up and talk to someone. Quite a few of those were tradies and small businesspeople. About a year and a half ago we linked up with the University of Canberra. We are currently running a small business clinic each Thursday, and we are getting referrals from the chamber of commerce. It is not generally the work of a legal aid commission, but it is a great venue. It works well. The private profession is coming in. We have volunteer lawyers coming in to provide that service each afternoon, and it is always busy on a Thursday. There is a range of needs out there. Canberra has been going through a difficult time. It is coming through it now, it would seem, but we were getting a lot of questions.

**THE CHAIR:** I guess we all save a lot by sending people off in the correct direction early.

**Dr Boersig:** It is important. One of the good things about the clinic, and we run several of these clinics—the employment clinic, for example—is that you can winnow through the real issues. Sometimes someone just needs to talk through their problem and we will say, “Yes. If you do this and this, that's fine.” There are issues we identify where we say, “Mate, you've got to go and see a specialist lawyer for this because you're not going to fix it.” It is to the great benefit of the clinics. As you know, lots of people talk to a lot of people before they talk to a lawyer. We are trying to remedy that and get them in and say, “You've really got a problem here. You need to address that.”

**MS LEE:** I have a substantive question. Dr Boersig, on page 27 under “Priorities”, the report states:

Unless the Commission’s operation structure and practices embrace new and innovative modes of service delivery our capacity to adequately respond to emerging client needs will be diminished.

Can you expand on that? What is the commission looking to do? Has it already adapted some new technologies?

**Dr Boersig:** Over the past 18 months we have moved from a very flat legal structure, where we had a senior lawyer and then another layer of lawyers, to a system where we have three levels of lawyer. So there is a system of supervision and we have engaged younger lawyers. You will see in our staff structure that there is real growth in that level. That reflects our capacity to deliver services, but it has to be supervised. So it has to be in a structure like that. That is the kind of innovation I mean. I talk a lot with not just the legal aid commissions but senior members of the legal profession around this town about how they run practices and how they deliver services, and we have learned a lot.

We had a review conducted by a senior lawyer here in the ACT of our family practice. He was a commercial property lawyer. He started his own business. He had a great understanding of systems and the systems in place. We got a lot of insight from him about the metrics around how to pick cases and how to prioritise. We have learned a lot from that. That is what I mean about innovation. We need to learn what other legal aid commissions are doing, but we also need to look at what the private profession are doing to deliver their services. Of course, IT is next. The next move, of course, is into automation. I hope to talk to you next time about how we are providing automation—people, answers and questions—as Victoria Legal Aid is going.

**MS LEE:** As in first point of call automation, to save up resources?

**Dr Boersig:** Wouldn’t it be fantastic if someone could go to the local library or Access Canberra and go on the net and have their questions answered? That would be fantastic. To me, that is the essence of legal aid.

**MS LEE:** By real lawyers, as opposed to Google searches.

**Dr Boersig:** That is right. We have a system where it is plugged in. There are systems overseas that are starting to develop these automated interactions in family law. The future innovation is here. We have to go along with it.

**THE CHAIR:** Is that something that you are seeking assistance for from the ACT government funding-wise, or is it something that you are intending to work through with the current package?

**Dr Boersig:** At the moment, we are just doing it ourselves as part of what we deliver. An IT package that went out through Access Canberra and through libraries would be something you would want the whole government to look at. That would be a matter

that would have to be considered. That is very nascent. It is just indicative of where legal aid might be in five years time.

**MR HANSON:** The report says that, during the reporting period, applications for legal aid have gone up from 3,000-odd to 3½ thousand. Is that trend continuing?

**Dr Boersig:** It has this year. When people get knocked back all the time, they stop applying. You will have seen that we have increased the number of grants we have been able to make. That has encouraged people to come along. Every time I talk like this, my client service manager shakes, because the more you advertise, the more people want to come and get some services. There is a catch-22 for us, but yes it does reflect that.

**MR HANSON:** And in terms of applications and how many you are taking on and how many are you knocking back, how many have you knocked back?

**Dr Boersig:** The percentages are set out in—

**Mr Monger:** At the bottom of page 35 it talks about how many of the applications have been approved. In 2014-15 about 30 per cent were not approved. This year, or 2015-16, it was down to 26 per cent. So we are talking—

**MR HANSON:** And what is the nature of the ones that you are knocking back? Is there any consistency to that? Do you do an evaluation based on what income people have got, or is it the nature of the cases, or how is that decision made?

**Mr Monger:** Those who have been declined or not approved are predominately means or income test. They did not meet those thresholds.

**MS LEE:** In terms of the applications that have been granted, the types of cases that you do take on, broadly speaking, are family and criminal, plus the civil side of things. Do you have data about the cases that go all the way to trial?

**Dr Boersig:** I would have to get back to you with that percentage that go to trial.

**MS LEE:** Thank you.

**Dr Boersig:** And do you mean just in trial in criminal or also in family law?

**MS LEE:** In family as well, maybe a breakdown in both of those as a separate figure.

**THE CHAIR:** But you are happy to take that on notice, Dr Boersig?

**Dr Boersig:** Yes.

**MR HANSON:** This is a bit of a follow-up, if I could: in relation to clients that you see at the ACT jail, how does that work? Do you have an outreach service there?

**Dr Boersig:** We do.

**MR HANSON:** Is that every Tuesday, or how does this process actually work?

**Dr Boersig:** We have an outreach service on a fortnightly basis, the prisoner legal aid service, that goes out there. That covers a range of matters, civil as well as criminal and family. As you would expect, there is a range of matters. We then have lawyers going out there every second day in relation to criminal matters. They are there regularly.

**MR HANSON:** And if someone is incarcerated, do they get a priority?

**Dr Boersig:** Yes. Our two main drivers, really, are people in incarceration—and we pick them up either by referral from the Aboriginal Legal Service or we pick them up in bail applications or directly from the jails, they contact us—and children in both care and protection and family. They are the two things that push us.

**MS CODY:** And just a follow-up from Mr Hanson's question, are those that you pick up from jail through referrals also means tested?

**Dr Boersig:** Everyone is means tested in relation to that.

**THE CHAIR:** In relation to means testing, are you able to come back to us with a copy of what system you use to determine that? We are sometimes advising people as well. It would be good for us to have an idea who fits into that category and who does not.

**Dr Boersig:** Yes we can.

**THE CHAIR:** I did want to touch on one other issue, as we have got a couple of minutes, and that is the matter of elder abuse. Can you please give us an outline of any cases; not specifics, obviously, but how this area is turning out and what the community awareness of it actually is. It is a fairly broad term, in my understanding, and is a little like domestic violence. I think people can sometimes even be engaged in this without really thinking about it too much. Can you give a bit of an outline of where you are going with this?

**Dr Boersig:** We can. We are developing a report in relation to this in terms of what better service we can provide around elder abuse. This is a national issue. It was dealt with by COAG quite recently, and it is clearly going to be on the radar in the next few years. It is a generational issue. As we get older, we are seeing more of it.

We come across this in a number of ways: one is our helpline calls; secondly in relation to referral in relation to guardianship and financial management matters. You are right. People do not always see it in terms of abuse, but often it is financial abuse. A not unusual situation is for a remaining parent to come and reside with the younger people and then put money into the house, and then the relationship breaks down and they have lost the money. There are disputes over wills that touch on that as well, I might add.

In fact, we have spoken with the president of ACAT just recently about this, and with the previous president of ACAT. We are starting to pick up a lot of work around

guardianship and financial management in ACAT, so much so that we have engaged someone to prepare a report which should be coming to us within the next two months to see how we can better provide this service.

**THE CHAIR:** Could I also ask whether that report will consider, or whether you can come back to the committee with, a definition, whether we have a current working definition of elder abuse? Also, what can be done towards educating the community? I do think that often—and I can speak from my own family experience—these things unfold in a less than planned fashion because of urgencies in the family and so on. Is there a booklet that can be developed that can help people to actually work out how to tackle the issue of ageing parents, for example? I would love any feedback you have got there on where we should go as a community to find out more. I just want to ask whether your funding pressures are affecting your ability to address this area at this stage, or if you consider that to be an upcoming issue.

**Dr Boersig:** That is why we are putting some time and effort into planning, to see what we should be doing there. At the moment we are coping with the numbers that are coming in, and this project will, I think, tell us which direction we need to go in.

**THE CHAIR:** Just to finally drill down, just before you finish up—

**MS LEE:** I have got a supplementary too.

**THE CHAIR:** I will get to that in a sec. The funding that you are seeking from the government is, at the moment, to continue that baseline funding that you were given at nearly \$300,000, was it—

**Dr Boersig:** It was \$867,000 over two years.

**THE CHAIR:** You are making that case as its being necessary baseline funding, and you are getting a reasonable reception at this point on that?

**Dr Boersig:** Obviously the issues in relation to budgeting confidence, I cannot go into in detail.

**THE CHAIR:** No, of course not.

**Dr Boersig:** But certainly the government have listened to our issues and we have met with the attorney and he has certainly heard that. The ultimate decision, of course, will be a matter that will be taken by cabinet.

**MS LEE:** Dr Boersig, there are a number of community organisations that have raised concern about the higher proportion of females that fall into the category of becoming vulnerable later in life. Are you finding, in the types of applications that are coming through on cases of elder abuse, that it is a high proportion of females, or have you done those numbers?

**Dr Boersig:** I have not done the numbers and I can check that, but that strikes me as correct.

**MS LEE:** Would you be able to get those numbers to us?

**Dr Boersig:** We can.

**MR STEEL:** Just talking about grants from the commonwealth again, I know you explained briefly some of the funding that was provided in the recent budget, but could you provide, perhaps on notice, what revenue, actual and expected, you had from 2011-2012 from the commonwealth and then what you expect to receive under the national partnership agreement in particular to 2020?

**Dr Boersig:** Yes.

**THE CHAIR:** Thank you. Dr Boersig and Mr Monger, I thank you both for being here. As you know, there will be, no doubt, questions coming to you on notice if we have anything that we have not got through today. You will be given time frames of a few days to get those back to us.

Appearance:

Public Trustee and Guardian

Taylor, Mr Andrew, Public Trustee and Guardian

**THE CHAIR:** We will now move on to our next witness. The committee will ask questions regarding the Public Trustee and Guardian, the Public Advocate and the Public Trustee of the ACT. Questions may also be asked about official visitors. I welcome Mr Andrew Taylor, the Public Trustee and Guardian, to the table. Mr Taylor, before we proceed, I ask whether you are aware of the privileges statement and its implications?

**Mr Taylor:** Yes.

**THE CHAIR:** Thank you. Do you have any brief opening remarks you want to make before we start questioning you?

**Mr Taylor:** Yes, contextual.

**THE CHAIR:** We just ask you to keep it brief.

**Mr Taylor:** Sure. The last time I appeared here it was as Public Trustee, and I looked after the official visitor scheme as well. This time my role covers public trustee and guardianship, previously a function of the Public Advocate.

**THE CHAIR:** And Official Visitor?

**Mr Taylor:** Yes. I also undertook the role of Public Advocate for a brief period.

**THE CHAIR:** During this reporting period.

**Mr Taylor:** Yes.

**THE CHAIR:** Thank you. I want to drill down a little on the merger that has occurred between you and the Human Rights Commission. The Public Trustee and Public Advocate are now working out of one body? Am I correct in that?

**Mr Taylor:** Public Trustee and Guardian is one body; the Human Rights Commission is another.

**THE CHAIR:** So it is Public Trustee and Public Advocate. Is that working out of your—

**Mr Taylor:** The Public Advocate used to comprise the guardianship function and the advocacy function. The advocacy function went to the Human Rights Commission, with victim support, to form a new expanded Human Rights Commission. The guardianship function became merged with the public trustee function, and the former offices of the Public Advocate and Public Trustee were abolished.

**THE CHAIR:** Excellent. Thank you very much for the explanation. Can you please explain how the merger has affected the operations of the official visitor scheme?

**Mr Taylor:** The merger has not affected the operations of the official visitor scheme at all.

**THE CHAIR:** It is pretty much the same?

**Mr Taylor:** It was totally unaffected by the merger, yes.

**THE CHAIR:** Has there been an increase or a decrease in the interest in and use of the official visitor scheme?

**Mr Taylor:** The area of most visits would be corrections.

**THE CHAIR:** Yes, of course.

**Mr Taylor:** We currently have two official visitors, including an Aboriginal and Torres Strait Islander person visiting there. They are far and away the most frequent and regular visitors. During the year, the Dhulwa secure mental health facility came on stream. That is a health facility, not a corrections facility. I should also mention that it was flagged that we would review the scheme in the current financial year, which has commenced.

**THE CHAIR:** Has the Official Visitor been visiting Dhulwa or not?

**Mr Taylor:** The mental health official visitors have been visiting Dhulwa, but there is a provision in the act that says that if they are attending a facility, for example, where there might be a mix of mental health and corrections kind of people, they can ask for assistance from the Official Visitor for corrections.

**THE CHAIR:** How many official visitors are there?

**Mr Taylor:** Altogether?

**THE CHAIR:** Yes.

**Mr Taylor:** There are 11, and two of those are common across two disciplines.

**THE CHAIR:** Would you mind taking on notice to give us that as a table or something so we can take it in separately?

**Mr Taylor:** Sure.

**THE CHAIR:** Do you know how many visits took place across that scheme?

**Mr Taylor:** No. We do not have reporting on the number of visits. Those reports must be given to the operational minister and the Assembly, but not to me. They may be given to me.

**THE CHAIR:** Finally, through that work, you are not the reporting body?

**Mr Taylor:** No.

**THE CHAIR:** They report directly to the minister?

**Mr Taylor:** Yes.

**THE CHAIR:** So you cannot really comment on systemic issues that were found?

**Mr Taylor:** No.

**THE CHAIR:** Fair enough.

**Mr Taylor:** I think that was partly the aim of the scheme—

**THE CHAIR:** Yes, I think so.

**Mr Taylor:** to separate the differences, to separate the operational directorates, the official visitors and the board.

**THE CHAIR:** Yes, so that people in these systems have a direct line to those in charge.

**Mr Taylor:** Yes.

**THE CHAIR:** Are there any funding issues with regard to that or is that continuing at the same level?

**Mr Taylor:** No. We achieved significant savings through the 2013 amendments, which brought all of the administration into one body rather than across separate directorates. That funding had been recovered and continued and is more than adequate.

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

**MS CODY:** I do not have much for the Public Trustee at the moment. I am very interested in the Advocate, though. I might just hold off a moment.

**THE CHAIR:** You can ask a question on that. It is the same section, so go ahead.

**MS CODY:** It is the same section. Are you happy for me to do that?

**THE CHAIR:** Yes, absolutely.

**MS CODY:** I have a couple of questions. I noticed that in your advocacy annual report you spoke about the special care unit at the AMC. That is on page 21, which I am currently looking at.

**Mr Taylor:** Yes.

**MS CODY:** You talk about the fact that you have met with the forensic mental health team on six occasions and identified 26 individuals. I notice that you are talking about mental health. Do some of the mental health people have substance abuse issues as well or is it—

**Mr Taylor:** Do some of them?

**MS CODY:** Yes.

**Mr Taylor:** Yes.

**MS CODY:** Does that mean that you work with different agencies—

**Mr Taylor:** Yes. There is a crossover at the AMC between the mental health unit and the AMC's own mental health staff. Yes.

**MS CODY:** Okay.

**THE CHAIR:** How do you find that is functioning now that we have got Dhulwa open?

**Mr Taylor:** We have not had any negative reports. I am not responsible for that function any more, I should say, but at the time that I ceased to be responsible, we did not have any problems with that crossover; nor did the official visitors report any problem there. There are different issues, of course. If you are going to be bringing official visitors into a highly secure framework, bringing in a person to assist is an issue for security for those agencies. That is the only concern.

**THE CHAIR:** Those people have to be used to going through that sort of system.

**Mr Taylor:** Yes.

**MS CODY:** On page 30 you talk about instances of emergency action taken?

**Mr Taylor:** Sorry, could you repeat that? On?

**MS CODY:** Page 30. You talk about instances of emergency action taken for children and young people.

**Mr Taylor:** Yes.

**MS CODY:** You suggested that there were 128 instances, 70 children and young people were removed from the family home due to domestic and family violence, and you attended a court for 32. How does that compare with last year's figures? I know it is a bit difficult, but could you take that on notice, maybe.

**Mr Taylor:** I can, but I can make some comment around that.

**MS CODY:** Please.

**Mr Taylor:** In my role as Public Advocate, I found it particularly disturbing that essentially the Public Advocate had a compliance and oversight role over the mental health and children and young people functions. One was in Health; one was in Community Services Directorate. We found it particularly frustrating that the information that we needed to do what we needed to do was not being provided. We provided that information to a review that was conducted by Glanfield and Parker, and we were pleased with the outcome there, in the sense that—

**THE CHAIR:** You got better information?

**Mr Taylor:** And particularly funding around that. But yes, there were some systemic failures there in terms of providing information to us that allowed us to properly represent, as an advocate, interests of young people. I believe one of the outcomes of that was a funding increase and I think—

**THE CHAIR:** As part of the merger?

**Mr Taylor:** Yes, and the merger of the advocacy unit with human rights and guardianship probably has affected that as well.

**MS CODY:** I notice that you also mentioned the fact that there were 76 individual children and young people case management conferences and hearings, compared to five case conferences for five individual children the previous year. Is that along that same vein that you were just referring to?

**Mr Taylor:** Yes. The role that had been undertaken that led to that increase perhaps resulted from expertise and the vigilance of a particular member of the advocacy staff at the time who was very concerned about ensuring that the information that they required was provided. We put in a better way of them providing the information, even though it was not timely, but there was a significant volume of material coming through all the time, particularly from the Community Services Directorate, and this particular staff member was very vigilant in that. He was new in that reporting period.

**THE CHAIR:** Looks like he was working hard.

**MS CODY:** Definitely. I just have one more question around the youth staff. I do have a couple of others, but I might put them on notice if we run out of time.

**THE CHAIR:** Ask your question and then we will move on to Chris.

**MS CODY:** Talking about the Bimberi youth service, so on page 31 still, there was talk about restraint, use of force and searches. It is about halfway down the page. You said:

Out of the 26 restraints/use of force conducted, there were some errors with the recording of information in some of the templates and inconsistency in the type of template completed by youth workers.

Has that been resolved?

**Mr Taylor:** Yes, absolutely it has been resolved. It was an issue that was brought up by that same person. It was discussed with the official visitors present as well. Part of that had been an inconsistency that came out of the manner in which they were collecting the information, but there were some concerns about the way in which it had been done as well.

**THE CHAIR:** So that has been resolved?

**Mr Taylor:** Yes.

**MS CODY:** Thank you.

**MR STEEL:** My question relates to your role as Public Trustee and Guardian and the relationship you have with disability service providers, particularly in light of the transition to the national disability insurance scheme. What sort of issues or approvals would those organisations need to come to you with in relation to their clients who have a disability?

**Mr Taylor:** One of the significant changes that the Public Trustee and Guardian has faced in the merger was the need to work more closely with stakeholder agencies—people like Koomarri, ADACAS, Advocacy for Inclusion—and private advocacy or non-government organisations providing services, as well as the NDIS. The relationship with those agencies previously had not been good. I can report now that we are working very closely with them, particularly around the concept of supported decision-making which is being trialled by ADACAS.

We have a concern—not just my office but across Australia with all public trustees—in the sense that public trustees variously are semi-commercial entities, in that they have contestable operations, so they are largely self-funding. It was not taken into consideration at the NDIS level that things like transport hub funding could not be undertaken by many of the public trustees without taking out a component for cost.

We have approached the NDIS to ensure that the Public Trustee does not need to be the middleman in a process between a disability service provider and the NDIS. The money can be funded directly through to the provider by NDIS. There has been a lot of concern there. We continually get money for people on a weekly, fortnightly or monthly basis. They do not have account numbers, they do not have names on them and we do not know what we are getting them for. It is just not working. So we are going to address this with the NDIS at a national meeting in Hobart later this month.

Going back to your question about our relationship with disability service providers, it has been very close, by necessity. There are, for example, some high needs clients in the system, in the mental health space, that require close cooperation between people like Koomarri, who provide a residential and a day-to-day framework, the public guardian role, who is appointed as the guardian to make decisions about where they live and who they will live with, whether they work and those kinds of things, and the role of the Public Trustee as a financial manager to make decisions about their financial management on a day-to-day basis.

**MR STEEL:** If a disability service provider calls you up on behalf of a client, what are the top issues that they are raising? What are they asking? Particularly in relation to financial matters, where they are seeking approval for funding for some reason, do you have a top list of issues that they are raising?

**Mr Taylor:** Not off the top of my head, but they would be consistent with the framework within which we can make decisions. If we essentially say that the role of the Public Trustee and Guardian in that space is to make decisions for people who have lost decision-making ability, for guardianship they will largely revolve around health and medical, accommodation, and to a lesser extent legal.

In the guardianship space, probably the most common involvement we have with disability service providers—and I would even include supported residential services there—would be around the management of those clients within support, the entry of those clients into supported residential facilities. On a day-to-day basis, we get a lot of calls from hospitals, from doctors, asking us to provide consent to medical procedures, except prescribed medical procedures. We can make decisions around whether the person should or should not have—

**MR STEEL:** For financial matters, in particular, what would they be asking approval for?

**Mr Taylor:** Given the demographic of the clients being managed, there is a large proportion of those congregating at the aged end of the spectrum.

**THE CHAIR:** About going into aged care.

**Mr Taylor:** Those people are transitioning from home into a residential facility. Some of them need a high level of management; some of them need a low level of management. Those kinds of roles involve taking control—it is still a substitute decision-making process—of a person's assets, income; in some cases determining with guardianship whether the person can still remain independent in their own home. If a decision is made in consultation with family that they cannot, there is a massive job in downsizing that person's possessions, selling them off, distributing them to family and securing residential accommodation that is the best fit. There is a lot of work in doing that.

It works quite harmoniously now with the guardianship in tandem. Previously, it is no surprise that when you put agencies that work together in different silos, they do not work together. Now that they are in one agency, they do work together. For example, if we have a visit at a client's premises or facility, they go in tandem. So the client gets both representations at once.

**MS LEE:** Mr Taylor, I have a couple of supplementaries.

**THE CHAIR:** I also want to move on to your substantive, so do you want to make those fast, and then we can move on to the substantive question?

**MS LEE:** Yes. The first supplementary is: you previously mentioned that the relationship with disability service providers was not good. What did you mean by

that? Was it that it did not exist or that there was actually a strained relationship?

**Mr Taylor:** I think it was a mindset. I would not have called myself a professional public advocate. I was asked to undertake that job part time while I was the Public Trustee as well. What was the first part of your question?

**MS LEE:** You mentioned that previously the relationship that you had was not good.

**Mr Taylor:** I think it was just a mindset on the part of guardians, who considered themselves, that cohort, to be a profession of their own, rightly or wrongly, and that when they were acting under an order of the tribunal they more or less owned everything about that person's health, medical and accommodation, to the exclusion of community advocate services.

The nonsense is that the advocacy function, guardianship function, is fully funded by government and many of these non-government organisations—ADACAS, Advocacy for Inclusion—are also funded by government. There is a need in the community to this level; government funds and provides services to that level, and there is this gap that the community organisations need to fill. Essentially, it means they have to work together. They need to know each other's boundaries and respect what their limitations might be. We have worked very hard to undo a lot of the ill feeling that had existed. They had even got to the point of having memoranda of understanding with one another, saying, "This is where you go," "This is where I go," and "This is where we don't go," and that kind of thing. It was a mindset, I think.

**THE CHAIR:** Is it fair to say that the same people are spending some time in the community sector and then being managed under a guardianship arrangement and then sometimes going back, depending on their condition?

**Mr Taylor:** You can, yes. If you start from the premise that a guardianship role is limited in that it is a substitute decision-making role, there are defined areas within which you can act and there is an oversight mechanism through the tribunal, a community advocate does not have any of that; it is more a voluntary representative role whereas ours is a forced representative role. A good example might be somebody who needs to be admitted to hospital. It is not the role of a guardian to sit there and hold their hand for nine hours while they are admitted to hospital or whatever it might be; that is a role of a community service provider, and we work well in that.

**MS LEE:** My second supplementary is: you talked about supported decision-making. Can you explain what that means? What is the role of your office in that regard?

**Mr Taylor:** All public trustees, public guardians and public advocates are subject to the United Nations Convention on the Rights of Persons with Disabilities. Article 12 in that convention pretty well presumes everyone to have capacity unless they are found otherwise, and that is in a formal sense. There is a view that decision-making should not be solely substitute decision-making, in other words, somebody takes over and makes the decision for that person.

**THE CHAIR:** It should be a combination.

**Mr Taylor:** There is an increasing belief that supported decision-making is to be preferred. We do not know in Australia what supported decision-making is going to look like. Some states have already legislated to include the term “support” in enduring power of attorney and guardianship legislation. We have been looking at what is happening in other countries, such as Canada. They have a very advanced middle-ground approach to guardianship called the Representation Agreement. It effectively means that a person who has a decision-making disability can still instruct somebody to represent those people, with certain brakes and oversight.

**MS LEE:** I know that some of the bodies that you mentioned, like Advocacy for Inclusion, run training sessions on encouraging self-advocacy for people with a disability. Is it fair to say that that is in line with—

**Mr Taylor:** Yes. The ACT government appointed a community advocacy group, ADACAS, to undertake a trial of supported decision-making in the ACT. From my perspective on where the rubber hits the road, I think we are already practising supported decision-making, to the extent that we do not enforce or impose our view on people without talking to family, and very rarely do we have to take a different view from what family says. I think the true notion of supported decision-making would be that perhaps there should be a default to support rather than substitute.

**MS LEE:** You talked about the merger. Thank you for that brief outline; I think that was very helpful to the committee. There has obviously been quite a bit of feedback in relation to the merger, including from people like a former head of public guardians, ANU law professor Dr Faunce, in terms of the merger and people raising serious concerns about it. How do you respond to these concerns that have been raised?

**Mr Taylor:** Are you talking about before the merger, during the process of the merger or since?

**MS LEE:** When it was announced there was a lot of discussion publicly about the concerns about what the merger was going to look like and in terms of how officers would deal with certain challenges that come up with merging. How do you respond to that?

**Mr Taylor:** You are probably not concerned about personal views, but I was on the working group for three years before the merger took place and it was a very rocky process. I am not making any judgement or criticism of any of the people involved; there were clearly very passionate people in that part of government. As I said the people who were employed within the guardianship unit did consider themselves to be a profession of their own. There are very strong feelings in the community about issues around guardianship, how decisions are made and particularly substitute decision-making.

From where I sat as Public Trustee, a lot of the frustrations occurred because there were two decision-makers in a person’s life, sometimes at odds with one another, which acted against one agency or the other agency being able to do what they felt they needed to do. If you analysed what those differences were, you could quite easily understand that one agency would have a different view to another. A financial manager, for example, would say a person cannot afford to go to a particular facility,

whereas a guardian is hell-bent on making something happen in a person's life that might address their inability to live independently.

**MS LEE:** How is that conflict now being addressed with the merger?

**Mr Taylor:** We have one single decision-maker now.

**MS LEE:** How did they separate out those competing factors when they made that decision?

**Mr Taylor:** There is a Deputy Public Trustee and Guardian for each of those disciplines and if there is a conflict of interest then the delegation is made down to those people to make the decision, not to me. There has not been an issue since 1 April last year where we have had an inability to be able to make decisions. I think it is because we now get together as a group of decision-makers and talk about things. We actually go out to the client's premises—hospital, hospice or home—in pairs, one guardian and one financial manager, and deal with it on a holistic basis. We are a lot more agile. We can make things happen a lot more quickly; there are fewer in-trays and there are fewer tiers of management to work with.

**MS LEE:** It definitely seems more streamlined; or sounds more streamlined.

**Mr Taylor:** It is, and from a funding perspective it is better value for money for the community. You have a small agency like the Public Advocate. Small agencies cannot support themselves well in terms of governance. If you collapse them together then costs are amortised across a bigger budget.

**MS LEE:** On page 3, you mentioned in relation to management of the merger—

**Mr Taylor:** The Public Trustee report?

**MS LEE:** Yes, back to the Public Trustee report. You stated that you have been cognisant of the challenges associated with the merger, clearly in terms of bringing together two cultures, and that you have planned a comprehensive review of the organisation structure, job descriptions and classifications, and issues associated with development of management capability. Can you give us an update on where that is up to?

**Mr Taylor:** Yes. There were significant differences between the make-up of the two groups. There were significant cultural differences. Even though the guardianship unit was a brand-new unit, one of the former guardians moved across and the rest were new appointments. There were big differences in culture, structure and organisation.

We engaged an external organisational review contractor. We set out what we called a business transformation project. We have decided to complete that in a year. It is a pretty ambitious project. It is reviewing every position, all of the duties and the job values of every job in the organisation. We are looking at the structure; we are combining some business units with other business units, and doing away with some positions at the higher level. We have established what we call a senior leadership group, which makes decisions, rather than it being confined to a particular

administrator in an autocratic style.

**MS LEE:** What is the budget for this review?

**Mr Taylor:** Unfortunately, it is difficult at the beginning of the process. There is a component for the external consultant, which depends on how much you take from their menu, I guess. We had an IT program that we had purchased in the last financial year and needed to implement in this financial year. We will be taking on a project officer from Shared Services for in excess of \$100,000 a year to complete those projects in house. Most of the other expense is being insourced. With the guidance of the organisational consultant, we know what we need to do and we are doing most of that in house with their guidance. A big part of this, though, has been upskilling managers, providing managers with contemporary skills: governance skills, reporting skills, decision-making. So these senior managers are effectively going back to school.

**MR HANSON:** A supplementary?

**MS CODY:** Chair, a supplementary?

**THE CHAIR:** One supplementary to Bec, then we will move on to Mr Hanson.

**MS CODY:** You mentioned that you have an organisational consultant. Is that correct?

**Mr Taylor:** Yes.

**MS CODY:** And are they also looking at capability?

**Mr Taylor:** Yes, absolutely. We are starting right from the top and looking across our peer Public Trustee agencies to see whether we can borrow anything from them. However, there is only one other agency in Australia like us, as Public Trustee and Guardian, which is in New South Wales, but it does not function in the same way. Theirs is more of loose coalition of Public Trustee and Guardian, whereas ours is a full merger.

**MR HANSON:** So the review is really internally instigated by you?

**Mr Taylor:** Yes.

**MR HANSON:** Although you are bringing in external support to help you with that process, it is not an external review or an independent review; it is an internal management review to establish tactical level changes rather than a review of what has happened strategically.

**Mr Taylor:** Yes.

**MR HANSON:** With the staff changes, you made the comment that only one guardian had survived the transition. How many guardians did you have that went, and are you saying, then, that all but one are completely new?

**Mr Taylor:** We had six guardians before. Sorry, to be more accurate, we have been without one of those guardians, who is on maternity leave for an extended period of time, and another one is with us. We lost four and we have two and a new manager. The loss of those four people was a significant loss. They were extremely well-educated, compassionate, articulate people who had very good, long experience in guardianship.

It was very difficult to replace those people. But an opportunity that presented itself when we examined the make-up of the staff was that we had a predominance of social workers in our guardianship positions. That in itself is not a problem, but we felt we needed a diversification of skills, so in the group that they have now they have human rights, corrections, psych, social and legal qualifications. It is headed by a Deputy Public Trustee and Guardian for guardianship, who is effectively a psych-social qualified person, so the representation is better.

If you get a predominance of one particular discipline, such as social workers—as good as they are—a problem can be that social workers tend to need to fill gaps that are there. They need to help people rather than walk away and say, “I can’t do that.” The result was that we had a lot more work on our plate as guardians, in the previous regime, than we do now. We were venturing into areas of people’s lives that we did not need to be in or perhaps should not have been in. We did a full stocktake, if you like, of all of the clients that we had, which reduced the client group to 160 from around the 230 mark.

**MR HANSON:** And the staff left because of the merger or for other reasons, or a combination?

**Mr Taylor:** I think you would probably find that they left because of the merger. It was said to me that “if that is going to happen, we will not work there anymore”.

**MR HANSON:** Yes.

**Mr Taylor:** That was with three of them, at least.

**MS LEE:** Can I just clarify. Sorry, I am getting a bit confused. You started off with six guardians and after the merger that was reduced to one guardian plus one manager—

**Mr Taylor:** No. We had six guardians and a manager before.

**MS LEE:** Yes.

**Mr Taylor:** In playing around with the structure, what we may be looking at doing is trading off people at one level to somebody at a higher level.

**MS LEE:** Yes.

**Mr Taylor:** So we now have seven. We are trialling seven guardians at a different level, with a manager.

**MS LEE:** Yes, okay. Thank you.

**MR HANSON:** There is quite a significant drop in the number of clients. Who makes the decision, then, to drop a client and say, “No, you are not going to receive guardianship”?

**Mr Taylor:** A role that we are supposed to have under our order appointing us as guardian is to find somebody else who can be the guardian in a person’s life. We can only be appointed as what they call “a guardian of last resort”. ACAT must prefer an individual in a person’s life, and us in a more substitute role, as a last resort. We have been very active in trying to find alternative people to represent people as guardian or to act for them as guardian.

We also found that there were people who were what we might call inactive accounts, who had moved to another jurisdiction and had not been formally terminated as clients of ours. We have found also that people’s circumstances have changed. Sometimes people’s concerns and issues are episodic and they need a guardian for a part of their life but not necessarily ongoing. Yes, it is a combination of a lot of reasons. ACAT can only terminate an order, but we would report to them on whether it should take place.

**MR HANSON:** So you went back with those particular finds to ACAT to say that the guardianship should either terminate or be transferred to someone else?

**Mr Taylor:** As part of a regular review. All appointments are reviewed every three years. We reviewed all of our ACAT appointments for guardianship. There were, as I said, around 230 of them. I think the figure of about 160 is still standing, which is manageable compared to financial management, which is increasing significantly.

**MR HANSON:** So you have transferred resources internally, then, from the guardianship to the trustee side of the house. Is that what has happened?

**Mr Taylor:** In the reported year no funding had been made in the accounts for that period of the Public Trustee and Guardian’s accounts for the administration of the guardianship unit. There was an agreed amount for staff and all the inputs relating to government. That money was not received until the first and second quarters of the current financial year.

**MR HANSON:** There was a bucket of money, the guardian’s bucket of money for the trustee. That was merged. Have you maintained the amount of money that is provided for the guardianship functions or have you moved some of that to the Public Trustee?

**Mr Taylor:** No. It has been the other way around. Under the Public Trustee, if you want to call it the Public Trustee, the former financial budget is supporting the guardianship unit to a greater extent. I think that would have been intended. One of the aims of the merger was efficiency, and you can get efficiencies out of the guardianship service by using some of the in-house services that are there already in the Public Trustee.

**MR HANSON:** So the two buckets of money that previously existed have been

merged into one. Is that amount the same? Is it more or is it less than was previously provided to the two organisations?

**Mr Taylor:** The same.

**MR HANSON:** It is the same amount?

**Mr Taylor:** Yes. We have not sought any additional funding. My understanding of it is that my budget is partly self-funding, partly government purchasing services. There is community service obligation funding in there as well, but there was no requirement in the financial sense for me to separately account for guardianship from Public Trustee services. The financial leg has been scrambled, if you like.

**MR HANSON:** Is the wills service one of the self-funding elements of that?

**Mr Taylor:** The Public Trustee and Guardian does not make any appreciable money out of making wills for people. There is more of a bent towards community service obligation funding. We probably do between 600 and 700 wills a year. We charge no fee for people 60 and over, to encourage them to have a will. We charge probably under \$300 for a package of a will and enduring power of attorney for the others. We can make a will only for somebody where we are appointed as executor, so if we know that we are going to be an executor for a person, reasonably then there is a cost recovery through that process.

**MR HANSON:** What is the self-funding that you are talking about?

**THE CHAIR:** We have a supplementary, Mr Hanson.

**MS CODY:** Just on that question, you suggested to Mr Hanson that you write wills for people aged 60 years and over.

**Mr Taylor:** Sixty and over at no cost.

**MS CODY:** I thought that was moving to 65 and over, according to something I read.

**Mr Taylor:** Sorry, it is 65 and over. We changed that. You are very astute.

**MS CODY:** Thank you.

**MR HANSON:** But we are dealing with this report, not the current time frame. Is that not right?

**MS CODY:** But it actually says at 65 in this report.

**MR HANSON:** It gets confusing sometimes.

**Mr Taylor:** Yes. We changed that in the past two years.

**THE CHAIR:** Mr Hanson, if you could wind that up that would be great.

**MR HANSON:** Are the self-funding elements listed somewhere in the annual report? What they are and what do you get from each of them?

**Mr Taylor:** In our annual report you can see by line item where our funding comes from, but it is not broken down to which particular product provides what. I can tell you that what allows the Public Trustee to be self-sufficient is the financial management, the funds management investment service.

**MR HANSON:** Can you break down the self-funded elements to say what they are and how much you get from each of them, for the committee?

**Mr Taylor:** To some extent I could. For example, we administer trusts. Some of those trusts are government trusts; some of them are non-government trusts. I could not really segregate them, but I could tell you how much money we make out of investing government funds as opposed to private funds.

**MR HANSON:** To the extent that you are able, can you break that down so that the committee has an idea of it?

**Mr Taylor:** Absolutely; and how much we make out of deceased estates?

**MR HANSON:** Yes, where your self-funded line items come from and a breakdown.

**Mr Taylor:** Yes.

**THE CHAIR:** The committee would appreciate it if that was fairly thorough, within the time frame that you have.

**Mr Taylor:** Yes. My financial manager can do it.

**THE CHAIR:** I want to just remind the committee that we have dealt with the Public Trustee and Guardian; the Public Advocate of the ACT, in matters relating to the Attorney-General and the Minister for Justice and Consumer Affairs and Road Safety; and the Public Trustee's official visitor's role. Have we completed the majority of our questions in all of those areas or will we require Mr Taylor back after lunch? We have 15 minutes remaining. Is there anything else in those spheres?

**MS CODY:** I have one question. Mr Taylor, in the advocate document on page 33 you talk about—

**Mr Taylor:** The advocate annual report?

**MS CODY:** Yes. You talk about the interview friends after-hours program and the daytime interview friends program.

**Mr Taylor:** Yes.

**MS CODY:** I note that you are suggesting that PAACT worked closely with the daytime friends program which is managed by Anglicare.

**Mr Taylor:** Yes.

**MS CODY:** Later you talk about the Aboriginal Legal Service. Is that because the Aboriginal Legal Service also have a daytime interview friends program, or how does that interact?

**Mr Taylor:** No. The administration of the after-hours program has been taken over by Anglicare. That has been a very useful program and it won an award, I think, in the 18 months prior to my taking over there. The Aboriginal Legal Service was more of a recommendation by the advocates that they meet on a regular basis to discuss problems particularly around the AMC but also problems that people might have had in respect of incarceration at AMC.

**MS CODY:** The interview friends programs, both the after-hours and the daytime, are run by Anglicare, as you have just mentioned. Is that correct?

**Mr Taylor:** Yes.

**MS CODY:** Do they look after people from Aboriginal and Torres Strait Islander backgrounds and—

**Mr Taylor:** Including.

**MS CODY:** Including, and other religious backgrounds?

**Mr Taylor:** Yes they do.

**MS CODY:** They have volunteers that service all of those things?

**Mr Taylor:** Yes. They include that but not uniquely, yes. That was a very small undertaking of the advocacy part of the Public Advocate but the advocates prided themselves on the fact that they had established these regular meetings which they all agreed they had got a lot out of in bringing their thinking together.

**MS LEE:** I have got a question in relation to risk assessment and fraud prevention.

**Mr Taylor:** Fraud prevention, yes.

**MS LEE:** Without obviously making any comment on any particular case—it is outlined on page 33 and then goes to page 34—would you say that there is a bit of a trust issue in the public in relation to the highly reported fraud case that relates to your office?

**Mr Taylor:** Clearly a fraud of that kind would have an effect on the community's belief and trust. We have been watching very carefully client feedback through a client survey system that we have. We did take a hit in the number of wills that we were writing for people in that immediate first year. We worked very hard on a communication strategy around that with a former deputy director-general at JACS and that worked for us very well. I think probably the thing that helped us most was that we had a very advanced fraud corruption mitigation strategy in place.

**MS LEE:** You had or have?

**Mr Taylor:** We did. We actually conducted fraud training for our staff every year. We had called in KPMG forensic to advise us, in the year before we discovered the fraud, what changes could we make to improve our resilience. And we had bought software that enabled us to trawl databases.

**MS LEE:** And what were those recommendations that you could change?

**Mr Taylor:** KPMG wrote a report, quite a lengthy report, but essentially they said that we needed to look at, in broad terms, separating roles better, trusting staff less which is—

**MS LEE:** When they say separating roles?

**Mr Taylor:** A new database which, again, provided an online means of approving payments and receipts in terms of client expenditure. Most of the fraud that had happened had happened around two people working inside with two people on the outside defrauding service delivery to those clients. We have recently, in the past month, called KPMG back in again to do a post-implementation review of the changes that we made in accordance with their recommendations and we believe that we have implemented all of the changes that they recommended we should do, and more.

**MS LEE:** Have you got a result of the review?

**Mr Taylor:** We are meeting with them on the 10th.

**THE CHAIR:** Will that report then be notified? Will it be publicly released or will it come to the Assembly or the committee?

**Mr Taylor:** The initial report was not provided to the Assembly but it was provided to JACS on their request.

**THE CHAIR:** JACS committee?

**Mr Taylor:** JACS internal audit committee.

**MS LEE:** The department?

**Mr Taylor:** Justice and Community Safety Directorate and they will also be provided with a copy of the post audit as well.

**MS LEE:** On page 34 it says:

PTG will also appoint an external auditor to conduct mini-audits in the Risk Strategy.

Is that the sort of meeting that you are talking about with KPMG or is that—

**Mr Taylor:** No. That is our own internal audit committee. We have appointed an ex-treasury executive and former member of our investment board to undertake that role and he has been in place doing that for some 12 months now. We have also engaged a former ACT auditor-general executive to work with us on mini audits. For example, we have put in a new receipts and payments process, an online receipts and payments process. He will be coming in next week to post-audit our implementation of that to see whether or not there are any gaps.

**MS LEE:** Is the term “mini audits” that you have referred to just a reference to the fact that it is in-house or is it a different scope in terms of what it looks like?

**Mr Taylor:** The internal audit committee will say, “We want you to audit X, Y, Z over the next year.” It might be anything from credit card use to a person’s leave in the office or a use of vehicles or fees methodology—those kinds of things.

**MS LEE:** I am still not quite getting my head around this but you said one of the recommendations from the KPMG audit was a separation of roles. What do you mean specifically by that?

**Mr Taylor:** For example, if we are financially managing a client we get lots of requests for payment by lots of people outside in that person’s life and we are also looking to bring in income in relation to that person. We need to better segregate the delegations between the people who are dealing with the client at the front end and the people who are approving the payments at the back end. Because the paper process is highly transactional—there are thousands upon thousands of transactions in a person’s life every year—what tended to happen was that somebody who wanted to commit a fraud, one of these two internal people, would stockpile requests and approvals and give them to somebody at the worst time of the day in the week and say they were urgent.

Those things were not done in an ideal manner with a defined set in that you can only approve expenditure up to that level and you have got to go to another level to get expenditure to that level. Those delegations have all been reviewed and set at a new level.

**MS LEE:** Are there now time frames also put in place?

**Mr Taylor:** It is all electronic now. Effectively there are inbuilt checks in the system. For example, you cannot pay an account for a person unless the person is a registered service provider. If we need to get a heating consultant in to do some work in a client’s house the person who does that work must already be a registered service provider. We will have vetted their ACN, ABN, we will have references from the bank and so forth about that person, we will have checked their qualifications to do what they are doing. You cannot make a payment to a person unless they have got that prior approval.

**MS LEE:** And finally just in terms obviously of the Canberra community, what are you doing to ensure that you gain that trust back?

**Mr Taylor:** I guess it helped to some extent that our name changed. That was not something that we sought but that always does help. Internally, again fortunately rather than something that was planned, 75 per cent to 80 per cent of our senior management churned. That might have been for natural cause reasons but we now have new management. We are a little more proactive with our client group. Instead of engaging with a client and never talking to them again, we now have a regular client communication process.

We go out into the community a lot more. We have had people going out in the last week, say, to the men's shed talking to people about what we do and how we do it. We have increased the talks that we do in the community in relation to guardianship. We have two free forums during Seniors Week in the next two to three weeks where we will provide a free will to everybody who attends. That would ordinarily be a consultation worth between \$3,000 and \$5,000 in the private sector. We deal with that on a forum-style basis. The client, the person attending the forum, decides what they want to know rather than us being a talking head.

**THE CHAIR:** Mr Hanson, do you have a question in the one minute remaining?

**MR HANSON:** I would probably get the question in but maybe not the answer. I will put the rest on notice.

**THE CHAIR:** That is much appreciated. Thank you, Mr Taylor, for appearing before the committee today. We are just about to suspend hearings for lunch. On behalf of the committee I would like to thank witnesses who appeared so far in hearings today. When available, a proof transcript will be forwarded to witnesses to provide an opportunity to check that transcript and suggest any corrections.

In relation to all of the proceedings today I would like to advise members and witnesses that answers to questions taken on notice should be provided to the committee within three business days after the receipt of the uncorrected proof *Hansard*, day 1 being the first business day after the uncorrected proof *Hansard* is sent to ministers by the committee office. All non-executive members may lodge questions on notice which should be received by the committee office within five business days after the uncorrected proof *Hansard* is circulated, day 1 being the first business day after the uncorrected proof *Hansard* is sent to the ministers by the committee office. Responses to questions on notice should be provided to the committee office within five days of receipt of the questions, day 1 being the first business day after the question is sent to the ministers by the committee office.

I will now suspend hearings for lunch and we will resume at 1.30. Thank you, Mr Taylor.

**Mr Taylor:** Thank you.

**Hearing suspended from 11.57 am to 1.29 pm.**

Appearances:

Human Rights Commission

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

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

Hinchey, Mr John, Victims of Crime Commissioner

Toohey, Ms Karen, Discrimination, Disability, Health and Community Services Commissioner

**THE CHAIR:** We will now resume our hearing on the inquiry into annual reports for 2015-16. This afternoon the committee will first consider the annual reports of the ACT Human Rights Commission, Victim Support ACT and the JACSD portfolio regarding road safety and road transport regulation.

Before we begin, as I did this morning, I remind witnesses of the protections and obligations entailed in parliamentary privilege and draw your attention to the pink privileges statement on your table. I remind witnesses that the proceedings are being recorded for Hansard for transcription purposes and are being webstreamed and live broadcast.

I will begin with the statutory agencies first, with the ACT Human Rights Commission and then the other portfolio areas. Dr Watchirs, do you want to make a very brief statement? We are under time pressure this afternoon.

**Dr Watchirs:** Yes, if I could, please. I would like to begin by acknowledging the traditional owners of the land on which we meet, the Ngunnawal people, and pay my respects to elders past, present and future.

**THE CHAIR:** I am afraid, Dr Watchirs, it is difficult to hear you.

**Dr Watchirs:** Is that better?

**THE CHAIR:** Yes.

**Dr Watchirs:** Okay. It has been a very busy year for the commission. We were restructured from 1 April last year, 2016, and collocated offices from 4 July to 11 Moore Street. We were officially launched in August 2016. As you would be aware, the Human Rights Commission was expanded to include the Public Advocate and Victims of Crime Commissioner, including victim support, and our size approximately doubled. The collocation has increased opportunities for collaboration as well as cross referral of clients. Having a one-stop entry with clearer services and roles—that is, the separation of complaints from advocacy—has made it a better process for the commission and a better service for the public.

**THE CHAIR:** I might go to Ms Cody for the first question.

**MS CODY:** You talked about the collocation. Could you just expand on that a bit, the

collocation of the ACT Human Rights Commission and—which other agencies?

**Dr Watchirs:** The Public Advocate collocated with the Human Rights Commission on level 4 of 12 Moore Street in approximately May last year. Then we all moved into one location at 11 Moore Street. It is a purpose-built floor at 11 Moore Street, whereas the other office was half a floor on level 4 of 12 Moore Street. It has much better signage, and we have fingerboards—that is, actually street signs saying “ACT Human Rights Commission”—so I think we are more visible to the public where we are.

**MS CODY:** In relation to the Human Rights Commission, I note that you do a lot of community consultation with different community organisations and different community types, LGBTIQ, CALD. Do you also engage with the legal profession about how legislation might affect human rights?

**Dr Watchirs:** Sure. In my capacity—I am sure my other commissioners will be able to say things—I meet regularly with the Law Society and less regularly with the Bar Association. I am regularly asked to speak at conferences and meetings of both bodies.

**MS CODY:** What about ACT Policing? Do you liaise with them?

**Dr Watchirs:** I met with the Chief Police Officer on her appointment and before her appointment. I will ask my colleagues.

**Ms Griffiths-Cook:** A lot of the engagement that I have as Public Advocate and Children and Young People Commissioner is on the Public Advocate side. At times we will need to engage with different areas of the legal fraternity as well as with ACT Policing, just in respect of some of the advocacy matters that we might be pursuing for some of our client group.

**MS CODY:** I am particularly interested in how the Human Rights Act links in with the legislation that we have in the ACT and what sorts of things we do to ensure that that is considered?

**Dr Watchirs:** We do training of the general public. It is more being invited by the legal profession to give presentations. For Law Week last year, there was a forum on human rights generally; I spoke at that. We are currently working on a project for ACT law online, a Discrimination Act and Human Rights Act online resource. Legal Aid is coordinating that in the ACT. Also, we have general community events. International Human Rights Day is 10 December. Last year on Friday 9 December we had forums in the city and several members of the legal profession attend that.

**THE CHAIR:** I will go to my substantive question. One of the major widespread changes regarding the merger of the different bodies the media reports mentioned was proposals for the Human Rights Commission to allow more money to be spent on front-line services rather than on executive salaries. This was reported over the last period as the merger occurred. The commission’s latest annual report revealed that 45 per cent of complaints made were turned away or dealt with in a less direct manner. The Attorney-General at the time, Minister Corbell, said that almost a quarter of the Human Rights Commission budget was spent on executive salaries and that he wanted to see that reduced. Have executive salaries been reduced?

**Dr Watchirs:** I am afraid I will have to take that question on notice. I could not give you an exact figure, but I am happy to.

**THE CHAIR:** Okay. You do not have any information about that at all?

**Dr Watchirs:** The difficulty is that we were merged from 1 April and then collocated from 1 July, so we will be paying double rents and a number of other factors.

**THE CHAIR:** Yes, but we are just discussing salaries here.

**Dr Watchirs:** Justice and Community Safety do our financial accountability reporting. Ours is much less detailed. I would have to take that on notice.

**THE CHAIR:** So you will come back to me about executive salaries and what the total—

**MR HANSON:** Could I just add a supplementary. A significant justification for the merger was to reduce the number of executive positions and put more staff into the front line. How can you judge your success or otherwise if you are unable to articulate to the committee that you have been able to reduce executive salaries and put more money into the front line?

**Dr Watchirs:** I assume our salaries are about over \$200,000 each, and four of those would take us to nearly a million. That would be a rough figure, but I have no discretion over people's salaries and I have no discretion over the appointment of other commissioners.

**THE CHAIR:** No.

**MR HANSON:** No, but the logic for it being put forward—maybe it is a question that we will follow up with the Attorney-General—and the rationale behind a lot of the restructure, the merger, was to try to reduce the number of executives and—

**Dr Watchirs:** There is one less executive, but there has been one less executive for a number of years. That was the Public Advocate position. I did that position for 18 months and Andrew Taylor did it for nine months. An executive salary has been saved over that 2½-year period already.

**MR HANSON:** Sure, but that does not have anything to do with the merger of the Human Rights Commission. So you are unable to tell us that there has been a reduction in the executive and increase in front-line services? Has that happened or not?

**Dr Watchirs:** There may be a small reduction.

**Mr Hinchey:** When the review was conducted, the executive salaries were put to the Remuneration Tribunal under the new act. The President's position was established to head the commission. I will need to go back and check my figures, but I am talking in approximate terms. The President's salary I think increased marginally. I am not sure

how much, but it was about similar. The other two commissioner positions had a reduction in salary in the commission below \$200,000. I think \$188,000 is what I receive, and I received an increase in salary from 146. I was outside the commission as the Victims of Crime Commissioner. When I went into the commission, the Remuneration Tribunal reset all of the commissioner salaries. With two of the commissioners, I think the positions have seen a decrease in approximately 30,000, but I would have to check my figures. I received an increase in salary, and I am on equal par with the other two commissioners. The President's salary remained about the same. So getting back to—

**MR HANSON:** But in terms of positions, there are individual salaries themselves, but—

**Mr Hinchey:** Going on to the percentage, I think the issue in the review was that the commission at the time was quite small. When victim support went into the commission, we brought our funding with us, of course, which is \$2.6 million. That increased staff, nearly doubled the staff, in the commission. So as a percentage of the total commissioner budget, you would see a reduction on what it was before the review.

**THE CHAIR:** Ms Cody has a supplementary.

**Dr Watchirs:** There would be also issues of relocation expenses and superannuation. That is why I wanted to take the question on notice.

**THE CHAIR:** Sure, but the thrust of the question is about the overall cost, not the one-off costs.

**MR HANSON:** Can I just clarify a point before we do supplementaries.

**THE CHAIR:** No, Jeremy. Let Bec have a supplementary; then we will come back to you.

**MS CODY:** Dr Watchirs, you may have mentioned this. For general accounting purposes, salaries and HR are managed through JACS Directorate?

**Dr Watchirs:** Yes. We pay.

**MS CODY:** Rather than individually through either the Human Rights Commission or any of the other commissions or public advocates. It is managed in a central—

**Dr Watchirs:** We receive corporate services through Justice and Community Safety. Under the Human Rights Commission Act, we are required to draft a governance and corporate support protocol, which we did in December. That is still being negotiated with JACS.

**MS CODY:** So JACS might know the actual—

**THE CHAIR:** Yes, I think we can go to this with JACS. There is no problem with that.

**MR HANSON:** I just want to clarify a point that Mr Hinchey made. You said that your budget was \$2.6 million.

**Mr Hinchey:** At Victim Support ACT.

**MR HANSON:** At Victim Support ACT. Do you say that that has now been reduced?

**Mr Hinchey:** No.

**MR HANSON:** It has stayed static?

**Mr Hinchey:** Because Victim Support ACT became part of the commission, the percentage of executive salaries, as a whole-of-commission budget, would have changed because of that input of additional funds.

**THE CHAIR:** The way the calculations are done.

**MR HANSON:** The number of positions you had prior to the amalgamation has remained static?

**Mr Hinchey:** They have remained the same.

**MR HANSON:** I just wanted to clarify it.

**MS LEE:** I have a supplementary. On that point, leaving aside the specific salaries of individual executives, the concern prior to the merger from the ACT Attorney-General was that a quarter of the entire budget for the Human Rights Commission was for executive salaries. Mr Hinchey, if I understand it correctly, the proportion of executive salaries in the combined merged commission has now changed.

**Mr Hinchey:** It would be less.

**MS LEE:** What has that changed to?

**Mr Hinchey:** I would have to take that on notice to get the correct figures.

**Dr Watchirs:** In my estimation, it would be about one-seventh, but I would need to have those figures checked, absolutely.

**MS LEE:** Okay. I have just one follow-up. One of the justifications for saying that it was too high at a quarter was that more money should be spent on front-line services. Since the merger have there been any changes that you are able to articulate, or can you explain to us the changes in front-line services?

**Dr Watchirs:** Certainly we have had an increase in complaints and inquiries. The biggest impact of the merger has been that the corporate support team is combined from all three offices. That has been the most area of change, and having a separate reception area compared to the old location. We developed a client services charter

that was part of the Human Rights Act amendment and that went on our website in December. That was put on Your Say in August through Access Canberra. We got feedback from the community about that.

**MS LEE:** Previously, 45 per cent of complaints were turned away or dealt with in a less direct manner. I understand it is early days, but since the merger has that figure changed?

**Dr Watchirs:** I would have to ask my colleague Ms Toohey.

**Ms Toohey:** I do not have exact statistics on that. Certainly one of the things that were happening particularly in the health space was that a number of matters were being referred to AHPRA. That is no longer the practice. I can take that on notice and come back to you with a specific number.

**MR HANSON:** You said, Dr Watchirs, that the amalgamation had provided more efficiency or effectiveness in corporate support. What has been the increase in front-line services if you have put on extra front-line staff? What increase can you articulate in front-line services; not the complaints that you have received but the actual front-line services?

**Dr Watchirs:** There is a new financial assistance scheme which my colleague John Hinchey can speak about. That commenced on 1 July.

**MR HANSON:** That is as a result of the amalgamation?

**Mr Hinchey:** No. That was part of the reform of the financial assistance scheme which had been going for some years.

**MR HANSON:** That is right, because that is separate legislation, as I recall it.

**Mr Hinchey:** Yes.

**MR HANSON:** What I am after is: what are the increases in front-line services? This was sold as: "We'll amalgamate so that we can reduce the executive and deliver more front-line services." I think the question from the committee is: what are those new front-line services that are being delivered which result from the amalgamation, not from separate pieces of law? Can you tell us what they are?

**Dr Watchirs:** If you look at the KPIs on page 84, the number of individuals provided with direct advocacy was 691 and a review of documentation was 81 per cent. So in Ms Griffiths-Cook's area, that is an explicit increase. In relation to community engagement activities, there were 37 and the target was 30.

**MR HANSON:** That is an increase since the amalgamation, is it?

**Dr Watchirs:** The annual report covers only one quarter period, so from 1 April. But that is a trend that I think is continuing.

**THE CHAIR:** I think we will move to the next substantive question. Mr Steel.

**MR STEEL:** During the reporting period the Royal Commission into Institutional Responses to Child Sexual Abuse was ongoing. I wonder whether the ongoing findings of the commission have raised concerns with you about particular institutions in the community, particularly in light of your role in terms of supporting child-safe and child-friendly organisations.

**Dr Watchirs:** I will ask my colleague.

**Ms Griffiths-Cook:** Both of my roles play a key role, I think, in promoting and facilitating improvements in organisations to ensure that they are child safe as well as child friendly. We have not had a lot of direct input back from the commission to date, though certainly the findings that the commission is putting out there as we go along are informing our practice and certainly, in our everyday work, are having us look at the issues that are brought to our attention through that lens as much as through the lens that we have always cast over those.

We have a very strong focus in the care and protection space in particular but also across general community agencies to ensure that they are doing what they need to do. Most recently I have been doing some work that is as equally relevant for Canberra directly as it is nationally. That is with the Department of Defence in working on their youth safe framework.

**MR STEEL:** What work have you done in schools?

**Ms Griffiths-Cook:** A lot of our work in schools has been at the consultative level, but we are also providing input to the department of education through a number of their policy reviews that have taken place. There has been a particular focus at a whole-of-commission level on restrictive practice use in schools. They are also looking at suspension and exclusion policies. They are looking at their child protection policies. Those are two recent ones that have arisen and I have been asked to be part of the steering committee and advisory group.

**MR STEEL:** Is that just in government schools, or is it also in the non-government sector?

**Ms Griffiths-Cook:** Those initiatives have been primarily at the government level, though we do have connections in particular with the Catholic area more strongly than the independent schools. We try to maintain those connections as strongly as we can.

**MR STEEL:** In relation to some of the allegations that have come out of the commission recently, I think there were 63 incidents at one particular school.

**MR HANSON:** Madam Chair, could I just seek your ruling? The other day I recall in committee Mr Steel threw me out of the committee because I had raised questions about things that had happened recently. Mr Steel has just asked a question about recommendations that have come out recently which would not be in the reporting period. I am just wondering what your view is.

**MR STEEL:** I will try to relate it back, Chair, to the annual report.

**THE CHAIR:** No, I would like to have an opportunity to respond. While it is important to be able to talk about what Ms Griffiths-Cook is able to do in the ACT, going into detailed findings of a body separate to the ACT may not be directly relevant to the current annual reports we are looking at. Let us focus on what she is able to do in the community in her role because we might get a positive out of that for members of the community to be able to approach her for her assistance.

**MR STEEL:** I am referring to page 51, which has the royal commission section. If incidents were raised through the royal commission during the reporting period, are they the sorts of things that you could look into in further detail and provide recommendations to government in terms of its regulatory response?

**Ms Griffiths-Cook:** We have been informing the government through their consideration of the royal commission's findings as they have been unfolding, I guess. We have not had any direct referrals to my area in the course of the commission to date. That is not to say that we could not potentially act on something if we were to receive a direct referral. It is a difficult one to answer because there has not been anything that has come—

**THE CHAIR:** Can schooling systems or individual schools come to you for advice if they want to improve their practices?

**Ms Griffiths-Cook:** Yes, definitely.

**THE CHAIR:** Do you make that as a priority to give time or is it one of the many things you have to do?

**Ms Griffiths-Cook:** It is a balance. It is one of the many things I have to do. Within the child safe area it would be my Children and Young People Commissioner hat. I have a single FTE that currently has two people job sharing that position. Obviously the resourcing of those activities is limited by the resources I have available.

**THE CHAIR:** Do you have documentation and resources you can give to people if any schools want to assess their current situation?

**Ms Griffiths-Cook:** To some extent. It is probably not so to much assess, but certainly to improve. There was a training package put together by my predecessor around child-safe organisations. That still exists and would maintain some level of validity in the current environment. We anticipate the need to review that once the findings of the royal commission come through. We are holding off on doing so from a resourcing perspective.

**MS CODY:** Do you target it at certain school levels? Is it across all primary and high schools? Or is it just primary or just high school?

**Ms Griffiths-Cook:** Child-safe organisations are not just about schools. It could just as likely be a scouting group that approaches us and says, 'Hey, we'd like to look at this further,' as a school. It would very much depend on who was putting their hand up and saying, 'We'd like some support or assistance.'

**MS CODY:** Mr Steel asked about some of the programs that you offer in schools. At what level do you look at offering those?

**Ms Griffiths-Cook:** A lot of our work in schools is in accordance with my consultation function. It is about going out and finding out the views of children and young people. We try to do that across a broad age. It is certainly not targeted exclusively at the younger age and neither is it targeted at young people. We try to look at a variety of activities. We usually target a couple of particular project areas, but we will also take opportunities where they might arise. For instance, if there is a particular government policy being considered, we might take the opportunity to engage with children and young people about that issue so that we can send advice back to government.

**THE CHAIR:** Very good.

**MS LEE:** Commissioner, I refer to page 63 of the report. First, how does the commission define people with complex needs? Second, I note that in terms of the clients who are under the management assessment panel for the reporting period, we had one and one new inquiry. I understand you stated in the report that perhaps some of that is to do with the rollout of the NDIS. Does that mean that you see the future of clients that come under this panel to be obsolete? Is that where we are moving to?

**Ms Griffiths-Cook:** I answer that wearing my Public Advocate hat. We have a role within the Public Advocate for managing the executive officer function of the management assessment panel. It is not that it is a Public Advocate function in and of itself but that we have an officer who takes that responsibility. Having said that, it was actually the figures themselves that raised concern for me about whether that was being utilised effectively. We have initiated a review of that program that is still underway. We have done that jointly with the independent chair of the management assessment panel.

I think the need for the panel still exists. The complexity now is how it aligns and how it works within the context of the new world order, with the introduction of the NDIS, while ensuring that it still has the ability to achieve the outcomes for individuals even when we are perhaps negotiating that space with a commonwealth department and not just ACT government departments.

**MS LEE:** How many people are on that panel?

**Ms Griffiths-Cook:** It depends on the nature of the issue at hand. It is usually all the relevant sectors that have a responsibility in respect of the issue that is confronting the person who is the subject of that particular panel. We would have all of those people represented on the panel and, usually, people who are in a position to make some level of commitment to action in that space as well so that decisions can be made and given effect to fairly quickly.

**MS LEE:** How does the commission define people with complex needs?

**Ms Griffiths-Cook:** I guess operationally it is persons who are experiencing

vulnerability. In the complex needs space it is usually someone who may have a condition or a situation that makes them vulnerable to some extent, but there may be multiple other compounding factors. For instance, it might be someone who has a disability who is also homeless or someone who has a disability as well as drug and alcohol misuse issues, or a combination of any and all of those.

**MS LEE:** It is on a case-by-case basis?

**Ms Griffiths-Cook:** Very much so. The complexity of need usually arises from the fact that they have perhaps fallen through the cracks of various systems and need some level of coordination to help pull all that back together again.

**MR HANSON:** I would like to go back to the restructure and ask some questions about that. Who is now taking on the responsibility for children and young people?

**Dr Watchirs:** My colleague Jodie Griffiths-Cook is Children and Young People Commissioner and Public Advocate.

**MR HANSON:** And disabilities?

**Ms Griffiths-Cook:** There are some levels within the advocacy space. I certainly have a disability role there.

**Dr Watchirs:** And Karen Toohey.

**MR HANSON:** Right; Karen Toohey does that. What about health services commissioner?

**Ms Toohey:** That is me.

**MR HANSON:** That is the restructure. With the previous commissioners, Mary Durkin and Alasdair Roy come to mind; I think they are the two that then left. Is that right?

**Dr Watchirs:** Yes.

**MR HANSON:** What was the process? Did they come to the end of their term for which they had been appointed as commissioners and then they were not reappointed?

**Dr Watchirs:** Yes, Mr Roy's term expired and so did mine.

**MR HANSON:** What about Ms Durkin?

**Dr Watchirs:** Ms Durkin had some term left to serve and there was some kind of settlement that JACS made.

**Mr Hinchey:** All of those previous appointments ended on 31 March. When the new commission started on 1 April, leading up to that there was a merit selection process. All the positions were advertised, applications were received and the new positions commenced upon 1 April.

**MR HANSON:** Who made the decision about the new appointments?

**Dr Watchirs:** JACS entirely. The commission had nothing to do with it.

**MR HANSON:** So JACS made those decisions.

**Dr Watchirs:** There was a payout of about \$400,000 but that included staff.

**THE CHAIR:** In total, \$400,000?

**MR HANSON:** So it included staff. Other than the commissioners, were there staff made redundant?

**Dr Watchirs:** No. A person in the health team retired.

**MR HANSON:** That would not be a payout, would it? That would just be superannuation. People who retire do not normally get a payout.

**Dr Watchirs:** The conglomerate figure I am aware of is \$400,000 and that included the payout of commissioners and one staff who retired early.

**MR HANSON:** Mr Hinchey, with your role now, do you take on a role just as a commissioner or are you deputy of the commission? How does it work?

**Mr Hinchey:** No, I am still the Victims of Crime Commissioner.

**MR HANSON:** But you are now under Dr Watchirs; is that right?

**Mr Hinchey:** I sit within the commission. I maintain my statutory independence but I am now part of the Human Rights Commission. The president's role is to oversee the whole-of-commission functions.

**MR HANSON:** Have you seen any erosion of your independence at all as a result of the amalgamation?

**Mr Hinchey:** No.

**MR HANSON:** There were a lot of concerns raised about the amalgamation. I remember the Health Care Consumers Association in particular were quite vocal in the concerns that they raised. Ms Toohey or Dr Watchirs, have you had any ongoing engagement with the Health Care Consumers Association with regard to their concerns?

**Ms Toohey:** Not with regard to their concerns but certainly I have ongoing engagement with them. We do joint training and I have regular contact with the executive and the staff out there.

**MR HANSON:** Has there been any evaluation of the new structure to look at whether it is achieving the aims that it set out to achieve, and whether it has been a success or

not? There has not been an evaluation?

**Mr Hinchey:** There has not been. We are in early days, though. We are still realising the potential benefits. I can only speak for myself; I am working towards realising the benefits of having a victim support agency and my commission's functions within the framework of a human rights commission. I, in recent times in particular, have been working more closely with the Children and Young People Commissioner and the health complaints commissioner around how we can deliver more holistic services to victims of crime not only under my functions but under their functions as well.

These are early days. My submission is still online about what I thought about the amalgamation. I saw some benefits to victims of crime. The threat that I saw at the time was the erosion of resources that go to victims of crime through the victim support agency. We are yet to form our operational protocol. I think that is an important document. It will be a public document that will articulate how the commission will deliver its functions in a holistic sense.

**MR HANSON:** In terms of the concerns that you had about the amalgamation, are you assured that that has not happened or do you still have those concerns?

**Mr Hinchey:** Victim support still operates as it did and I maintain my independence. I sometimes have different views from the other commissioners. I still express those views. The process of how I might do that might have changed a little, but they are administrative processes. I think the challenge for the commission as a whole is to relook at all of its functions and then to look at its budget and how to allocate those resources. Until we have those discussions I could not say whether my fears have been allayed or not.

**MR HANSON:** Who is making the decision about where the money goes? Are you, Dr Watchirs, now getting a budget and are given a set of outcomes to achieve or is JACS divvying it up and saying, "This amount for health, this amount for victim support"? Who is making the actual decision about the bucket of money and where it goes?

**Dr Watchirs:** We made a joint decision about budgets early on, in that commissioners would keep mainly the staff that they had but some would move. The Victims of Crime Commissioner lost their office manager and receptionist. That is in the corporate team under my management, but that is a service to the whole of the commission. An administrative person in the Public Advocate team moved to the corporate team but still provides her services to the Public Advocate team. Basically, the allocation of budget was done on an FTE of how many staff the commissioner had and the commission percentage to the corporate team was worked out on that ratio. That has been appended to our governance and corporate support protocol, but that is currently with JACS.

**MR HANSON:** There has been some sort of shuffling around of positions, perhaps?

**Dr Watchirs:** Fairly minor.

**MR HANSON:** Has there been any creation of new positions as a result of this? I am

not talking about moving someone from victims to—

**Mr Hinchey:** No.

**MR HANSON:** There have been no new positions created?

**Dr Watchirs:** Yes, there have, but only temporary ones. In my team I have a senior officer grade B but that is a temporary position.

**MR HANSON:** But on an ongoing basis, there have been no new staff positions created as a result of this amalgamation?

**Mr Hinchey:** Fundamentally, no, but one of the aims of the government at the time when the review was conducted was that the commission increased its community engagement and was seen by the community to be delivering the services that the community can understand are relevant to the community. So community engagement is an important activity. Within the commission, with respect to the budget that we are given, which is set, and which has not changed a great deal from the previous year, there is some movement within that budget. I have put some resources into the whole of the commission which we hope will partially fund that community engagement activity.

**Dr Watchirs:** There has been a new volunteer coordinator position in the victims of crime team and there has been a community engagement officer in my team, but on a temporary basis, whereas that is a permanent position.

**Mr Hinchey:** Yes, that is correct. I correct the record because the volunteer program was contracted to the community and had been since the year 2000. When the commission was formed I recommended that the contract be brought in house and that an officer be engaged directly rather than contracted out. So we had a position but it sat within the community agency.

**MR HANSON:** Yes, at Communities@Work, wasn't it?

**Mr Hinchey:** Yes.

**MR HANSON:** So that is a change in how that position was employed—

**Mr Hinchey:** How that service is delivered; it is not a new service. We have positions within the financial assistance scheme, but that is separate to the part that you are trying to get to; is that correct, Mr Hanson?

**MR HANSON:** That is correct, Mr Hinchey.

**THE CHAIR:** Dr Watchirs, if there is something coming up in legislation or public comment that members of the committee would want a human rights perspective on, are they able to write to you?

**Dr Watchirs:** Sure.

**THE CHAIR:** I am just thinking of issues that are not directly—

**Dr Watchirs:** Under the parliamentary agreement there is a clause in the appendix which says that, for private members' bills, the commission will provide that service.

**THE CHAIR:** Thank you. We will move on to the Victims of Crime Commissioner in particular. I know it seems a little clunky. This time we have had to fit reports from a previous scenario into the current scenario. I thank Ms Toohey, Ms Griffiths-Cook and Dr Watchirs for appearing before us. The program also shows the Public Trustee and Guardian appearing before the committee at this point. However, the committee asked those questions in that area during this morning's hearing, so I propose to move on to Victim Support ACT.

Could I confirm for the record, Mr Hinchey, that you are aware of the privilege statement and its implications?

**Mr Hinchey:** Yes, correct.

**THE CHAIR:** Do you wish to make a brief opening statement or are you ready to answer questions?

**Mr Hinchey:** No, thank you; I am ready to answer questions.

**THE CHAIR:** We will start with Ms Cody.

**MS CODY:** On page 37 of the annual report you talk about family violence reform.

**Mr Hinchey:** Yes.

**MS CODY:** Can you give us a bit of an overview of how that is going?

**Mr Hinchey:** Yes. You are referring to the New South Wales and Australian Law Reform commissions' report.

**MS CODY:** Yes, and how that is interacting with the ACT. It says that we have had interaction.

**Mr Hinchey:** Yes. That report is from 2010. I saw it as a very important report to provide a platform for legal reform, a legal framework, which is what that report was all about. I must say the ACT government has taken a lead in implementing a large number of the recommendations. In its family law package in the last budget it also focused on responding to a number of the recommendations. I have not looked across other jurisdictions, but I am satisfied the ACT government is giving it the priority that I think needs to be applied to it nationally. A number of the reforms are embedded in the Family Violence Act, which will commence on 1 May. There are changes to evidence. I would have to look at all the recommendations.

**MS CODY:** That leads on to the Family Violence Intervention Program Coordinating Committee.

**Mr Hinchey:** The family violence intervention program has been operating since 1998 in the ACT, and the ACT was a leader in that field for some time. I think that the establishment of a coordinator for family violence matters and the proposed family safety hub will impact on the operation of the FVIP not adversely. The FVIP has struggled in recent years to limit its activity to the criminal justice system when we see family domestic violence impacting on other service areas that we do not have a mandate to respond to. The family violence intervention program is one that is operating under the goodwill of a number of agencies in the ACT. I would want to see that continue and I would like to work hand in hand with the coordinator for family violence on its operation.

**THE CHAIR:** Mr Hinchey, is there anything in this area that you think needs to improve to be effective?

**Mr Hinchey:** On family violence?

**THE CHAIR:** It is a very complex area.

**Mr Hinchey:** It is.

**THE CHAIR:** I do not think anyone is pretending that it can be resolved overnight or entirely.

**Mr Hinchey:** No. There are a number of reports already available to government that set out what needs to be done to improve. I would refer the committee to the Domestic Violence Prevention Council's death review report, the Glanfield report, and the Office for Women report. The name of that report escapes me at the moment. That sets out the agenda for reform in the ACT. The important decision that the Assembly will be asked to make will be on the design of the family safety hub, how it operates and interacts with the care and protection system in particular and how it is funded. I think the challenges that we face in this territory are the design of the family safety hub and how we can promote a response to domestic and family violence beyond just a criminal justice response.

**THE CHAIR:** Absolutely.

**Mr Hinchey:** We need a health response. It is a health issue. It is a human rights issue. I think that our current response is too narrow and we are not capturing those people who wish family violence to stop but do not want the intervention of police or the courts. We need to be able to find a way to respond to those people, keeping them and their children safe, while protecting their ability to make decisions about how the system should best respond to them.

**THE CHAIR:** To be a bit more sensible.

**Mr Hinchey:** Information sharing is another critical issue; it has been raised not only here but in the Victorian royal commission as an issue.

**THE CHAIR:** Is the issue the balancing act or that we should do more?

**Mr Hinchey:** It is a balancing act between the alleged perpetrator's right to privacy and the victim's right to privacy. One of the benefits of being in the commission is that I have consulted with the health complaints commissioner about how best to achieve better sharing of information without compromising the privacy of victims who wish to disclose.

**THE CHAIR:** Yes, fair enough.

**MR STEEL:** I have some questions in relation to the financial assistance scheme. It says in the report, on page 22, that you supported 21 clients through the financial assistance process.

**Mr Hinchey:** Yes.

**MR STEEL:** Do you know what crimes these people were victims of?

**Mr Hinchey:** Yes. We have updated that information since the report was published. I am referring now to 67 applications, to date. Eight of those are assault occasioning actual bodily harm, eight are common assault, three are assault occasioning grievous bodily harm and there are lesser numbers across the different offence types.

**MR STEEL:** Do we know whether they are family violence related?

**Mr Hinchey:** Twenty-two per cent have been related to family violence.

**MR STEEL:** How do they come to you?

**Mr Hinchey:** They are referred by individuals and different criminal justice entities. We also have a capacity in the new scheme whereby non-government entities can be registered with us as an approved non-government entity and we accept reports from those entities instead of police reports, to enable us to make emergency immediate needs payments, to protect people's safety and to reimburse costs. We did that as a territory to ensure that victims who did not want to report domestic violence and sexual assault to police could come to us for assistance. I am not just talking about groups; I am talking about people who have a distrust of the system. We need to adequately respond to them and protect their interests.

**MR STEEL:** Do you have any oversight of the payments that are made or the quantum of the payments that are made?

**Mr Hinchey:** Yes. The quantum is set in the legislation. It is tied to the offence type rather than to the measurement of harm, which the previous scheme tried to do, and sometimes to the detriment of victims. The more serious offences attract a higher recognition payment. Each offence attracts a recognition payment and people who experience those offences are also entitled to the reimbursement of costs, payment of immediate needs and funeral payments.

**MR STEEL:** What was the total quantum in that financial year for financial assistance?

**Mr Hinchey:** In the report?

**MR STEEL:** Yes. Is that in there? I cannot see it.

**THE CHAIR:** Did you want to take that on notice, in the interests of time?

**Mr Hinchey:** To date, it is \$91,884 for 67 applications. I would be surprised if it is not embedded somewhere in this.

**MR STEEL:** Thank you.

**THE CHAIR:** Perhaps you could take the detail of that on notice.

**MS CODY:** Can I ask a supplementary on Mr Steel's question? It will be very brief, because I think the answer will have to be provided on notice. Can you set out the parameters of the financial assistance scheme or what it mandates? Can you provide that to the committee? What is the word I am looking for? What constitutes a victim of crime and what constitutes being able to—

**THE CHAIR:** Try "definitions".

**MS CODY:** Definitions, thank you, of a victim of crime and the financial assistance scheme; how can people access those sorts of things.

**THE CHAIR:** So the rules and regulations around that?

**Mr Hinchey:** Yes. I could provide a briefing to you about that.

**THE CHAIR:** That would be great.

**MS CODY:** That would be fabulous, yes.

**Mr Hinchey:** That is a matter of public record anyway; so I would imagine—

**THE CHAIR:** Yes. Sometimes it is just that there are so many things we have to look into here. Thank you, Mr Hinchey. Elizabeth Lee.

**MS LEE:** Thank you, chair. Commissioner, I am referring to page 13 of the report and it goes over to page 14. Reference is made to 1,235 new inquiries in the reporting period, of which 425 required case management and were required to be registered clients.

**Mr Hinchey:** Yes.

**MS LEE:** Those that required a lesser level of involvement obviously were not registered. Can you advise the committee how that level of action is determined? Are there criteria? Who makes that determination?

**Mr Hinchey:** For registration?

**MS LEE:** Yes.

**Mr Hinchey:** The criteria are made at first point of intake. I must say that the terms are misleading in the report. It implies that that service is not delivered, but we do deliver a service to all victims of crime in the ACT. We register people when they are willing to undertake therapeutic intervention in the form of counselling. Counselling is not something that everyone wants or is something that everyone is ready for.

A lot of people want information about their particular circumstances. They want court support. They want to make inquiries about financial assistance, which is a separate section within my agency. So we register those clients as a way of our tracking who we are case managing and whom we are providing other services to.

Many clients we have difficulty locating and getting them to respond to our messages and calls. They are captured in those who are not registered as well. But they are assessed at intake. We have an allocation meeting of a health professional officer team. All of the team meet and then allocate to case management.

**MS LEE:** Are there any other services, aside from obviously the category that are registered, falling into the therapeutic services and then the pure information? Is there anything else?

**Mr Hinchey:** What other services we provide?

**MS LEE:** Yes.

**Mr Hinchey:** We are supposed to be the government's one-stop shop for victims of crime. The short answer is that we try to provide all sorts of assistance and services to victims of crime. Those types are advocacy, court support, the financial assistance scheme, information, referral to other jurisdictions if the offence occurred in other jurisdictions and then there are the different types of therapeutic interventions.

**MR HANSON:** During the reporting period the DPP made some comments about bail in his report—particularly in relation to people who are charged with domestic violence or violent crimes who are then granted bail—and the impact obviously on their victims. I am wondering whether you have any commentary on this. Have you observed from victims of crime concerns about an alleged offender or offenders—people charged and so on—being granted bail and the impact on victims?

**Mr Hinchey:** Often. I receive comments from victims around bail. I think generally there is a misunderstanding in the community about the purpose of bail and what elements jurists should take into account when granting bail. I think that we need better community awareness and education around bail altogether.

**THE CHAIR:** What is that difference of opinion?

**Mr Hinchey:** I think people think that bail is a form of punishment; that the severity of the crime relates directly to whether or not someone should be granted bail. Yet there is a range of other issues that a magistrate or judge must take into account when deciding on bail. There are also presumptions against bail for serious offences or

repeat offences when someone is on bail already. There are presumptions against bail for domestic violence offences, for example, in the territory and they are ones that I would not want to see shifted away from.

I think that bail should be seen for what it is. There is a community safety element; there is also a reliance on whether the person will attend court for the next hearing and their compliance with the law and protection of victims when they are bailed. I am not sure of the context of the conversation that the committee had with the DPP—

**MR HANSON:** It is actually something out of his report. We were a bit short on time. We did not get to it.

**THE CHAIR:** We did not get to it, yes.

**Mr Hinchey:** I know, but one of the contentious reforms that the government introduced last year was a bail reform provision for the DPP to activate a request for a review of bail. It was not a bail reform mechanism. It was a bail review mechanism whereby the DPP can apply to the court to have a bail decision reviewed for very serious matters or for domestic violence offences. I think that was opposed by many in the legal profession as an interference with the independence of the court. But I would support that review. There is a review of that review mechanism to take place I think some years after it occurs.

The DPP might have also referred to the fact that there is no offence for breaching bail in the ACT. That is sometimes problematic when that record is not available to the court on a person's criminal record so that the court has a sure record of how many times someone has breached bail and then to take that into account when granting bail.

**MR HANSON:** There seem to be quite a few movements and changes in regard to bail and calls from people to make changes. Do you have a view on that? Is bail working as it should? Do you think there are improvements that can be made?

**Mr Hinchey:** I think that overall bail is working as it should in the territory. I do not want to see the bail provisions tightened so much that we increase the percentage of detainees at the AMC. They are already very high for people who are on remand. But I do welcome a review mechanism on the granting of bail for domestic violence offences in particular.

These are high risk offences and there are high risks for those who are victims of domestic violence. We have seen in other jurisdictions the murders of women that have happened when people are on bail. We do not want the same to occur in the ACT.

**THE CHAIR:** Mr Hinchey, just to add to that, if there were a facility that was not, say, the AMC for detainees; which was not a prison environment as such—I am not sure exactly how that is done in other jurisdictions—and if remandees were in a different facility, would your view about the number of people detained be different?

**Mr Hinchey:** Well, yes, I would have to amend—I am not sure what you are asking

me.

**THE CHAIR:** You said in your answer before, if I have not misunderstood it, that you do not want to see more people in the AMC who are not convicted—essentially, you do not want to see—

**Mr Hinchey:** No, not unless they deserve to be there and you know—

**THE CHAIR:** No, of course, but I am saying that if there were a facility for those who had not yet been convicted, or if they were housed separately, would that make any difference to you?

**Mr Hinchey:** I would welcome that. I think that one of the problems when police attend jobs, domestic violence offences, is that they might be able to remove a person from the house temporarily. But then the court is left to decide whether to grant that person bail and where does that person go? We need some sort of option for people who are removed from the premises for the safety of themselves and others to have somewhere to go, and prison is not always the best place.

**MS CODY:** In following on from that very, very briefly—

**THE CHAIR:** We have one minute.

**MS CODY:** Yes. There was new legislation introduced that related to how bail affects families in these circumstances. Are you aware of that? Have you got any comments on that?

**Mr Hinchey:** I am sorry; I am not familiar with that.

**MS CODY:** That is fine. I will save it for the Attorney-General. Thank you.

**THE CHAIR:** Thank you, Mr Hinchey. We are really glad to have had you here today. We will now welcome the Minister for Justice, Consumer Affairs and Road Safety.

**Mr Hinchey:** Thank you.

**THE CHAIR:** Thank you, and thank you to the officials from the JACSD portfolio covering road safety and road transport regulation and the officials from the Justice and Community Safety Directorate.

**Short suspension.**

Appearances:

Rattenbury, Mr Shane, Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health

Justice and Community Safety Directorate

Pryce, Mr David, Acting Director-General

Greenland, Ms Karen, Deputy Executive Director, Legislation, Policy and Programs

Taylor, Mr Don, Acting Executive Director, ACT Corrective Services

Bartlett, Mr Mark, Senior Manager, Corrections Programs, Offender Services, ACT Corrective Services

**THE CHAIR:** We welcome the Minister for Justice, Consumer Affairs and Road Safety and officials from road safety and road transport regulation and the Justice and Community Safety Directorate. Minister, could you confirm for the record that you are aware of the privileges statement and its implications?

**Mr Rattenbury:** Yes, thank you.

**THE CHAIR:** Do you wish to make a brief opening statement? We are running a bit late on this session, so if it could be quite brief that would be awesome.

**Mr Rattenbury:** Yes. I will keep it very brief. There are two things I want to touch on in these areas within my portfolio, because some of them are new in terms of being stand-alone ministry issues.

The first is the issue of road safety. The ACT government has taken the notion of vision zero as being a key policy framework that we want to operate in. The idea is that it can never be ethically acceptable that people are killed or seriously injured when moving within the road transport system. That is the idea. It reflects the government's position that you cannot exchange someone's life or health for any other benefit.

Over the past five years in the ACT we have had around 50 deaths and a thousand serious injuries on our roads. With vision zero, every death and serious injury must be investigated and steps taken to prevent a similar tragedy from occurring again. Some people have been sceptical about the idea of vision zero. It is not the notion that there will never be any accidents; it is that we should seek to reduce particularly deaths and serious injuries. It means that instead of just saying, "That was driver error," we look very closely behind why the driver made an error and what could have been done to ameliorate that error.

I wanted to take the opportunity to briefly clarify that, because I think there has been some uncertainty in the community about what we mean by vision zero. I am happy to talk about that some more as well.

In the spirit of brevity, the other thing I will add is that under my expanded

responsibility as minister for justice, I am placing a higher priority on developing a more holistic and integrated criminal justice system, in partnership with the Attorney-General. We want a system that is innovative and aspires to achieve a stretched target to reduce recidivism by 25 per cent by 2025. That is about having a comprehensive approach that looks at the various elements of why people end up in contact with the criminal justice system and seeks to take a preventative approach. There is the idea of justice reinvestment.

You will have seen a television special recently about the one in Bourke, in outback New South Wales. Obviously our circumstances are different here in the ACT; the geography and demographics of justice reinvestment are different in different places. But the principles are the same, actually seeking to invest in your community, both before people come into the criminal justice system and also, once they have been there, looking at how we can divert them from coming back to court and how we can strengthen programs to connect to community corrections or post-prison release to specialist mental health services or drug and alcohol responses. It is looking at our justice system very holistically.

Again, I am happy to elaborate on that, but I wanted to highlight that that is a key area that I am working with JACS on. We think that over the medium to longer term, that will make a significant difference to our criminal justice system.

**THE CHAIR:** Thank you, minister. We will start with the questions in relation to road safety and transport regulation. I just want to ask very simply: is there any plan to increase the road safety contribution of \$2.50 per vehicle?

**Mr Rattenbury:** No. It went up in the last budget, from \$2 to \$2.50. It had been \$2 for, and do not quote me, eight years or something, some extended period of time. Just briefly, the history on that is that it had been the NRMA Road Safety Trust; with a second insurance provider coming into the market, it was considered not appropriate to have an exclusive one, so we took it away from that particular insurance provider and made it more generic. I did take the opportunity at that time to raise that contribution, because we were getting a bit less money by not having the NRMA as a full-time partner. The two insurance providers have been invited to make contributions on an ongoing basis, and I imagine they will, but they will do it more on a specific project basis. I just wanted to ensure there was enough funding in there.

**THE CHAIR:** To keep it ticking over.

**Mr Rattenbury:** That has kept the budget at around \$700,000 a year.

**MR STEEL:** In reference to the August review of road safety cameras, I was just wondering what findings were revealed by the review and how they are being implemented in reducing speeding and tackling antisocial behaviour on our roads.

**Mr Rattenbury:** A couple of things came out of the road safety camera program, particularly that the mobile speed vans are the most effective in deterring speeding. There is data, and it is in the report, that shows that when the vans are more visible, you see a downturn in speeding behaviour. That is why I and the government have focused on increasing the number of mobile speed vans and delivering a message that

they can be anywhere anytime.

We have increased the number of vans on the road. We have increased the hours of operation by going to a double shift; there used to just be one shift a day. We have also increased the range of places where the vans can operate, including having a website where people can nominate sites where they would like the vans to be. In my time in various ministerial portfolios, you often get letters from people saying, "I have a speeding problem in this area." The local residents have often got the best local knowledge. This is a way of harvesting that community knowledge and sending the vans to hot spots, for want of a better word.

**MR STEEL:** That has touched on my supplementary, but I was going to ask about how that feedback is considered. I understand that in Victoria a committee considers where the mobile cameras are going to be located and they also consider community feedback. How is it done in the ACT?

**Mr Rattenbury:** It is a bit of a combination. The JACS road safety team has primary responsibility, but they collaborate with the police and with Transport Canberra and City Services. They are probably the three agencies that get a range of crash and road data fed back to them. That is the basis of where the data comes from.

**MS CODY:** Can I just ask a quick supplementary?

**THE CHAIR:** Yes.

**MS CODY:** We are keeping the vans with the same style and—

**Mr Rattenbury:** Yes. I have not seen any proposals to change them. Do you mean the white ones that—

**MS CODY:** That stand out, that people can see, yes.

**Mr Rattenbury:** Yes.

**THE CHAIR:** And just on that—

**Mr Rattenbury:** Stealth is not part of it. There has to be a degree of anytime, anywhere, so that people are not certain where they will be.

**MS CODY:** Absolutely, yes.

**Mr Rattenbury:** But in terms of sort of camouflaging them, no.

**MS CODY:** I agree.

**MS LEE:** Can I ask a supplementary too?

**THE CHAIR:** I have one too, so I will ask mine and then we will hand over to you for your question. As a supplementary, I wanted to ask if the minister might consider when John Gorton Drive will be able to be checked for speed. My understanding,

from explanations I have had, is that it is not yet a completed road and, as a result, the vans cannot go there. But there is certainly concern from the community in the new Molonglo area about speeding on John Gorton Drive. There used to be a very fast way of getting across the Cotter.

**Mr Rattenbury:** Yes.

**THE CHAIR:** Habits are longstanding.

**Mr Rattenbury:** I will check with the directorate as to whether there are any issues about declaring sites where vans can go. Also, we will convey that to ACT Policing, who can also take it up. There are those two pathways.

**THE CHAIR:** It would be good to find out where the line is there and what we can do about that, because certainly there is community concern about that particular main road. Ms Lee.

**MS LEE:** Minister, you say that the mobile vans work quite well when it comes to speed. Have you got data in relation to whether that has had an impact on, say, reduction of collisions or that type of thing?

**Mr Pryce:** Mean percentile speeds reduced by six per cent to eight per cent on ACT roads in the first few years after the mobile speed cameras were introduced. This reduction in speed coincides with a 25 per cent to 30 per cent reduction in serious injury crashes on roads where the cameras were being used. That is a very significant—

**THE CHAIR:** The mobile cameras?

**Mr Pryce:** That is correct.

**Mr Rattenbury:** And going back to Mr Steel's original question, that is what that evaluation identified and that is why we particularly put the effort into the mobile vans as opposed to the fixed cameras or the point-to-point cameras at this point in time.

**MS LEE:** Just in relation to school zones, minister, are there locations available around all school zones to make mobile speed monitoring possible?

**Mr Rattenbury:** I would have to check on the current status. Here we go.

**MS LEE:** That was quick. Thank you for that.

**Mr Rattenbury:** Until recently, strangely—and I do not know the history of why—mobile vans could not operate in school zones. I changed the regulation 12 months ago. There was then a program to go out and map all of the sites and designate, because obviously you have got to be careful where you put the vans. There was a surveying process underway and I am just not sure where that is up to.

**Mr Pryce:** Before Ms Greenland, who oversees this, answers, if I could just add, to

date—you might have an up-to-date number—292 new sites have been added to the program since regulation changes commenced in October 2015 supporting the use of mobile camera units on any road in the ACT. Sixty-five of those new sites are at school zones. Ms Greenland could give more details.

**Ms Greenland:** The program to identify sites at schools is continuing. The intention is to go through every school and identify suitable sites at every school where there are sites suitable. My understanding—and I will just need to check the details of which ones—is that there are one or two schools where assessments have been made that it is not possible to find a suitable site.

One of the relevant factors is that the van has got to be able to be placed somewhere where it does not in itself create an issue in terms of line-of-sight and safety for people in the area using that road, as well as some OH&S issues for people who are actually operating the camera in the van. But my understanding is—and I am certainly happy to confirm the details—that there have been one or two which we have assessed so far where it is just not possible to find an appropriate site.

**MS LEE:** And how frequently are the school zones targeted by mobile vans?

**THE CHAIR:** It is once a year, is it not?

**Ms Greenland:** ACT Policing certainly have campaigns around schools during the year. As well, we have the road safety advertising when school terms start again. In terms of the vans, there is a roster that is developed within the traffic camera office and again I would need to get the precise details of how often they are actually at the schools. But we certainly try to coordinate so that we have got back to school road safety campaigns to make sure that we have got vans out at those times and also at other times of the year.

**MS LEE:** And will you take those on notice and get back to the committee on them?

**Ms Greenland:** I am happy to do that.

**Mr Rattenbury:** On that, I released some figures that we did have some earlier responses. We put out an update some months ago—and I will get these for the committee—but there were a disappointing number of infringements being found in school zones.

**THE CHAIR:** In school zones?

**Mr Rattenbury:** Yes, after we started. I had a report after six months of operation and there was—

**MS LEE:** When you say “disappointing”, do you mean not enough people were speeding so you—

**Mr Rattenbury:** No, it was a lot; disappointing in the sense that it was a lot.

**THE CHAIR:** Just as a brief adjunct to that, how many vans are now operating in the

ACT as opposed to in the previous reporting period?

**Ms Greenland:** We will be having eight vans on the road. The fleet will be up to eight in about two weeks time, we understand, up from six. And we are, as the minister has previously said, also maximising the use of those vans by having double shifts so that we are using the vans pretty much all of the time that we can.

**THE CHAIR:** Not in the middle of the night, but—

**Ms Greenland:** There are some shifts that do go late into the night, but obviously not necessarily every night in the small hours, no.

**MS LEE:** My final supplementary on school zones is: what else is the ACT government doing in terms of road safety at school zones?

**Mr Rattenbury:** We have a program that is a partnership between education, JACS, road safety and TCCS and the name of the program is? It will come back to me in a minute.

**THE CHAIR:** You can take that on notice.

**Mr Rattenbury:** We are trialling a series of measures which include having drop-off points near the school but, say, at a 400 to 500-metre walk. A good example, the one I went to, is Latham Primary School, where on the opposite side of the school there is a pull-in parking lot, plenty of space, it keeps some of the traffic away from the main school entry and the kids can just walk across the oval.

**THE CHAIR:** Kiss and drop, very good.

**Mr Rattenbury:** Yes, those kinds of things. That is certainly one strategy. There has been a strategy to increase the amount of just mapping out walking options so that parents can feel more confident. The rationale behind some of these things is that we have seen an increase in traffic outside schools as more and more parents drive their kids, which in turn leads to parental fears about safety. We have sort of got this vicious circle and fewer kids walking and cycling to school.

We also are trialling the decrease of the school zone speed limit to 30 kilometres an hour and there have also been some schools where dragon's teeth have been painted on the road to increase that awareness of coming to a school zone. That is being run at several schools in Belconnen; they were the initial trial sites. Minister Fitzharris and I have announced a further rollout of that program as the initial feedback was very positive.

**MS CODY:** You mentioned that ACT Policing have a program to help target speeding drivers in school zones. I am assuming that we liaise with them about our speed cameras so that we are not doubling up.

**Ms Greenland:** Absolutely. At the beginning of each year we work with ACT Policing very closely to develop a forward program for the year on a range of road safety campaigns throughout the year. We try as much as possible to make sure

that we are working hand in glove with ACT Policing on all of those things.

**THE CHAIR:** Thank you in your capacity as Minister for Justice, Consumer Affairs and Road Safety. We will now move to the corrections portfolio.

**Mr Rattenbury:** I was expecting to do corrections between 3.30 and 4.30 and the corrections officers are not here at the moment.

**THE CHAIR:** Just hold on a minute.

**Mr Rattenbury:** If I am mistaken, I am happy to—

**THE CHAIR:** What time were you expecting that, 3.30?

**Mr Rattenbury:** I am quickly checking my program. Sorry, 3 o'clock.

**THE CHAIR:** I will suspend the committee for five minutes while we work out what is happening.

### **Hearing suspended from 2.43 to 2.52 pm.**

**THE CHAIR:** We will start. The committee welcomes back the Minister for Corrections and officials from ACT Corrective Services. Could you confirm for the record that you are aware of the privilege statement and its implications?

**Mr Rattenbury:** Yes, thank you.

**THE CHAIR:** All who might speak? Thank you. Minister, do you wish to make a brief opening statement with regard to this area?

**Mr Rattenbury:** As the Minister for Corrections it is worth acknowledging that the past year has been a difficult year. It is a challenging portfolio. It is an area of my responsibility that is constantly changing and evolving. That said, we have also made a lot of progress in the past year or so, in the reporting period, particularly with the completion of the new accommodation area and the completion of the prison industries building, which is now coming on stream and providing a range of opportunities for structured activity for detainees. I think it is well known to be a problematic area in corrections, and certainly was identified in the Auditor-General's report. That said, I am happy to leave it at that point and take questions from the committee.

**THE CHAIR:** Thank you, minister. I would like to start by following up on the AMC industries package at page 54. The report states that this is a major initiative that will address gaps in rehabilitation service delivery in the AMC. As you know, I have certainly personally been quite encouraging of this as a concept, in addressing boredom and imparting skills. Whether they are just getting-up-in-the-morning skills or further skills, these are all really important things. In regard to that program how are gaps in services to women addressed? As the AMC industries package has been developed, what thought has been given to the women in the AMC?

**Mr Rattenbury:** This is an area that is challenging. For the AMC, and for the prison industry, one of the issues longer term has been simply having enough detainees to have a reliable prison industry. Certainly, when we were at perhaps 200 or so, that was not such an option, but with our numbers well over 400 consistently now, that is better. With a female cohort of between 20 and 30, depending on the timing, that remains a challenge. We have a range of education programs for our female detainees and we are exploring possibilities within the prison industries section to have female shifts, particularly with the new bakery. There is some work to be done on that to identify how viable it is, to make sure that there is a clear separation between the laundry and the kitchen facilities, because we cannot have the detainees mixing, obviously, for both safety and other reasons. So there is still some work to be done, but we are exploring the possibilities.

**THE CHAIR:** Excellent. With regard to the programs, when our women prisoners were under the previous arrangements, do we know which prisons they were housed in in New South Wales and what was available to them then? I know this was a few years ago now.

**Mr Taylor:** I am sorry, Madam Chair; I do not know that. I would have to take that on notice.

**THE CHAIR:** It would be interesting to know how prisons that are predominantly for women address these issues. I would be really keen to know a little bit more about that. Can the minister give any time line for when this investigation into the possibility of women detainees being involved in a shift from time to time in these industries might be concluded?

**Mr Taylor:** Certainly, following on from the minister's comments, the new industries for men have started. The bakery is expected to be taking on a shift of male detainees within the coming weeks, three to four weeks. It is at that time that we will consider the capability and possibility of what the bakery is doing and whether and when that can possibly facilitate some female detainees in employment.

**THE CHAIR:** Do you have a time frame by which that consideration could be made?

**Mr Taylor:** Our first look at that will be within the next six to eight weeks, but we will be continuing to look at the option. It will not be just one look at it.

**THE CHAIR:** No, obviously.

**Mr Taylor:** Firstly, it will be within the next six to eight weeks. The other thing I would say around our females is that we have included six of our female detainees in the land management program which has been predominantly for men in the past. Currently, we have six of our women involved in that as well. We are certainly looking at other opportunities that lead on from that, in partnership with some of our community partners—Greening Australia—about how we can establish more work in that area.

**THE CHAIR:** With regard to the industries program, as well as land management, are these programs available to remandees as well as sentenced detainees?

**Mr Taylor:** Yes, we look at the specific cohorts and the eligibility and suitability of people. Certainly, sentenced detainees are predominantly more stable in their sentence, obviously. Remandees come and go. The stability of a remand person is not the same as a sentenced person.

**THE CHAIR:** No, true; so they might get preference, but—

**Mr Taylor:** Absolutely.

**THE CHAIR:** can the remandees come into these programs?

**Mr Taylor:** Yes, there is certainly capability.

**THE CHAIR:** Is it happening at the moment?

**Mr Taylor:** No. We have remand persons working in unit cleaning and those sorts of things, our internal services, which can take those persons on when they are not as stable as the sentenced persons.

**THE CHAIR:** Is there any remuneration for the detainees, remandees or sentenced, who are involved in these programs?

**Mr Taylor:** Yes, there is. Any person who is unemployed is able to achieve remuneration, up to the persons who work in our kitchen area, for example, which is one of our highest remunerated areas. The kitchen and laundry are the two specific ones. It ranges from \$15 up to \$70-odd.

**THE CHAIR:** Per?

**Mr Taylor:** Per week.

**THE CHAIR:** Fifteen to \$70 per week?

**Mr Taylor:** Yes.

**MS CODY:** I was looking at the detainee education and training information. If you have it, can you give me a breakdown, if there are women involved in education and training?

**Mr Rattenbury:** We will get Mr Bartlett to come to the table. He can give you significant detail.

**Mr Bartlett:** Could you repeat the question?

**MS CODY:** With the detainee education and training program or packages that you offer, could you, first of all, tell me whether you have any women detainees that access these programs?

**Mr Bartlett:** Absolutely. The programs are available for all of the women, regardless

of whether they are sentenced or on remand. The only exception to that is for a specific offence-specific program: a sex offender or a violent offender program. All general education programs are available for all women.

Currently, we have 33 women in custody. Twenty of those women are on remand and we are not sure for how long we will have them. Thirteen of those are sentenced. About 50 per cent of those people at the moment are regularly participating in the education programs that are available. One hundred per cent of our Indigenous detainees—nine women—are participating in education programs. Some of the other ones are participating in hospitality, they are doing some barista courses, first aid, and business courses. A couple of the ladies are doing a certificate II in business; hairdressing is quite a popular course, including nails as well, and seven of them are participating in the general education programs—literacy, numeracy and foundation skills programs.

**MS CODY:** For how many hours a week approximately are the detainees working on those sorts of things?

**Mr Bartlett:** That varies greatly. I am not sure what the average number is. It is a maximum of 30 hours, but there is also some self-directed learning, so that people can access computers and things in their cells after general hours.

**THE CHAIR:** Would you be able to take that on notice and come back to us with the hours people are doing per week, the average, and then perhaps the breakdown of the men and women?

**Mr Bartlett:** Yes.

**MR STEEL:** I have a supplementary. Do we know how many of these programs are resulting in jobs?

**THE CHAIR:** Or qualifications?

**Mr Bartlett:** In terms of qualifications, yes, because the education is part of the vocational education and training. It is part of the national qualifications framework, so it is nationally recognised training that we have. In terms of ones that lead to employment outcomes, that is a lot more challenging. As Corrective Services we tend to lose sight of the clients once they return back into the general community and there is no mandate to work with some people. Certainly, from an extended through-care point of view, we do have some more visibility now than we have done previously, but in terms of employment outcomes, it is not something that we can actually follow.

**MR STEEL:** So through care might have a role?

**THE CHAIR:** Through care might be able to collect some data.

**MR STEEL:** Yes.

**THE CHAIR:** On the qualifications, in the response to the question on notice that you will give us, can you also nominate over the past 12 months what qualifications

have been achieved and how many in each category?

**Mr Bartlett:** Sure.

**MS LEE:** I have a supplementary. I understand that the ACT continues to have pretty high engagement compared to the national average, but in the last couple of years the numbers seem to have been a bit up and down. Do you have an explanation for that trend and how does it compare to the national trend?

**Mr Bartlett:** In terms of that, the thing that has been challenging for us is the high degree of separation and, of course, the disruption in terms of education provision caused by having to build new accommodation units. Our education levels, though, are very high across the board. We have had a really strong focus over the past couple of years on foundation skills, and basic literacy and numeracy skills. As part of that our induction process with education also includes a literacy and numeracy assessment, so that we can get an idea of which people we need to support and target in terms of literacy and numeracy development.

**Mr Rattenbury:** The design of the new part of the building is such that it has a greater level of segmentation, so that you can put cohorts together. Those spaces are designed with capability to deliver programs within a certain area. One of the problems we have had in the past—and Mr Bartlett was referring to this—was the separation issue. We can now work in groups together without needing to move them through the jail, which increases the prospect of getting a program to them.

**Mr Taylor:** In the past 18 months to two years our numbers of detainees have gone up significantly. So the percentages have not come down very much; with about twice as many detainees, we have still been able to achieve a very high percentage across the centre.

**THE CHAIR:** Has the budget for that education increased during that period?

**Mr Bartlett:** Yes, it has.

**THE CHAIR:** By how much?

**Mr Bartlett:** Proportionally to the increase in the population.

**Mr Pryce:** From the last report on government services, the numbers show that we continue to be a top-ranking jurisdiction in both education and training. We are achieving 72.3 per cent of eligible detainees in education. That is more than double the national average. So that is one area in which we are immensely proud of our work.

**MR STEEL:** In relation to the extended through-care pilot program, it mentions on page 50 that there was a social policy research centre evaluation of the program. I just wondered whether we have any outcomes from that.

**Mr Taylor:** Sorry, Mr Steel?

**MR STEEL:** There is a social policy research centre evaluation of the extended through-care pilot program. I am wondering what the outcomes were of the evaluation.

**Mr Rattenbury:** They have just been received. The brief is on my desk. I have not had a chance to read it in detail yet, but I expect to publicly release that fairly shortly. I have had a chance to look at the executive summary. There are some quite positive findings there, particularly in relation to female Indigenous detainees. They have been identified as one group with one particular program, but I will release the report in full fairly shortly.

**MS LEE:** Minister, earlier, I think it was in your opening just before the previous section on road safety, you mentioned that it was a goal of yours to reduce recidivism by 25 per cent. Is that what you said?

**Mr Rattenbury:** Yes.

**MS LEE:** By 2020? Am I correct?

**Mr Rattenbury:** 2025.

**MS LEE:** Thank you for that.

**Mr Rattenbury:** I am ambitious, but not that ambitious.

**MS LEE:** I was going to say that seems pretty high, but I was just going to—

**Mr Rattenbury:** The poor JACS officials have just had a heart attack.

**MS LEE:** Your director has just gone, “Whoa”. On page 53 of the JACS report it states that recidivism rates show that there has been an increase in the rate of return to custody from 38.7 per cent to 41 per cent and an increase of 5.7 per cent in the return to custody rate for non-Indigenous males. How does that align with your goal, and has there been any research in relation to why that trend is happening?

**Mr Rattenbury:** I have not got the previous year’s figures with me, but I know that in the two years prior to that we have seen a drop, so this is a bit of a spike back up. That can be a feature of the ACT, because with our relatively small numbers we do get some fluctuations from time to time. Whilst I am not pleased to see the number go up, at this stage I do not see it necessarily as being a trend. It is something we will keep an eye on.

**THE CHAIR:** Could I just come back to the numbers of women. Mr Bartlett indicated that we have 33 women at the moment. Obviously one of the issues to be dealt with is the number of beds available for women. Can I just clarify with the minister that the additional women are in the single cells? Is that what is happening?

**Mr Rattenbury:** I know you have a question on notice on this, Mrs Jones, and I signed it yesterday afternoon, so you should have it today or tomorrow. But I will tell you about it now. We have opened a new part of the AMC to women. The management unit is now being used to house females.

**THE CHAIR:** That is a single-cell environment, though, is it not?

**Mr Rattenbury:** It is, yes. And each has its own recreational area or outside area behind it. That is an area, as you would probably know, that has been traditionally used for males. I can assure the committee that there are no males in there; it is being exclusively used by females. As part of that commissioning process for use by females, the Human Rights Commissioner was notified and invited to come and make an inspection to have some external scrutiny of us using that space for females.

**THE CHAIR:** It is not that there is anything wrong with finding other beds, but I guess the question is: is single-cell accommodation really the right accommodation for the women in question, and what can be done into the future for a new build essentially? What is the plan to deal with that?

**Mr Rattenbury:** In terms of the new build, as I said to you in the Assembly the other week, we are currently canvassing a range of options. I am just awaiting some final advice from the directorate on the best options. There are a number of different approaches; we are just canvassing those at the moment.

**THE CHAIR:** Whether we double-bunk or whether we build a new unit?

**Mr Rattenbury:** Well—

**THE CHAIR:** That has not been done, to the best of my knowledge, in the women's section.

**Mr Rattenbury:** What is that?

**THE CHAIR:** We have not double-bunked in the women's section.

**Mr Taylor:** The women's accommodation is a bit different, because 24 of the available beds are in cottage-style accommodation. In relation to double-bunking, we have got some double bunks in the cottages, but it is not something that we like to achieve.

**THE CHAIR:** No.

**Mr Taylor:** The cellular accommodation—

**THE CHAIR:** Per cottage is how many?

**Mr Taylor:** There are five beds, but we have one that has a double bunk in it.

**THE CHAIR:** Okay.

**Mr Taylor:** So there are six. There are four pods in the two cottages of six beds each. In relation to the single-cell accommodation, our women's high-needs area, which has five cells in it, and the area that is being utilised at the moment, which is single cells, certainly there was a capability, and we have used it in the past. We assess the

detainees we put in there very carefully. If there is a need to have somebody with them, which has happened, we will make facilities, perhaps for an extra bed to go in there temporarily. There are certainly single cells, but we do assess. If there is a need for somebody to have someone with them, we have that capability as well.

**THE CHAIR:** As in another detainee?

**Mr Taylor:** Yes.

**THE CHAIR:** Right.

**Mr Rattenbury:** There are times when it is advantageous to put people together.

**THE CHAIR:** Yes. No-one is pretending to be a perfect expert in this area. It is just to get to the heart of what is actually happening.

**Mr Rattenbury:** Sure.

**THE CHAIR:** So sometimes in the single cells you will pull out a spare bed so that you have two women in one single cell?

**Mr Taylor:** That is correct.

**THE CHAIR:** And that is sharing one open toilet?

**Mr Taylor:** Yes, it is.

**THE CHAIR:** Yes.

**Mr Taylor:** It is exactly the same as the double bunks in the other cells, in all the cells within the centre.

**THE CHAIR:** Yes.

**Mr Taylor:** They are the same. There is one toilet.

**THE CHAIR:** In the cottages they have their toilet in their cell or they have—

**Mr Taylor:** No.

**THE CHAIR:** No; that is what I thought. In the cottages they have a separate bathroom, don't they?

**Mr Taylor:** Yes, they do. In the cellular accommodation in the women's high needs area, they do have a toilet in their cell. The cellular accommodation has its own toilets and showers. The cottage does not; it is shared.

**THE CHAIR:** So in reality, as a result of the constraints, there are women in single cells who would otherwise be in cottages if that were possible? I am assuming that if you had more beds in the women's section, you would put them there.

**Mr Taylor:** No. What we are doing at the moment is that we have those beds available to us. There are certainly some people that suit cellular accommodation, single cellular accommodation, better than cottage-style living. Some of them cannot function as well in cottage style because it is communal living. So there may well be two or three spare beds in the cottage-style accommodation—

**THE CHAIR:** But you have someone up in the single cells?

**Mr Taylor:** Exactly. That is correct.

**THE CHAIR:** Okay. At the moment, when you get to a position where you have all your cottage accommodation filled, you need to use those single cells, presumably?

**Mr Taylor:** That is correct.

**THE CHAIR:** And then you just keep—

**Mr Rattenbury:** It is not quite that linear.

**THE CHAIR:** But it is who you select is what you are saying; you put some thought into that?

**Mr Taylor:** Yes, we do.

**THE CHAIR:** When there are two people bunked in one cell, they are using an open toilet together?

**Mr Taylor:** They are using the same toilet, yes.

**THE CHAIR:** Which has no privacy?

**Mr Taylor:** In the management unit, it does not. In the cells in the women's area, it does.

**THE CHAIR:** I am talking about the management unit.

**Mr Taylor:** In the management unit, that is correct.

**MS CODY:** I have a slight supplementary on that. Following on from Mrs Jones's questions, you were referring to consideration about whether women are in cellular accommodation or if they are in cottage accommodation. Do you take into account their circumstances as to why they are in the centre?

**Mr Rattenbury:** Yes.

**MS CODY:** So that also plays a role in what sort of accommodation you might have them in?

**Mr Taylor:** The key consideration we have is the person's associations, who gets on

well, and the style of accommodation. There are certainly people that function very well in the open-style, cottage-style accommodation where it is communal cooking, communal living. Our assessments are really around associations; they are around risk of association; they are around the functionality of the person. Then there is the capability of considering their needs. Some women have needs that are, as I say, better managed in a more confined secure environment.

**THE CHAIR:** Did you have another substantive question?

**MS CODY:** I do have a substantive question, yes. The domestic abuse program is offered both in house and externally; is that correct?

**Mr Bartlett:** That is correct. Yes.

**MS CODY:** Can you give us a bit of an overview of the program? I have a couple of other questions.

**Mr Bartlett:** Certainly. With the domestic abuse program that is available in custody, the purpose is to target men who are convicted of domestic abuse offences against their female partner or spouse. Men who do not have a current conviction for domestic abuse offences but have previous offences and are willing to acknowledge that they have engaged in abusive behaviour may also be eligible for the program, depending on their risk level and their motivation to participate.

The program is drawn on a gendered understanding of violence and abuse within relationships and addresses those issues from the perspective of power and control. The program explores links between behaviours, thoughts and feelings in relation to offending, with a clear focus on holding men accountable for their behaviour and assisting them to gain insights and the skills to be able to engage in non-violent, non-abusive and respectful relationships. The program is co-facilitated, so there is a male facilitator and a female facilitator. The facilitators are also role models for what is appropriate behaviour.

This particular program normally runs over 10 weeks, so it is about 2½ months long. The programs are normally two-hour sessions, twice a week—a total of four hours a week—and they are run over five different modules. That is the in-custody domestic abuse program. It has been externally evaluated to quite a high standard.

The program that operates in the community is slightly different. We have partnered with the Domestic Violence Crisis Service. They provide counselling and support to the perpetrator's current partner. The current partner may have been the victim of that domestic violence or it might be that the current partner is in danger of that as well.

**MS CODY:** Fantastic. You said that the in-house domestic violence abuse program was for male offenders.

**Mr Bartlett:** Perpetrators.

**MS CODY:** Yes, perpetrators against female victims. Is that correct?

**Mr Bartlett:** And family members, yes.

**MS CODY:** And family members?

**Mr Bartlett:** Spouses, yes.

**MS CODY:** So if it was a male victim they would still be considered—

**Mr Bartlett:** No, because this is a gendered program. That is part of the difference between family violence and spousal violence. This particular program is targeted at spousal violence—partners and spouses—as opposed to other family members. There is a violence intervention program and a cognitive skills program that also can be used for other family violence offenders. That is not this particular one.

**MS CODY:** So this particular program is targeted only at heterosexual couples?

**Mr Bartlett:** Correct.

**MS CODY:** Right. But we do have programs that target homosexual relationships?

**Mr Bartlett:** Not specifically, no.

**MS CODY:** Not specifically?

**Mr Bartlett:** No.

**MS CODY:** Okay. Were you going to say something?

**Mr Rattenbury:** If you have finished, I want to come back to Mrs Jones's previous issue. We have a correction to make.

**MS CODY:** Make your correction, but I do have one more question.

**Mr Rattenbury:** Yes, sure. Go for it.

**MS CODY:** Okay. I am now asking the question about programs both in house and externally. Do you have programs where women perpetrators are targeted for education, where the woman is the perpetrator of the violent act?

**Mr Bartlett:** Again, not specifically. They can be targeted as part of a cognitive skills program or a violence intervention program, but the program is not specifically for female perpetrators.

**MS CODY:** Okay.

**Mr Bartlett:** We do also run an out of the dark program, which is a program specifically for victims of domestic abuse. That is run in our women's area.

**THE CHAIR:** Could you provide on notice the detail on who the different courses on DV are available to and what other routes there are for people such as offenders?

**Mr Bartlett:** Sure.

**MS CODY:** Who else you connect with.

**THE CHAIR:** We know from the Chief Minister's comments that he is concerned about violence in homosexual relationships. We know that women are sometimes the perpetrators, so any information about how that is being addressed, if you could give that to us on notice, would be really helpful.

**Mr Rattenbury:** Yes, sure. That is fine.

**THE CHAIR:** You had a correction?

**Mr Rattenbury:** Yes, we just want to come back to the previous matter, Mrs Jones.

**Mr Taylor:** I apologise, Madam Chair. The management unit has cubicles for toilets.

**THE CHAIR:** Does it?

**Mr Taylor:** Sorry, the crisis support unit was in my mind at the time.

**THE CHAIR:** I see.

**Mr Taylor:** I apologise. So they are certainly cubicles.

**THE CHAIR:** With a door?

**Mr Taylor:** Yes, they are.

**THE CHAIR:** Okay. Thank you.

**Mr Taylor:** Sorry, Madam Chair.

**THE CHAIR:** No, that is good. It is good to clarify, thank you. We have all toured through the prison at different times and seen different things.

**MR STEEL:** My question relates to the recruitment of Aboriginal and Torres Strait Islander people working in the corrections facilities that we have. I was wondering what percentage of corrections officers are of Aboriginal and Torres Strait Islander background in the AMC in particular, but also in other facilities?

**Mr Pryce:** At the moment, Mr Steel, we have 21 employees who have identified themselves as being of Aboriginal and Torres Strait Islander background.

**THE CHAIR:** Out of how many?

**Mr Pryce:** Our total workforce as at the end of financial year 2016 was 404.1 FTE, or a 416 head count. Twenty-one identified, which is an increase of 10, and it represents five per cent of the overall workforce. I should have read my notes a bit further, rather

than trying to do the maths in my head.

**THE CHAIR:** Sorry.

**Mr Pryce:** I did have it there.

**Mr Rattenbury:** There has been a specific effort to undertake that. Certainly in the most recent recruitment round the proportion was five officers of Indigenous background out of the group of 27 that came in.

**Mr Pryce:** On top of that, Mrs Jones, 12 were women. Corrections has done a lot of work to improve the diversity.

**THE CHAIR:** Any of them women and Indigenous?

**Mr Pryce:** Yes.

**THE CHAIR:** Excellent.

**Mr Pryce:** That has been a strong focus of Corrective Services over the last few recruitment rounds.

**THE CHAIR:** The government is doing this work across the board.

**MR STEEL:** Is it part of a workforce strategy?

**Mr Rattenbury:** It is certainly deliberate. It is also part of trying to portray the role of corrections officers, to break down the stereotype that people might have from watching the movies, frankly. It is conveying the fact that you do not need to be a big, burly guy to be a corrections officer and, in fact, a range of skills is needed. Often, being big and burly is not necessarily the most helpful skill.

**THE CHAIR:** Just as a supplementary on that, is there any effort to recruit different religious groups as well? I know certainly in the military there is.

**Mr Rattenbury:** Not explicitly in terms of identifying people's religious beliefs, but in the broad we are encouraging diversity and making the case that corrections is a job for anybody or everybody. So not quite in the way you have asked it, Mrs Jones, but in the broad, yes.

**THE CHAIR:** Okay.

**MS CODY:** You were talking about Aboriginal and Torres Strait Islander employees. Is that just at the AMC or is that across Corrective Services?

**Mr Rattenbury:** Those figures are for the whole of Corrective Services. That will include the Court Transport Unit.

**THE CHAIR:** Could that perhaps be broken down to show the AMC versus other agencies? Could that be provided on notice? Is that possible?

**Mr Rattenbury:** Yes.

**MS LEE:** Minister, this question is in relation to the intensive correction order delegations. The Assembly, as well as the legal profession, has expressed concern about the need for the government to pass retrospective legislation with respect to them. When were the courts first made aware that the delegation laws did not exist?

**Mr Rattenbury:** When were the courts first made aware?

**MS LEE:** Yes.

**Mr Rattenbury:** I have to take that on notice, Ms Lee. I am sorry; I do not know that.

**MS LEE:** No worries. Did any government staff have offenders imprisoned without the proper delegation?

**Mr Rattenbury:** Community corrections staff and Corrective Services staff—there were a number of incidences where people were returned to custody for breaching their ICO. Those staff obviously operate on the basis that they believed they had the basis to do so. But clearly, as I outlined to the Assembly, there was a period of time in which those delegations were not properly given.

**MS LEE:** Would you say that, aside from that issue, the intensive corrections orders scheme is working?

**Mr Rattenbury:** Is it?

**MS LEE:** Yes.

**Mr Rattenbury:** We believe so. Seventy-four ICO assessments have been completed by ACT Corrective Services to determine the suitability of an offender for ICO. I think that is a good sign that the judiciary are using the option. Of that, 41 offenders have been sentenced to intensive corrective orders and some are still being assessed. They are still before the courts in terms of the assessment and the sentencing.

There have been varying views on ICOs. Certainly I think that at the beginning people were unsure how they were going to go. But the fact that the judiciary have taken them on and are trying them out I think is a good sign. I am very keen on the element of people—what we call the swift, sure and certain response; where there is a breach, someone can go back to jail for a period of three or seven days.

That comes very much from the view that sometimes if someone does something and they do not get caught for three or four months, there is no connection between the offending behaviour and the punishment. The idea is to bring those two things together and to provide that. It is not a long penalty but I guess that it is a reminder of the obligations that people have entered into in undertaking intensive correction orders. It is very clear that it is not meant to be a soft option. It is about working with people. If they do the right thing, they get the opportunity. But if they breach, there is a consequence. We need to have both sides of that equation: the rewards and the

consequences.

**THE CHAIR:** Incentivisation, yes.

**Mr Rattenbury:** Yes.

**THE CHAIR:** Thank you. Minister, can I turn for a moment to the methadone program. How is that operating? Obviously we have had information come through various sources lately about how the methadone program perhaps was working prior to recent adjustments to it. I wanted to focus on this concept of topping up that some of the prisoners have been engaged in.

To be frank, obviously methadone is quite a stressful topic for people to discuss; when methadone is vomited up by a prisoner in order to have someone else consume it. How is the prison clamping down on that or observing what is going on there? Also, who is paying? Obviously there is not any payment, is there? But is there a payment from one inmate to another in the instance where they are consuming other people's methadone?

**Mr Rattenbury:** You will appreciate that with the current coronial inquest I am going to have to be very careful in how we discuss this. I obviously do not plan to go into any specifics. In broad terms, Mr Taylor, can you take Mrs Jones's question?

**Mr Taylor:** Sure, thank you, minister. Certainly with illicit drugs there are numerous ways of introduction and there are numerous ways of distributing illicit drugs inside the centre. We have taken a number of actions around the prevention of drugs coming into the prison. So it is not just people who get prescribed medication diverting it. It is also about the introduction. We have done a lot of work around separation fencing. We have had some more cameras put in. We have had some canines set up.

**THE CHAIR:** Yes, I am aware of your work in that area. I am wondering specifically about any changes that you have implemented in order to have a better grasp on this methadone issue?

**Mr Taylor:** Again, methadone is not something that we specifically consider. We look at illicit drugs in general and drug use in general. Certainly all the things that I have just talked about flow on into the centre. We have new canines that certainly do searching within the centre. We have search teams that look for contraband in the centre regularly.

**THE CHAIR:** But do they look for vomited methadone?

**Mr Taylor:** They look for any substance.

**THE CHAIR:** Do they find that kind of thing?

**Mr Taylor:** There are lots of substances identified.

**THE CHAIR:** Including vomited methadone?

**Mr Taylor:** I cannot answer that question, I am sorry—

**THE CHAIR:** Okay.

**Mr Taylor:** because I have no knowledge of vomited methadone being identified or found.

**THE CHAIR:** Yes, I think that is difficult. Just on that, do we know about the amount of money or goods that are changing hands to pay for this?

**Mr Taylor:** Again, it is very difficult. We do monitor certainly how people transact funds, but there is no way of knowing what is being done through drug dealing because there could well be money transferred on the outside. So we have no real way of understanding what it is, except for our intelligence which picks up various things.

**THE CHAIR:** But surely there has been some clamping down in this area somehow? I mean, are you—

**Mr Taylor:** Well, as I said to you, we have certainly looked at this very seriously, not just with the methadone, but with all drugs. Yes, we have in past years clamped down in the ways I have said, but also we are very clear—

**THE CHAIR:** Using dogs? And the—

**Mr Taylor:** on intelligence-based decision-making, intelligence-based searching. We certainly look at the persons introducing to the centre. So it is not just one thing. We have done a lot of work around the whole aspect of illicit drugs in the prison.

**THE CHAIR:** On the incentivisation of proper behaviour and the disincentivisation of others, have you had any thoughts or any progress on implementing something along those lines for those who are found to engage in these behaviours or do you, in fact, ever find out when people are engaging in these behaviours? I think families would want to know that there is an attempt being made.

**Mr Rattenbury:** There is a range of options that we have. With the expansion of the capacity at the jail and the different areas now, Mr Taylor has been working on, I guess, an incentive-based regime in terms of where people are accommodated. As you can imagine, some areas are considered more or less desirable to be accommodated in. That is a component of it. Clearly, there are formal disciplinary procedures for people who are caught with drugs. That can be internal to corrections discipline. There is also the potential for formal criminal charges in partnership with the Australian Federal Police. They are the sorts of things that are in place.

**THE CHAIR:** Can I clarify before finishing this question: at present, you really do not have a strong method of knowing or identifying when the vomiting of methadone is being done, essentially?

**Mr Rattenbury:** Are there particular measures you have in mind?

**THE CHAIR:** I am not the minister, Minister Rattenbury.

**Mr Rattenbury:** Sure.

**THE CHAIR:** I wish I could give you the solution, but I also do not have at my disposal the staff of directorates, the research and so on.

**Mr Rattenbury:** I am just trying to understand the question, Mrs Jones.

**THE CHAIR:** It is for the community to think that things will not reoccur that have happened in the past. They want to be assured that there is some way of tracking, knowing, having an idea about who is engaging in this behaviour. I am asking whether there are any specifics that can be done about that particular problem which has now become known to the public as happening in there. I am not pre-empting what your answer is and I do not think it is right for me to do so.

**Mr Rattenbury:** I was just trying to understand what you were trying to get us to come to. I think obviously the corrections staff monitor detainees in a range of ways. If there were a large amount of that behaviour going on, they would become aware of it. But to stop an individual incident is obviously quite challenging.

**THE CHAIR:** Indeed.

**Mr Pryce:** Mrs Jones, can I add that the goal of Corrective Services is to prevent contraband coming in and, if it is in, to detect it and to take action. There is a justice health worker in this space, too. Using, I guess, the triangle around harm minimisation, supply reduction and demand reduction, they work also with detainees. They may be prescribing other medication. Again, all these things play on a detainee. If they take something else which is illicit on top of something prescribed, we do not necessarily know at that time what detainees are concocting. But the job of corrective officers is to observe the detainees as much as possible and to notice behavioural changes. They will take action. They work closely, clearly, with justice health too.

**THE CHAIR:** Has there been a change now, for example, to keep people who have taken methadone under supervision for longer or something like that? I mean, how long does it take for that substance to get out of the stomach.

**Mr Pryce:** It is a matter for justice health.

**THE CHAIR:** It is a matter for justice health.

**Mr Pryce:** I understand that there have been changes, but that is Health; Health administer the program.

**THE CHAIR:** Maybe the minister can advise me who we can ask that question of. Is that directly to you?

**Mr Rattenbury:** It is. I have responsibility for justice health, but it is in the Health portfolio. Those officials are not here today, obviously.

**THE CHAIR:** Are you able to take it on notice, minister?

**Mr Rattenbury:** Sure.

**THE CHAIR:** In particular, changes to methadone usage to try to avoid unfortunate consequences of the vomiting up of methadone. Thank you. I will come back after. Have you got another question?

**MS CODY:** Yes, but mine may not be relevant to this.

**Mr Rattenbury:** Fire away and we will see how we go.

**MS CODY:** Yes. As Mrs Jones has alluded to, there are prisoners who have substance abuse issues and there are different programs. Does the Alexander Maconochie Centre have programs to help support those who may want to give up their—

**THE CHAIR:** Or their methadone, for that matter?

**MS CODY:** Yes, their substance abuse?

**Mr Bartlett:** Absolutely. In terms of alcohol and other drugs programs, there are programs that are run through justice health, including one-on-one counselling. Alcohol drug services come in on a regular basis. We ourselves run a lot of alcohol and other drug programs. We partner with Karralika programs. They run residential rehabilitation programs in the local community.

**THE CHAIR:** After people are released, yes.

**Mr Bartlett:** Yes, but we also partner with them and we run a Solaris therapeutic community in custody. That is a live-in four-month program. Very much it is a modified therapeutic community, but it is very much based on the same principles as the therapeutic community outside. We run lots of one-on-one counselling with Directions ACT. We run smart recovery programs. We have Alcoholics Anonymous and Narcotics Anonymous come in and run some self-help groups as well.

Addiction is a really strong feature of the cohort throughout our clients. With the previous inmate health survey, over 80 per cent in terms of self-disclosure had identified that they were intoxicated at the time of committing their current offence. We have quite structured detox programs, withdrawal programs, that justice health administer for people when they first come into custody, because a lot of people are actually very unwell and withdrawing from a whole range of different substances.

**MS CODY:** So the Solaris program that you mentioned, you partner with Karralika?

**Mr Bartlett:** Yes.

**MS CODY:** And how is that funded?

**Mr Bartlett:** The directorate funds an operational manager and three program facilitators. Karralika provide a clinical manager and they provide two program

facilitators and one transitional support worker. They work with people particularly as they are exiting the AMC, whether it is in our transitional release centre or for up to 12 months post-release support in the community. Karralika are currently funded through the commonwealth department of health for their component of that.

**MS CODY:** That is the Karralika side that is funded through the federal—

**Mr Bartlett:** Yes. It is a partnership, yes.

**THE CHAIR:** Combined funding, yes.

**MS LEE:** Minister, do you have any data about whether there are any detainees who experience a disability?

**Mr Rattenbury:** We would have.

**THE CHAIR:** It depends how you define “disability”.

**Mr Rattenbury:** I am probably going to have to take that one on notice. It changes over time.

One of the issues facing corrections systems across Australia is the ageing of prisoners. Certainly at the corrections ministers meetings I have been to, it is a discussion that is starting to go on about how we cope with that. It is producing issues around dementia, issues around palliative care, all sorts of things. Obviously those things are slightly different to disabilities but it is the broad spectrum of things. Certainly there have been discussions around the rollout of the NDIS.

There is a range of issues there, but I will have the statistics for you for perhaps the past 12 months of prisoners with a disability.

**THE CHAIR:** It was raised with me by one of the chaplains in a conversation recently: what are we going to do about the ageing prison population? Do we need to build a nursing home unit eventually? We have got some lifers in there.

**Mr Rattenbury:** They are the sorts of issues that are being contemplated. We potentially will need a particular wing.

**THE CHAIR:** What is the oldest age that we are housing at the moment in the facility?

**Mr Taylor:** I would have to take that on notice as well.

**THE CHAIR:** Please do.

**Mr Rattenbury:** We have had someone over 70.

**Mr Taylor:** It is certainly well aged. But following on from the minister’s comments on our cohort, we look at what cohorts we have and what accommodation capability we have. It may well be that we do not need to build new aged facilities but manage

them in a certain way in a certain area. We do have a lot, with our new facilities, more space where we can separate those types of cohorts.

**THE CHAIR:** And the medical treatments that they will need as they get older?

**Mr Taylor:** Certainly.

**MS LEE:** I understand the minister is going to take my question on notice, but would you also be able to confirm in terms of the numbers over the last 12 months and also the specific requirements that perhaps those detainees have?

**Mr Rattenbury:** Some sense of what the disability is?

**MS LEE:** Yes.

**Mr Rattenbury:** As best we can, yes. I am not sure what is available but we will do our best, yes.

**MS CODY:** Following on from the ageing side of the discussions that you are already having, is the commonwealth involved in that? I know that the commonwealth funds anything for people over the age of 65 currently, including NDIS patients. Is the commonwealth involved in those discussions?

**Mr Rattenbury:** Not specifically. Because corrections tends to be largely state driven, the commonwealth does not play a big part in this space. But in terms of the specific service provision, no, not at this stage.

**MS CODY:** It is just that seniors aged care is a bit of an issue.

**Mr Rattenbury:** I think that will be one of those emerging questions.

**THE CHAIR:** For COAG to deal with, yes.

**Mr Rattenbury:** We have had quite a debate with the commonwealth around access to Medicare for detainees, for example. And the commonwealth has declined to provide Medicare rights to detainees, which cost-shifts everything onto the states and territories. That has been a matter that corrections ministers have been prosecuting for the entire time I have been minister and probably for some time before that. It is over quite a number of years now.

**THE CHAIR:** It would seem to be a basic norm, wouldn't it?

**Mr Rattenbury:** Yes, on the basis that you are entitled inside to what you are on the outside—the equivalent—you should be able to access Medicare services. But it is a cost shift from the commonwealth to the states and territories.

**THE CHAIR:** I am sure there would be support from this side to do anything possible.

**Mr Rattenbury:** It has been universal across all political persuasions. Across all of

the states and territories, it has been universal.

**THE CHAIR:** It would be awesome if the federal budget was in better shape, probably.

**Mr Rattenbury:** Probably, yes.

**THE CHAIR:** To go finally to contraband, obviously we have had many discussions across this table over the matter. I guess it is an ongoing fight. But I just want to clarify around mobile phones: how do prisoners get hold of mobile phones at the moment? What is the main method? And have any recently been confiscated?

**Mr Taylor:** Certainly I would have to take the number on notice.

**THE CHAIR:** But some have?

**Mr Taylor:** Yes they have. The key methods that we consider are certainly still over-the-fence introductions. We have still got some issues around that.

**THE CHAIR:** The tennis ball over the fence?

**Mr Taylor:** Sometimes it is rugby balls. Again, mobile phones nowadays are very compact. Unfortunately, when visitors come into the centre, they have numerous ways of concealing items to bring into the centre. That is why we do a lot of work inside the centre around detection and searching and keeping our eye out. Intelligence plays a big part in that as well.

**THE CHAIR:** I want to also ask with regards to a comment made last week, and I understand that it will be difficult to comment on it, but perhaps anything that you can, minister: did you hear evidence in court last week that prisoners can get any kind of drug they want in prison? Have you heard that?

**Mr Rattenbury:** I did see the media reports of that, yes.

**THE CHAIR:** Are there any specific actions that you are taking to address that?

**Mr Rattenbury:** Yes. Mr Taylor has outlined quite a number of steps. There is an ongoing program. It is a bit of an arms race between the intelligence work and the physical perception. It is a constant program. As one channel is closed off, new channels are found.

**THE CHAIR:** Do I sense a feeling of somewhat hopelessness in this area? The reason I say that is that I know certainly, when we go to arms races overseas in other capacities, we do not say, "The Taliban are winning and they keep finding new ways." We keep finding new ways to tackle them.

**Mr Rattenbury:** There was no sense of resignation in my voice. I was simply alluding to the fact that it is a constant effort and a quite determined effort. We will continue to work hard in that space because, as Mr Pryce outlined, we have got very much a three-pronged response to drugs, which is supply reduction, demand reduction

and harm minimisation. Each of those is given equal consideration. I would be very happy if we had no drugs coming into the jail. We strive to get as close to that as we can. It is a source of health risk to detainees. It is a source of personal risk to our corrections officers. And it becomes a source of, as you talked about before, currency which produces its own—

**THE CHAIR:** Economy.

**Mr Rattenbury:** I was going to say relationship issues inside the jail.

**THE CHAIR:** That is true.

**Mr Rattenbury:** Do you want to add anything to that?

**Mr Taylor:** Certainly following on from that, as I have said before, the efforts that have been put in place, we feel, are the opposite of hopelessness. We feel that we are certainly combating very well the issues that we have seen in the past.

**THE CHAIR:** I thank the minister and his officials for attending. I think at this point we will go to a break and we will be coming back with the Minister for Police and Emergency Services. The committee stands suspended until 4.05.

**Hearing suspended from 3.43 to 4.01 pm.**

Appearances:

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

Justice and Community Safety Directorate

Pryce, Mr David, Acting Director-General

Lane, Mr Dominic, Acting Deputy Director-General, Community Safety

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

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

Murphy, Mr Joe, Chief Officer, ACT Rural Fire Service, ACT Emergency Services Agency

ACT Policing

Saunders, Assistant Commissioner Justine, Chief Police Officer

**THE CHAIR:** The committee will now resume its hearing into annual reports 2015-16. The committee welcomes the Minister for Police and Emergency Services and his officials who are here to respond to questions regarding ACT emergency services. We will spend about 45 minutes on this area and then we will move across to policing. Minister, can you confirm for the record that you are aware of the privileges statement and its implications?

**Mr Gentleman:** Yes, I am aware and staff here at the table are aware.

**THE CHAIR:** Thank you. Do you wish to make a very brief opening statement? Obviously we are under time pressures today.

**Mr Gentleman:** Yes, just a few minutes, if I could, Chair.

**THE CHAIR:** Yes, we have a couple of minutes.

**Mr Gentleman:** Thank you. I thank the committee for the invitation to talk to you today about the ACT Emergency Services Agency and how it continues to perform as the leader in the provision of emergency services in Australia. Canberra and the ACT remains the safest place to live and work in Australia. In the most recent report on government services, which focused on the period from 1 July 2015 to 30 July 2016, the ACT reported the best response times in the country for ambulance and firefighting personnel, despite demand for these essential services continuing to increase.

I am extremely proud of the work of the men and women in our emergency services and would like to take this opportunity to give them my thanks for the professionalism of all the staff who work tirelessly to deliver services around the clock. It is important that we mention “around the clock” because, in my recent visits across the service, we know that it is a 24-hour program. Of course, quite often, whether they are volunteers or paid service personnel, their families are a part of that network too.

To ensure the ACT community's safety into the future, ESA is undertaking a comprehensive strategic reform agenda. The government has committed its total support for this initiative. I would like to commend the ESA Commissioner, Dominic Lane, for his leadership. The strategic reform agenda will ensure our emergency services work together to address challenges, harness opportunities and deliver the best care and protection for the whole community.

For the benefit of the committee, I would like to outline just a couple of the main initiatives within the SRA that have been the primary focus of ESA during the reporting year. The communications centre reform is one. This initiative will result in a single communications centre, comcen, that meets the needs of the four operational emergency services in the midst of a variable demand level to improve our already nation-leading response times and services to the community. The second is the blueprint for change. The blueprint is aimed at enhancing professionalism in the ACT Ambulance Service and providing a comprehensive analysis of its operational and organisational context.

There is the strategic bushfire management plan: implementation of the SBMP, along with its complementary strategies, will continue to deliver actions aimed at reducing the risk of bushfire in the ACT. The station upgrade and relocation program is wide ranging. It is a project aimed at providing modern, sustainable facilities with amenities for a diverse workforce and to improve delivery of services to the community, including improved response times. Of course, the women in emergency services strategy is a step towards a diverse and inclusive workforce with the capacity to upgrade in a changing environment which better reflects the communities we serve and allows the most talented individuals to thrive in our emergency services.

Lastly, there is the territory radio network and computer-aided dispatch upgrade. This is a set of projects aimed at significantly enhancing and modernising the communications and dispatch technology to enable ESA staff and volunteers to deliver their services more effectively. That is in line with the work that is occurring in New South Wales as well. Those are some of the key strategies. I have talked about the success already in the reporting period. I am happy to hand over to questions from the committee.

**THE CHAIR:** Thank you, minister. We will start with the women in emergency services strategy. I would like to ask a couple of specifics, but initially let us go to the current percentage of women in the ESA in the uniformed area.

**Mr Gentleman:** Within ACT Fire & Rescue, in our most recent recruitment campaign we had applications from 144 females—that is a 500 per cent increase in the recruitment campaign—and 658 males. At the completion of that process we had four female and 12 male applicants commence their training program. So you can see that there were a lot of applicants for specific jobs. It means that 25 per cent of successful applicants were women. Approximately two per cent of the men who applied and three per cent of the women who applied were successful. With regard to the number of women compared to men in the service—

**Mr Lane:** I can help out on that, minister, if you like.

**Mr Gentleman:** If you could, Mr Lane.

**Mr Lane:** I appear here today in my role as ESA Commissioner. In answer to your question about uniformed staff, I will focus mainly on ambulance and fire officers.

**Mr Gentleman:** We can talk about police later.

**THE CHAIR:** Yes.

**Mr Lane:** Within ambulance, we have 75 female and 138 male officers. Within Fire & Rescue, we have 11 females—which, of course, since November last year is an increase from a figure of five to 11 now—and 331 men. I can give you the overall number, if you like, across the ESA as well, which is 127 women and 542 men.

**THE CHAIR:** Presumably, more than half of those women are in an administrative capacity at the ESA headquarters?

**Mr Lane:** Yes. I can break those figures down if you wish.

**THE CHAIR:** Yes, please.

**Mr Lane:** For administrative officers, it is not the case that it is more than half in terms of women. There are 27 women in the ASO role.

**THE CHAIR:** What is ASO?

**Mr Lane:** Administrative officer. And there are 32 men.

**THE CHAIR:** Okay.

**Mr Lane:** Amongst our chief officers we currently have three men and one woman, and amongst our senior officers we currently have 14 women and 24 men.

**THE CHAIR:** I am just clarifying those numbers. If you have 27 women in an administrative capacity and 127 women overall, but only 86 of them are uniformed, where are the other women?

**Mr Lane:** I can give you a breakdown of the figures again. In total, across administrative officers the figure is 27. There are 75 in ambulance, 11 in Fire & Rescue, and 14 other senior officers.

**THE CHAIR:** What do you mean by “other senior officers”?

**Mr Lane:** It is senior officer grade C, B or A.

**THE CHAIR:** So they are—

**Mr Gentleman:** Above the ASO structure.

**THE CHAIR:** in the headquarters, but they are from the uniformed divisions or they are representing—

**Mr Lane:** They could be either/or, yes.

**THE CHAIR:** Thank you. I wanted to go to recent questions that have been asked around the deployment of portaloos at fire grounds. Having had a week to no doubt take this issue on board, can you tell me what is being done about the regularisation of the provision of portaloos so that there is not a situation where women have to ask for them when they are not available?

**Mr Gentleman:** Thank you for the question. There is a policy in place to ensure that portaloos are put in place for all of our regular burns.

**THE CHAIR:** What do you mean by “regular burns”?

**Mr Gentleman:** These are the ones that are done to reduce fuel lines in our bushfire operational plans.

**THE CHAIR:** Fuel reduction burns?

**Mr Gentleman:** Yes.

**THE CHAIR:** So they always have portaloos?

**Mr Gentleman:** They are always prepared for, so there would—

**THE CHAIR:** No.

**Mr Gentleman:** I will get to the answer in a moment. I will just ask Mr Lane if there are any incidents where we did not have them.

**THE CHAIR:** Sure.

**Mr Lane:** In terms of answering the question, certainly we could not say always. For example, in some cases hazard reduction burns are taken quite close to the city’s edge and there might be other options available for people to go to the toilet.

**THE CHAIR:** I am not just talking about fire hazard reduction burns. In all of the deployments of our uniformed personnel to fight fires or to deal with incidents, where they will be fighting fires for a period of time—sometimes seven hours—whether they be volunteers or employees, what is going on and why are those portaloos not automatically deployed? Is it a lack of portaloos, or is it just a misunderstanding of the need that women in this workforce have to be able to go to the toilet or change a sanitary product without having to go in the bushes? The reports I am having back are about people squatting in the bushes, sometimes in pairs because they are afraid of being noticed. This is not a minor issue in this modern day and age. I would love to hear what is going to be done about it.

**Mr Gentleman:** Certainly we would agree that that would not be a minor issue. It is

an important one. We strive to ensure that we are doing the very best for gender balance in our emergency services. In fact, this is why we have a strategic target for bringing more women into the service.

**THE CHAIR:** Dare I suggest that, unless this issue is resolved, you will not get many women wanting to come in and spend seven hours waiting to go to the toilet.

**Mr Gentleman:** Well, we do. I just gave you the recruitment figures earlier on, so there are women that want to come in. They do want to be a part of the service. In relation to the operational procedures, I will ask Mr Lane to give you those details.

**THE CHAIR:** The standard operational procedures. Thank you.

**Mr Lane:** In relation to the standard operating procedures, it starts with training. But before we get to the standard operating procedures, I would challenge the assumption that women do not understand that there are always going to be toilets available.

**THE CHAIR:** Currently there are not always toilets available, Mr Lane.

**Mr Lane:** Correct.

**THE CHAIR:** There are certainly not. Women have come to me and have said they have been peeing in the bushes. When we have a standard operating procedure under which trucks have to be cleaned with chlorine in order to make sure that we do not damage the local environment, we say to women, and men for that matter, “If you need to do your business and there is not a toilet available you can just go in the local bushes.” We are not talking about occasionally. This happened two weeks ago at a fire where the Gungahlin unit and the Parkes unit were deployed. What is being done to resolve this issue? I would have thought, with the notice that you have had that it would be raised at this hearing, there might have been some hope of a solution.

**Mr Lane:** There are plenty of solutions but, as I said, let us start at the beginning. You may have received representations from women in relation to seeking additional portaloos on the fire ground. I have not at this stage received any such request from women.

**THE CHAIR:** Does that mean it is not happening?

**Mr Lane:** It is just interesting that we have been through this process for some time in relation to having women in our organisation; for many years, not just recently.

**THE CHAIR:** Perhaps it is a matter of trust with senior management, Mr Lane, but I am telling you it is happening now. Is anyone going to say that it is not happening?

**Mr Gentleman:** Firstly, I think it is worth while recognising that Mr Lane is the senior officer in this role. He has the operational experience. I am sure that people who have an issue with operational matters would seek his—

**THE CHAIR:** I believe that this issue has, in fact, been raised since 2003. I am not going to mention who raised it in the past. It has been raised here, and it was raised a

week ago, so the minister has had plenty of time to think about it. I think what I can take away from the way that the questions are being answered is that there is no intention of changing the standard operating procedures so that there are always portaloos or some sort of toilet available, because at the moment there are not.

**Mr Gentleman:** As I said at the beginning, the operating procedures do have portaloos involved.

**THE CHAIR:** No. What they have is the possibility of portaloos being brought to the scene. It depends on who is commanding the fire. The question that I ask is: can the standard operating procedures be changed? Because otherwise it is like saying, “You can have a lock for the toilet door if you ask your manager to bring the lock down to the workplace.” You cannot say that to people in a modern operating environment with the OH&S requirements that we have. New South Wales can provide portaloos to every fire but the ACT cannot.

**Mr Lane:** I would challenge whether New South Wales can do that.

**THE CHAIR:** Well, in fact they do. That is not necessarily—

**Mr Gentleman:** You just quoted New South Wales fire, didn't you?

**THE CHAIR:** No, I did not quote anybody. What I am telling you is that it is a normal standard procedure over there to have portaloos. That has been the experience of women who have fought across the border from the ACT. Trying to trip me up on language is not going to be the way to solve this problem. I would just love to see it fixed.

**Mr Lane:** Mrs Jones, your question was whether we would have it available for every fire. That is something I am not sure that I can guarantee.

**THE CHAIR:** Okay.

**Mr Lane:** We will take on board the feedback that you have received. We will go back and review, obviously, our own procedures. I can assure the committee as a whole, though, that we do take this matter very seriously. What I do want recorded today is that we have done a lot of work in talking to our women about what are the important things to them in relation to being a part of the Emergency Services Agency. We have done a lot of work to understand how we can attract more women into the organisation. If the issue of toilets or issues in relation to sanitary products or whatever comes up as part of that process then we are certainly going to be happy to take—

**THE CHAIR:** Are you only going to act on it if it comes from an internal discussion? Someone has to come and discuss with you or your officers what is going on? If they raise it through an external device, you will not be acting on that or changing—

**Mr Lane:** Like I said before, I am happy to take on board the feedback you have mentioned in relation to how that has come to us. If the feedback comes to us about what that should look like and how we should do it—are there are other solutions

besides just portaloos or other things that we can do to make it better procedurally to make facilities available?—we are happy to look at that.

**Mr Gentleman:** The work that we are doing with station upgrades right across the territory includes better facilities, particularly for women. It is an important aspect of our operations to ensure that we have the best facilities available.

**THE CHAIR:** Unfortunately you do not, and that is apparent, and I am very sorry to see that there is not more of a determination from those opposite to actually resolve this issue and have it become a non-issue, because it is not going away, especially as there are more women. Anyway, I will move on so that other members can ask a question.

**MS CODY:** Minister, on page 74 of the annual report you talk about the blueprint for change in the ACT Ambulance Service.

**Mr Gentleman:** Yes. It is a great opportunity for us to look at how we can provide better emergency services for the ACT. ACT ambulance, of course, has been a leader in front-line services right across the nation for some time. As everybody would be aware, we have moved now to intensive care paramedics. If we were to go back 25 to 30 years, if you had a heart attack at home the ambulance driver would pick you up and you would most likely die on the way to hospital. Now our paramedics have a full range of services available. They have the training in place so that they can do the tests along the way for a cardiac event, if you like—ECG, drug applications where needed—and feed that to the cardiologist well in front of when the patient arrives at the hospital so that they are well prepared.

In a lot of cases now you find that that information is being provided in advance, that the patient is treated at the hospital that afternoon and sometimes goes home that afternoon with the treatment done, be it a stent or something similar, to live a longer, more prosperous life.

Congratulations to ACT ambulance for the work that they do. I will ask Mr Quiggin to provide you some more information on going through that change.

**MS CODY:** Can I ask a specific question related to the blueprint for change?

**Mr Gentleman:** Certainly.

**MS CODY:** I understand that as part of the blueprint for change and also as an election commitment you talked about the funding of a welfare officer and a peer support program. My understanding is that the welfare officer is now in place. How are we going with the peer support program?

**Mr Gentleman:** I will ask Mr Quiggin to answer that.

**Mr Quiggin:** Thank you. Pardon my hoarse voice at the moment if you would please. The manager of welfare programs for the Emergency Services Agency, as you rightly pointed out, started recently, approximately three weeks ago. The peer support program is currently being put forward as a budget initiative for the 2017-18 financial

year, and we are keen to have that program in place. The stimulus for that was the result of the consultation process with staff through last year as part of the project working groups under the blueprint for change project.

**MS CODY:** I understand the blueprint is transitioning into the implementation stage. How do you intend to monitor the success and to engage stakeholders?

**Mr Lane:** Last year, as I mentioned, we had a process of project working groups. There were four of those. There were 48 meetings in total involving quite a large number of staff. Through this year we have several identified areas that we will be concentrating on for continuation of the rollout of the blueprint. We will be consulting with staff and with unions extensively through that process, through a staff consultative framework, and also in relation to particular development of specific products, if you like, that are being rolled out through this year.

**MS CODY:** I understand that Ambulance Victoria is undertaking a trial of electric stretchers in ambulances. I know that it was managed and there was a big retrofit of all ambulance stretchers in both Victoria and South Australia. Have we looked at how that went and what sorts of improvements were made for the staff?

**Mr Lane:** Thanks very much for the question. We have done a lot of work to analyse how we might possibly implement electronic stretchers in the ACT. We recently received a report to our workplace health and safety committee about the advantages powered stretchers might actually give to the organisation. The resolution from that was indeed to trial it, and we will commence later this year with the first stretcher.

We will also then look at making sure, as part of that trial, that we take the opportunity to engage widely with all ambulance staff. There are still different views about whether powered stretchers are the way to go but the overarching message coming back now is yes, we should be moving that way. But, as you would imagine, there are a number of different types of stretchers on the market and we want to make sure we engage closely with staff about what that looks like and how they fit into vehicles and all of those sorts of things.

Once we get that agreement we would be very keen to bring back to government options in relation to how we could actually enhance that program over the years to come to get those in as quickly as we possibly can. But I think at the moment the main thing I am interested in is getting the right type of stretcher that the workforce agrees is the—

**MS CODY:** So you will be trialling a couple of different options?

**Mr Lane:** At this stage it is just one but it is the one that is the preferred model on the advice we have received to date. It is based on experience from other jurisdictions, as you have pointed out, as well. Then we will take it from there.

**MS LEE:** I have got a supplementary to Ms Cody's first question, the blueprint for change. How does that blueprint and also perhaps even the wider strategic reform agenda that, minister, you referred to in your opening statement, fit in with the Australasian Fire and Emergency Service Authorities Council's strategic directions

document?

**Mr Gentleman:** It fits in quite well. Mr Lane will give you the detail of how we work with those groups.

**Mr Lane:** It fits in very well. As it turns out, it was the ACT that actually sponsored the AFESAC strategic directions document to the ministerial council. It was sponsored by Minister Corbell at the time because we are a strong believer that the overall strategic directions outlined by the Australasian Fire and Emergency Service Authorities Council are important in terms of the parameters we are trying to achieve at the high level. What we are definitely trying to do through things like the strategic reform agenda as well, of course, our ongoing operational programs that we are running day to day, is all about meeting those parameters of connecting better to the community, building trust, ensuring we are a responsive service, making sure we have the systems in place to alert and warn communities in times of emergency and disaster.

All of those things of course align with what we are doing particularly with things like the SRA. A good example, of course, is one of the things that the minister outlined in terms of our upgrade to our computer-aided dispatch, our radio systems and our website upgrade which are all about ensuring that our officers in the field have the most up-to-date technology with the most reliable forms of communication we can make, then coupled into our systems of alerts and warnings back through our website and the like. That is just one practical example but we certainly are keen to make sure we align our direction with the national direction.

**Mr Gentleman:** And of course those upgrades that Dominic was talking about work in with the New South Wales radio network as well; so our TRM will fit in with that.

**MS LEE:** Does the strategic agenda for the ACT also include measuring things like minimising duplication across services, supporting volunteerism, protecting and supporting people's mental wellness; all those types of factors that you have not quite mentioned yet?

**Mr Lane:** Indeed. If I may, minister, when we started the strategic reform one of the core principles we set behind it, which we outlined in the previous annual report, was the respect that we have for operational services within the ESA but that we operate as a cohesive whole. So it is not about removal of duplication or removal of different things, it is actually about how we bring that all together—cohesive operations, collaborative management, unified executive—which we are striving to achieve and become very effective at.

When you look to things like the relationship between the important need of paid officers, the 24/7 workforce that the minister referred to before, and how that is complemented with our massive and wonderful volunteer workforce that we can scale up in the event of significant disasters or in preparation for that, it allows that to all come together. All of those things are important in a city like ours where, of course, we could not afford to pay the nearly 700 SES and RFS volunteers to do the work that they do, but which they are ready, willing and able—and capable—when needs be, to bring into action for those storms, floods and fires.

**Mr Gentleman:** Just to comment on that, on one of the hottest days we had in February, 41 degrees going to 42 degrees, the Guises Creek station started setting up at 5 in the morning for an operational training exercise. I went out to visit them and then Tharwa and out to Tidbinbilla. It was a terribly hot day and they were going through a group of strategic exercises that would prepare them for work in the future in extreme circumstances and it was fantastic to see the amount of camaraderie and goodwill that was shown amongst those people in such hot conditions.

They had a barbecue afterwards. I was very pleased that they were able to share their daily function with that lunch as well. They got a visit from New South Wales RFS at the barbecue as well, once again sharing their operational experience during the exercise program with RFS and then learning from them at the same time.

**MS CODY:** You mentioned during the response you gave to Ms Lee about the RFS and the SES being willing and able to assist in the prime rescue area and other areas. What sorts of training and development opportunities do you provide to the SES and the RFS?

**Mr Lane:** They are significant. I will start with the SES. I might bring our chief officer, Tracey Allen, up to explain some of the initiatives that have been going on in the SES at a high level. I will just start by saying that ESA is a registered training organisation that provides a range of training at the national level. We encourage and support all of our volunteers to gain national competencies in their area of growth, for a number of reasons. But I will let Tracey explain some of the more recent initiatives.

**Ms Allen:** One of the last initiatives that we have currently got is with ACT Ambulance Service where our volunteers are being trained in capability to support the ACT Ambulance Service in mass casualty incidents.

**THE CHAIR:** Just as a supplementary to that, I understand that some people who participated in RFS training in May 2016 and October 2016, the base firefighter course with the Rural Fire Service, have not yet been assessed for their competency, which means in this recent season they have not been able to fight fires during the bushfire season. What can be done about that and what impact does it have on the administration and execution of resources during our bushfire seasons?

**Mr Lane:** Firstly I can assure the committee it has not diminished our capability over this recent summer.

**THE CHAIR:** But there are people who have started their training but have not been assessed and therefore cannot go out.

**Mr Lane:** I am getting to that particular point. It is always a challenge to make sure everyone is assessed at the appropriate level. As I mentioned before, we are very keen to make sure people are assessed to the national competencies. We think that is important.

One of the areas that are always a bit of a challenge is the area of getting people to hazard-reduction burn or some other fire activity which is a critical element in the final sign-off of their competency. I am advised by the RFS—and I am happy for our

chief officer for the Rural Fire Service to come forward to correct me if I am wrong—that continued work is underway to make sure all efforts are provided to support people to get to their assessments of their basic competency.

**THE CHAIR:** Just to get to the nub of the issue, how long is the maximum that people should have to wait for this assessment to occur if they are available? I am not talking about people who do not make themselves available but for those who do make themselves available do you have a maximum time frame? Do you plan to ensure that everybody is assessed? Here we have people trained in May 2016 and October 2016 in the basic firefighting course. They are members of the RFS but they cannot go out to the fires because their competencies have not been assessed.

**Mr Lane:** Joe, are you okay to just talk in general terms about length of times for assessment?

**Mr Murphy:** It is true. It has been quite a time since the members did join the service. That has not prevented them continuing training with their brigades.

**THE CHAIR:** But they cannot go out.

**Mr Murphy:** Correct. They cannot go out on incident grounds.

**THE CHAIR:** How many people are in this situation?

**Mr Murphy:** How many people have not yet been assessed?

**THE CHAIR:** Yes.

**Mr Murphy:** I do not have the exact number.

**THE CHAIR:** Can you come back to me on notice with that answer please?

**Mr Murphy:** Sure.

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

**MR STEEL:** On page 5, it says that one of the achievements of the ACT Ambulance Service was achieving an average 8.5-minute response time to priority 1 calls. I just wondered how that was achieved. What measures were put in place, and did you look at anything in terms of improving that figure in the future?

**Mr Lane:** It is a constant challenge. When you are at the top, it is going to be very hard to stay there, but we are doing that at the moment in spite of increased demand. It is a combination of factors that have helped us get there. One has been the reforms to our communications centre so that we get the nearest most appropriate ambulance resource to that. That is, of course, by the support provided by ACT Fire & Rescue, who also provide critical first responder support to that, particularly for significant events.

The other more important part—unless you want to touch on this, minister—is the

significant structural and organisational reforms as well as the support we have received from government, particularly in relation to getting the new west Belconnen station online. From the time that started, we saw a significant increase where we got the extra cars on there. That certainly helped. But we have also done things in relation to tiering our demand to make sure that we have people rostered on when need is greatest. That obviously helps. And we are supported by the additional crews that are coming online on patient transport, which makes sure that additional other people are freed up, particularly our paramedics, to do work.

So it is a whole combination of things. At the end of the day, it gets back to the great work our paramedics do. They just work so hard to deliver what they do; they are so committed; they are so caring. That is why we are so successful.

**Mr Gentleman:** There is a challenge there, as Mr Price raised, though. Whilst we are responding at this level and leading the nation, our population is growing and our city is becoming denser, so we need to ensure that as we plan for the future we have the right response services for that. We are looking at our accommodation across the ACT to ensure that we have those responders in the right spot so they can get out in those appropriate time lines.

**MS LEE:** In terms of the type of work that our ESA staff do, obviously they come across traumatic situations. In addition to the training that they receive to be physically prepared, what type of training do they receive in terms of looking after their mental wellbeing?

**Mr Gentleman:** I will ask Mr Lane to give you a bit more detail on the specifics of the training, but we are looking at as much welfare support as we can. You are correct: they are at that front line; they do see trauma in their day-to-day life; and it is important that we can support them through those processes.

**Mr Lane:** We have always had a mental health and wellbeing strategy. That has been provided through contract support by an outsourced supplier, specialist psychologist services, particularly for issues in relation to things like post-traumatic stress disorder. We have a chaplaincy service that ESA personnel can access. And we have a range of other support services in terms of peer networks within the ESA.

What we are doing under the package that the minister spoke about before in relation to the new welfare package that we are bringing forward is that we are going to be formalising some of those even more. It ties quite a few things together. One is that we hope to roll out the next stage of a peer support program based on a Queensland model that our blueprint for change people consider to be highly successful. We are looking at things like what is called mental first aid. It is similar to physical first aid, but in terms of understanding mental first aid and how that is being applied. AFAC, who you mentioned before, is currently doing some work to assist in trialling that as well. The main thing, of course, is that, with the recent employment of the welfare manager programs, as the chief officer mentioned, we have someone within ESA who works directly for our people and culture executive who can focus on this very matter.

**MS LEE:** A lot of the initiatives that you just raised seem to focus on the post-trauma

event, if you like. Is there anything that you are doing to ensure that people are trained to ensure that they recognise signs as soon as they come up, to make sure they prevent as opposed to try and—

**Mr Lane:** Indeed. All of our recruit courses and all of our induction programs are focused on mental health and recognising the stresses that can come with that in the role that we play. Our signs are slightly different. It is not new people that concern us the most. Some of the signs and some of the data we are seeing clearly demonstrate that it is people that are feeling the cumulative effect of many years in the role. That is something that we are very attuned to and one of the things that we will be asking the new officer to focus particularly on.

I am not discounting the point that you make in relation to doing something as you bring people into the organisation. I can assure the committee that we do focus very much in terms of our training. Particularly within the Ambulance Service, because of the very nature of their work, we have frequent and regular in-service programs. One of the focuses that we sometimes try to put on that—as well as, obviously, the clinical skills, which are a very important part of the role—is that looking after oneself is very much a part of that as well.

**MRS DUNNE:** Minister, I want to raise with you the issue of patient transport services in the ACT. You would recall that I wrote to you about a private operator who wanted to participate in this area. You indicated in your letter that there was no public benefit in opening up patient transport services to competition in the ACT. When you came to that conclusion, what did you base your assessment on?

**Mr Gentleman:** Advice from the directorate in regard to the best safety options for patient transport across the ACT and the provisions the Emergency Services Agency and our paramedics can provide for the territory.

**MRS DUNNE:** When you took that advice, did you take into account that the ACT Ambulance Service is currently a monopoly provider in this place and may not be best placed to make an assessment on whether there should or could be a competitive market in this space?

**Mr Gentleman:** Yes, indeed.

**MRS DUNNE:** Would that assessment be available for the committee to see?

**Mr Gentleman:** We will have to take that on notice, Mrs Dunne.

**MRS DUNNE:** Thank you.

**THE CHAIR:** Any information we could get about how that assessment was made that is thorough and detailed would be most appreciated.

**MRS DUNNE:** When you wrote to me back in February about this issue, you talked about government priorities. I just wanted to know what you thought the government priorities were. Are they government priorities in relation to maintaining the status of the ACT Ambulance Service or is it about providing a competitive market in the

sector?

**Mr Gentleman:** No. It is providing the best safety for the whole ACT community.

**MRS DUNNE:** Are you aware that the contractor was attempting to enter into a contract with Calvary Public Hospital, and that they identified significant savings from having a private provider of patient transport? Did you consider that when making the assessment that there was not any public benefit in providing private patient transport services?

**Mr Gentleman:** I considered all of the information provided to me in the briefing.

**MRS DUNNE:** Touching on the point that Mr Lane made earlier—I think it was Mr Lane; correct me if I am wrong—about your bringing on more patient transport teams to take the pressure off paramedics, could you provide for the last financial year, and this may be something that you have to provide on notice, the frequency with which paramedics were rostered on for intensive care work but actually transferred to backfill the inpatient transport shifts? And how much overtime were paramedics paid to backfill into the patient transport rosters?

**Mr Gentleman:** Certainly; we can take that on notice.

**THE CHAIR:** In the time remaining, I want to go to matters of asbestos and remote first aid training. Is the current asbestos awareness training course delivered to ACT Rural Fire Service volunteers the same as the one delivered within the construction industry?

**Mr Lane:** Yes, it is.

**THE CHAIR:** Why has that been selected as the appropriate course for RFS?

**Mr Lane:** What happened is—

**Mr Gentleman:** It is the course that is accredited, I think is the answer.

**Mr Lane:** It is. It is back to the point about—

**THE CHAIR:** Certainly for construction.

**Mr Lane:** It is an accreditation course, which we always like to provide. When this issue was first raised within the construction industry, that it was very important that anyone who worked in the building space should be able to identify asbestos and know how to at least contain it where it is, the Work Safety Commissioner and I had a conversation, and he suggested that this particular program may also be beneficial for emergency services personnel. I agreed. We looked at those issues. At the time, the training was only provided by the construction industry and its providers, but in the meantime we got our own registered training organisation and used people within to train that.

**THE CHAIR:** Apart from the key learning outcomes, has there been any adaptation

of that course for the purpose of fires? Obviously, a falling down property that is on fire is slightly different to “I am drilling into asbestos.”

**Mr Lane:** Indeed. When it comes to ACT Fire & Rescue, we would have much higher level training in relation to hazardous materials, which includes—

**THE CHAIR:** But how about the RFS?

**Mr Lane:** For the RFS, we only provide that as the base course.

**THE CHAIR:** Just the normal basic—

**Mr Lane:** If it is something in relation to structural fires, it is very clear within the ACT that ACT Fire & Rescue are the primary responders.

**THE CHAIR:** Yes, but structural fires of country properties can also be full of asbestos, can't they?

**Mr Lane:** And they are attended by ACT Fire & Rescue.

**THE CHAIR:** Always?

**Mr Lane:** We would always respond a structural unit to a structural fire within the ACT.

**THE CHAIR:** Anywhere within the ACT's boundaries?

**Mr Lane:** Anywhere within the ACT.

**THE CHAIR:** Okay.

**Mr Gentleman:** Of course, the procedures for structural fires are quite a bit different. Self-contained breathing apparatus and those sorts of operational measures are used, and there is an operational process for that escalation of work, if you like.

**THE CHAIR:** Indeed. In relation to remote area first-aid training, which was the other part of training that I was interested in asking a couple of quick questions on, and we just have a minute left, in a memo dated 22 February 2017 the ACT Rural Fire Service Chief Officer stated, “For the 2016-17 fire season, we are committed to have at least one member trained in remote area first aid per deployed RAFT team. We propose providing this training to all RAFT members by the start of the 2017-18 fire season.” I presume that is upcoming. Why wasn't a commitment made to have at least two members trained in remote area first aid per RAFT for the 2016-17 fire season as a start?

**Mr Gentleman:** It is numbers per team. RAFTs are quite a bit smaller than a normal bushfire operational team. They have a limited time on a helicopter or limited space on a helicopter. I think that is the key answer.

**THE CHAIR:** So that is why there is not necessarily going to be a single or two

remote first aid trained people? Because they are on a helicopter?

**Mr Gentleman:** No; that is part of it. It is an operational matter, but, as you have said, we hope to train all of them.

**THE CHAIR:** Certainly, but the question was about why it had not begun for this fire season, now close to ending, I guess.

**Mr Lane:** We have always attempted to try to train as many people as possible who are interested in doing remote first aid. We have now set ourselves a target.

**THE CHAIR:** Okay; how are you tracking for that target for the 2017-18 fire season? Presumably that has started?

**Mr Lane:** I am not sure if I have that data available. I am happy to take that question now, thank you.

**Mr Murphy:** For this season that we are still in, 20 volunteers were trained in remote area first aid. All RAFT are first-aid trained; so all RAFT crew members have basic first-aid training. This is enhanced first-aid training for a remote area. We mandated one enhanced first-aid member per RAFT that will be deployed.

**THE CHAIR:** So you have a commitment now to have one advanced per RAFT?

**Mr Murphy:** Yes.

**THE CHAIR:** Has that been achieved yet?

**Mr Murphy:** Yes, it has.

**MRS DUNNE:** What happens if that person is injured?

**THE CHAIR:** Yes, what happens if that person is in trouble?

**Mr Murphy:** All RAFT members are first-aid trained. This is enhanced remote area first-aid training, but all members of RAFT are first-aid trained.

**THE CHAIR:** Excellent. Finally, what support is the ACT Rural Fire Service providing to brigade and brigade training officers to deliver their regular brigade trainings?

**Mr Gentleman:** It is quite a lengthy support process, through resourcing from ACT government right through the directorate and those training opportunities. More details, Mr Murphy?

**Mr Murphy:** Sorry, I missed the first part of the question.

**THE CHAIR:** What support is the ACT Rural Fire Service providing to brigades and brigade training officers to deliver their regular brigade trainings?

**Mr Murphy:** The regular brigade training?

**THE CHAIR:** Yes.

**Mr Murphy:** We do provide training packages to assist. There are a number of training packages available at a brigade level for the brigade members themselves. We have also had a training member of my staff offline this season to develop and to continue to develop some of those training packages to assist the brigades. Of course, we provide whatever resources we can, and are required to provide, so they can continue that brigade training.

**THE CHAIR:** How many people are involved in supporting that training from your end?

**Mr Murphy:** At this time, four.

**Mr Lane:** And that is just within the RFS.

**THE CHAIR:** There are eight brigades; is that right?

**Mr Murphy:** That is correct. That is four members of my staff. Then, of course, we call on the emergency services training quorum if we need to support that in any manner as well.

**THE CHAIR:** Thank you. I am happy to move on to policing now.

**Mr Gentleman:** Thank you, chair. Can I thank ESA for the work that they do right across the ACT?

**THE CHAIR:** Yes.

**MS CODY:** Thank you, minister.

**THE CHAIR:** Indeed, I am sure that is reflected from this side of the table as well. Thank you very much. The Minister for Police and Emergency Services will stay at the table with his officers, different officers perhaps, to respond to questions regarding ACT Policing.

**Mr Gentleman:** Yes, chair, we will wait for the rest of the staff to arrive.

**THE CHAIR:** I think we are all here and in place now. Could you please confirm for the record that you are aware of the pink privileges statement on your table and its implications?

**Asst Commissioner Saunders:** Yes.

**THE CHAIR:** Do you wish to make a brief opening statement, Minister Gentleman?

**Mr Gentleman:** Yes, I would, thank you, chair.

**THE CHAIR:** If it could be fairly brief, that would be excellent.

**Mr Gentleman:** Yes, it will take just a few minutes. The 2015-16 financial year presented many challenges for ACT Policing and, more broadly, for law enforcement in Australia, including a heightened national security threat level. ACT Policing has continued its commitment to reducing crime and maintaining public safety through collaboration with the government, partner agencies and the community as well. ACT Policing delivers a professional, high-quality policing service to the ACT community and has performed strongly against the purchase agreement, achieving or exceeding 18 of the 21 key performance indicators and 15 of the 17 indicators of effectiveness.

I am pleased to inform the committee that the 2017 report on government services shows that Canberra residents feel safe and have a high level of satisfaction with our community policing service. The report found that community perceptions of safety, both at home and in public places, was positive, with all categories scoring above the Australian average.

During the reporting year, 2015-16, ACT Policing, in partnership with the government, celebrated a decade of restorative justice in the ACT. Through consultation ACT Policing identified ways to promote the referral of young people, especially young Aboriginal and Torres Strait Islander people, to restorative justice. This enabled police an opportunity to be directly involved as agents of change in the lives of those young people. I think that is very important in the period.

In October 2015 ACT Policing launched a community safety team and family violence coordination team in response to three homicides connected to family violence. Since the inception of the teams, ACT Policing has identified positive results and a stronger working relationship between government and other service providers.

I want to touch on Taskforce Nemesis. It continues to play a significant role countering organised crime of outlaw motorcycle gangs, or OMCGs. Nemesis's purpose is to monitor, deter, disrupt and prosecute members of OMCGs involved in criminal activities such as drug taking, illegal firearms, money laundering, extortion and serious assaults. Taskforce Nemesis has had significant success in executing search warrants, successful prosecutions, and the seizure of firearms, weapons, cash, drugs and anabolic steroids.

In March last year ACT Policing implemented a limited police pursuit guideline. At the same time, our government provided some of the strongest road transport legislative reform in the country to support police and the government's vision of Towards Zero. These changes demonstrate ACT Policing's and the government's commitment to harm minimisation and to reducing road trauma.

I want to take this opportunity to thank the Chief Police Officer in her new role and her team for her hard work in ACT Policing in engaging with the community and responding in timely and effective ways when incidents occur. Since we have a new CPO, I will ask her to speak for a short time on how she is finding her role and the challenges for ACT Policing.

**Asst Commissioner Saunders:** Thank you, minister, and thank you, chair, for giving me the opportunity to make some introductory remarks and the opportunity to share my observations three months into the role. As the 2015-16 annual report reaffirms, Canberra continues to be one of the safest cities in the country in which to live. This is reflected by community perceptions, which the minister has touched on in 2015-16 which demonstrated that safety both at home and in public places has improved.

These perceptions ranked ACT police above the Australian average and the highest results nationally. Of course, there is the general performance of ACT Policing, which remains consistently high, achieving 18 of its 21 key performance indicators, and coming within 0.2 per cent of its budget.

This success has been achieved in an increasingly complex environment in which expectations of policing are appropriately high, the demands of a growing population increase and the fiscal environment in which we operate is constrained. We have continued our commitment to reducing crime, improving public safety, and community and partner engagement.

This has been illustrated by continued success in our criminal investigations, with 90.9 per cent of cases finalised by offences being proven in court; ongoing timely response to priority incidents, with 87.8 per cent achieved within 10 minutes; ongoing development and implementation of road safety initiatives to educate and enforce the road rules, with a strong focus on reducing road trauma; and an increased commitment to the threat of family and domestic violence, with a focus on being proactive and disrupting the cycle of violence.

Already we are seeing increased confidence in the framework that exists within the ACT and the reporting of crime and positive court outcomes. We have also had significant success, as the minister touched on, in responding to the crimes committed by outlaw motorcycle gangs here in the ACT through criminal prosecutions and the seizure of property, drugs, cash, and firearms.

We have seen increased collaboration with the community and the liquor industry and licensed premises in dealing with the threat of alcohol-fuelled violence through education and the use of capability such as the sobering-up facility, move-on powers and other enforcement powers. My focus, and that of ACT Policing, will continue to be on building on these positive results. I will be concentrating my efforts on providing the right environment for ACT Policing to be successful in keeping the community safe.

I am looking at our workforce model and accommodation needs and considering how these may need to change to ensure that we have the right police capabilities in the right place at the right time in the right numbers. I am committed to keeping officers safe in light of the direct threat to us. I am reviewing practices and processes to ensure that they are streamlined, thereby providing members with the time they need to police our community. I am exploring technology solutions and the right tools to assist our officers to do their job in a more effective way and working with the broader organisation to address the diversity deficit within the AFP.

I will obviously continue to work with government on the development of legislation and policy that will ensure we can nimbly and flexibly respond to the increasingly complex borderless criminal environment, and support our efforts to prevent and deter crime. Once again, thank you for the opportunity. I welcome any questions.

**THE CHAIR:** Thank you both. I want to go to page 6 of the report to start with. We have had mention of Taskforce Nemesis. I want to ask about outlaw motorcycle gang policing. It has been reported recently that there are concerns that the territory is a convenient meeting point for bikers from New South Wales and Victoria, which both have tough anti-consorting laws. Through you, minister, to the new CPO, do you believe we are a convenient meeting point for bikers from New South Wales and Victoria?

**Mr Gentleman:** I will answer first, if you like, to give you the government position.

**THE CHAIR:** I would love that.

**Mr Gentleman:** We are confident, of course, that we are providing police with the resources that they need at this time to deal with outlaw motorcycle gangs. We have ramped up that process with extra funding for Taskforce Nemesis.

**THE CHAIR:** How much extra funding?

**Mr Gentleman:** Six point three million dollars last year. We have seen the results from that task force, as you have heard in our opening remarks, in terms of arrests, in terms of court cases, and charges and convictions as well. It is very important to note the work that ACT Policing are doing with those resources on the ground.

**THE CHAIR:** Absolutely.

**Mr Gentleman:** Of course, we will continue to resource them as much as we can. Sorry, the extra funding was \$6.4 million, a little bit more than I said earlier on. We are also looking at a suite of other legislative options, if you like, in dealing with outlaw motorcycle gangs. They include things like anti-fortification laws. We are looking at conspiracy laws with the Attorney-General as well. All of these are part of a suite of looking at how to deal with outlaw motorcycle gangs.

**THE CHAIR:** Thank you for the broad-ranging—

**Mr Gentleman:** As you have heard in the press, the numbers of outlaw motorcycle gangs in the ACT have changed. The same number of people are involved—there are only 40 or 50 people involved—but the gang structure has changed; so from—

**THE CHAIR:** Minister, if I could just draw you back to the question. The question really did not go to how many people are involved or whether that is increasing; the question was specifically: do you believe we are a convenient meeting point for bikers from New South Wales and Victoria? I think it is a very simple yes/no answer.

**Asst Commissioner Saunders:** If I can respond—and as I said publicly before—the

ACT and Canberra is not immune from the criminal activities of OMCGs, both those that are based within Canberra and those that might travel to Canberra to undertake their serious criminal activity. We do know that outlaw motorcycle gangs are clearly a high-profile manifestation of organised crime and will capitalise on every opportunity to make a profit. That is across all crime types.

Obviously recognising that our job is to disrupt, displace and deter, certainly we have employed all the legislative tools within our remit to address the challenges of OMCGs, which have had some significant effect, as the minister touched on, but yes we have had conversations with government in terms of concerns we have about the increasing number of OMCGs that will travel to Canberra to undertake preparations and planning for their criminal activity.

**THE CHAIR:** Indeed, I can attest to being at Weston Creek shops only a few weeks ago and seeing hundreds of biker members at the local petrol station, a sight which I have never seen in my life in suburban ACT. It has also been reported that the new CPO acknowledges that there are extra resources that are helping but it would actually help if there were tougher laws to match.

Interestingly I think members of the community would be concerned that our response, rather than closing the gap on OMCG legislation which makes consorting difficult in our neighbouring states, is to consider anti-fortification laws which is just an acknowledgement that we potentially have a fortification problem in parts of our city where people are building fortified club houses essentially. Please can you expand on those comments? Should we be in line with other states, particularly New South Wales, as we know we are an island in New South Wales?

**Mr Gentleman:** I will touch on the anti-fortification law first if you like. It is a recognition that these are occurring.

**THE CHAIR:** Fortification is occurring?

**Mr Gentleman:** Yes it certainly is.

**THE CHAIR:** For clubhouses in the ACT?

**Mr Gentleman:** Yes. The ACT police have briefed me on that and I have briefed government on it too. That is why we are moving forward with those sorts of changes. It is important that we move on those particular operations and look also at proceeds of crime and other opportunities. But at this time the government does not have a view to introduce anti-consorting laws. The Canberra community—

**THE CHAIR:** So you are happy—

**Mr Gentleman:** If I could?

**THE CHAIR:** Please.

**Mr Gentleman:** The Canberra community has indicated to us that they are concerned about the structure of anti-consorting laws. However I have asked the CPO to

continue working with her colleagues across jurisdictions to see how those anti-consorting laws are working and indeed beyond that. I have asked her to have a look at other countries where these laws are in place and certainly have an option for us should the government decide at some point to go down that path. I wrote to the CPO as early as last week to advise that we would like to move forward with the other range of legislative products, if you like, and the resources that we have given ACT Policing on the ground.

**THE CHAIR:** Minister, I think it has been about six or seven years that some members of this place have been calling for this hole to be closed, essentially because other states have moved on it. Do you not think that we are going to end up a victim of the fact that we have been too lenient in this area and it is normal citizens of the ACT who will suffer the consequences when they are caught in the midst of what you are referring to as the illegal firearms, serious assaults, weapons, cash, drugs, anabolic steroids being around our community in a greater number than is necessary? Essentially the gap in this legislation is like a welcome mat, “Come on in. Bring your people. Have your meetings here. Take up our local cafes. Bring your deals. Do your drugs here.” Is this not just a ridiculous state of affairs and why?

Why would we accept that, when for years and years it has been obvious that this gap is causing a problem in the ACT? What do you say to the neighbours of those who have had shootings next door? We have linked that to motorcycle gang activity and the fact that we no longer have one motorcycle gang but three in the ACT and that this is causing additional conflict.

**Mr Gentleman:** We have three motorcycle gangs identified in the ACT with the same number of motorcycle gang operatives as previously.

**THE CHAIR:** But they are presumably rivals for the same work?

**Mr Gentleman:** I have not seen that, no.

**THE CHAIR:** You have not seen any—

**Mr Gentleman:** If I could just answer your question?

**THE CHAIR:** Please.

**Mr Gentleman:** It is important that we look at the evidence in this matter and not look at what seems to be apparent. You made comment earlier that you saw at your local service station hundreds of bikies.

**THE CHAIR:** In their colours.

**Mr Gentleman:** However we identified that we only have 50 in the ACT.

**THE CHAIR:** They are meeting here from outside the ACT, minister.

**Mr Gentleman:** I have not had reports of that.

**THE CHAIR:** Because I have seen it and you have not seen it, it is not happening?

**Mr Gentleman:** No I did not say that. No certainly not. In fact, ACT Policing have said that we do have visits from other motorcycle gangs.

**THE CHAIR:** They are meeting here.

**Mr Gentleman:** It would be interesting to see whether that ties in with the incident that you saw at your local shopping centre.

**THE CHAIR:** I did not say they were doing anything in particular but they were all there.

**Mr Gentleman:** However I think it is important to look at it overarchingly. You certainly have a concern and you are pushing that forward. There is no doubt about that.

**THE CHAIR:** Absolutely I do.

**Mr Gentleman:** And the opposition has been keen, of course, to put forward anti-consorting laws in the territory. Our concern is that the Canberra community is worried about this level of legislation.

**THE CHAIR:** Some peak bodies are worried about it.

**Mr Gentleman:** We will move forward with the legislative program that we have.

**THE CHAIR:** Have you surveyed the community, Minister Gentleman?

**Mr Gentleman:** We will also resource the ACT police—

**THE CHAIR:** Excuse me, minister. As the chair, have you surveyed the ACT community to ask them whether they would prefer to leave the status quo or to have anti-consorting laws?

**Mr Gentleman:** No I have not surveyed the ACT.

**THE CHAIR:** So how do you know that the community—

**Mr Gentleman:** I think there was a really big survey last year, in October, and that gives us a pretty good idea of which way the ACT community wants to see—

**THE CHAIR:** You mean the election? Are you referring to the election?

**Mr Gentleman:** Yes.

**THE CHAIR:** I do not think people were voting in the election entirely based on anti-consorting laws not being brought in in the ACT.

**Mr Gentleman:** They elected a progressive government.

**THE CHAIR:** In fact I do not recall it being a major issue of the campaign at all, minister.

**Mr Gentleman:** I think it was part of the opposition's campaign.

**MS LEE:** Minister, you mentioned that you have had some expressions of concern by the Canberra community in respect of anti-consortium laws.

**Mr Gentleman:** Yes.

**MS LEE:** What is the nature of those concerns that have been expressed to you?

**Mr Gentleman:** The nature of concerns is in the format of consorting laws and whether or not that means that collateral exceptions can occur, whether there is a charge to a person that actually has not committed an offence.

**MS LEE:** They are concerned that it might be a bit of overkill?

**Mr Gentleman:** Yes, and vulnerable people I guess too.

**MS LEE:** In terms of the Canberra community, who is it? Is it individuals that come up off the street to you? Is it certain groups?

**THE CHAIR:** Usually groups, the civil liberties association, human rights Australia, those groups.

**MR STEEL:** I understand that we already have current legislation in place to deal with criminal groups including section 652 of the criminal code which refers to the offence of participating in a criminal group. How is ACT Policing using existing measures to deal with these sorts of criminal activities and what additional measures will you look at into the future?

**Mr Gentleman:** Again I will congratulate ACT Policing for the work they do, because as we saw in those statistics I read out earlier we are getting great results from our local police on the ground. As I said, we are looking at a suite of other legislative options to give them more resources and more powers as well. The anti-fortification ones are a good example and we will look at other opportunities too. We will look at how other laws work in other jurisdictions and ensure that we act within the law of the commonwealth as well.

**Asst Commissioner Saunders:** If I could add to that, I just reiterate that ACT Policing are using the full suite of tools available to us in dealing with what is a complex problem. In regards to the criminal offence you referred to and others, obviously in relation to investigating criminality we use all the full suite of offences that currently exist. I guess the conversation we are having today is around: what are some of the preventative tools that ACT Policing can apply to ensure that we make the ACT an unwelcome and hostile environment? This is why the minister has referred to anti-fortification as one example but we will certainly explore a whole range of potential policy and legislative reforms which would assist us in that

preventative space.

**MR STEEL:** Does that include measures to tackle illicit wealth?

**Mr Gentleman:** Indeed. We will be looking at all those opportunities on unknown wealth, if you like, unexplained wealth. But let me just say, as I do congratulate ACT Policing for the work that they do, we have had 131 search warrants issued across Canberra through Taskforce Nemesis. They have seized firearms, weapons, cash, drugs, as we have mentioned, and 71 OMCG members have been put before the court and charged with a total of 217 offences and 67 per cent of those matters have received a guilty finding. You can see the work that ACT police are doing on the ground is certainly having an effect on these OMCG members in the ACT.

**MS CODY:** Minister or Assistant Commissioner Saunders, are you aware of other motorcycle groups that appear to be gangs, OMCGs, but are just groups?

**Mr Gentleman:** Yes, certainly. There is quite a number of motorcycle clubs in the ACT that perhaps could be perceived as gangs. There are particular veterans groups. There is the Vintage Motorcycle Club that I ride with and that are sometimes perceived as different because they do wear a stretch of clothing that looks a bit similar in some ways. But I can assure you that they are vintage motorcyclists on vintage motorcycles and do not mean any harm to the Canberra community.

Most recently on one of my rides we met out at Eagle Hawk, on the return from the ride with the Vintage Club, a group of motorcyclists who were riding particularly Harley Davidsons. They were all incredibly fit young men, although there were some women involved as well. I would say there were 50 to 60 of these motorcycle riders and it appeared they were with a fitness club. Whilst they were riding Harleys that are normally associated with outlaw motorcycle gangs they certainly were not. In fact they were just drinking soft drink.

**THE CHAIR:** I am sure Ms Cody would never do anything wrong.

**Mr Gentleman:** When they ride past, sometimes the motorcycles are loud and they might appear to be that way. That is why I think—I talked earlier about evidence—that evidence of this nature needs to be real and not just apparent.

**Asst Commissioner Saunders:** And, Ms Cody, I can reassure you that—I am speaking not just on behalf of ACT Policing but about law enforcement nationally—when we are talking about outlaw motorcycle gangs we are talking about criminal entities engaged in serious criminal conduct.

**THE CHAIR:** I think Ms Cody's Harley days have just begun.

**Asst Commissioner Saunders:** You can be reassured, Ms Cody.

**MS CODY:** I do have a substantive. Minister, I did raise this in an earlier committee and I am now raising it again. I have been told that it sits with police. I noticed from the surveillance devices annual report that there was a number of surveillance devices issued where the warrant was deemed invalid and revoked. Minister or Ms Saunders,

could you tell me what the outcome of this was?

**Asst Commissioner Saunders:** I will have to take that on notice, Ms Cody. I would have to look at the facts of the matter.

**MS CODY:** Okay. I will put a couple more that you may or may not be able to answer; you may have to take these on notice as well. Were any procedures put in place to make sure this does not happen again? I am assuming you will have to take that on notice as well.

**Asst Commissioner Saunders:** Yes, I will.

**MS CODY:** There are quite a number of instances in this report; it starts on page 19 of the ACT Policing surveillance devices annual report. Were any of these matters referred to the integrity commissioner?

**Asst Commissioner Saunders:** ACLEI?

**MS CODY:** Yes.

**Asst Commissioner Saunders:** Or the ombudsman. I will confirm that. But I can assure you, Ms Cody, that when, as a subject of these audits, there are any systemic issues or issues that require rectification, AFP broadly, and ACT Policing as a matter of course, address those issues. I will answer your specific questions.

**MS CODY:** I will make sure that they are written down.

**Mr Gentleman:** There are quite a lot of points to be met in issuing a warrant for surveillance. Not only do you have to have the correct name and address, and there could be misspellings that are picked up during resourcing, but you need to know the alleged offence in relation to what the warrant is being issued on, the date, the kind of surveillance device issued and the use of surveillance on a particular premises. You might go to a particular premises and find out that the alleged offender is at a different premises. There are somewhere near 10 or 12 criteria to be met, and all of those must be quite specific.

**MR STEEL:** Thank you. We have not had an opportunity to discuss restorative justice, so I thought I would ask a question about that. On page 19 of the report it mentions that adult offenders who commit less serious offences will now be eligible to be referred to the restorative justice unit by ACT Policing. How has that been going since it has been implemented, since the beginning of February 2016?

**Asst Commissioner Saunders:** I can talk anecdotally, having just recently met with the restorative unit. The feedback I have is that it continues to be a great success, which is why there is the continued conversation about expanding it even further. The feedback I have had, both from the restorative justice unit and ACT Policing, is that it has been a very effective resolution to some complex problems. That has been the general advice I have received.

**MS LEE:** I was just going to ask a supplementary. In relation to that, who makes the

call about whether it gets referred to restorative justice?

**Asst Commissioner Saunders:** Obviously, there are a number of agencies that are in a position to refer, but in this instance it would be ACT Policing that refers matters to the restorative justice unit. The feedback I have had from the restorative justice unit is that those matters that are referred are absolutely appropriate and work within the framework. We have spent quite a lot of time educating ACT Policing in regard to when restorative justice can be applied. That is effectively occurring. Our ACT Policing are also actively engaged in that process.

**MS LEE:** What was the funding that was put aside for that program?

**THE CHAIR:** For the training?

**MS LEE:** For restorative justice.

**THE CHAIR:** For restorative justice?

**MS LEE:** For the adults, the program.

**Mr Gentleman:** We will have to take that on notice. I do not have the detail in front of me.

**MS LEE:** Earlier today, the committee heard from the Legal Aid Commission. There was an interesting discussion about the Legal Aid Commission having cultural liaison officers who assist in terms of the services they provide. Does ACT Policing have something similar? I understand that in your employee profile you have some culturally and linguistically diverse people, but that does not always necessarily mean that they are trained to specifically be cultural liaison officers. Does ACT Policing have something similar?

**Asst Commissioner Saunders:** Yes, we do. Thank you for the question. Just to give you a list in terms of that work in this space, with direct liaison, we have one youth liaison officer and we have one seniors liaison officer. I think I might qualify for that; I am not sure. We have one Indigenous community liaison officer, one Indigenous community women and children liaison officer and two multicultural liaison officers. Of course, police act as liaison officers on a daily basis.

**MS LEE:** Yes, all the time.

**Asst Commissioner Saunders:** So I would say all of ACT Policing; it is a key part of their role.

**MS LEE:** For that specific role, which is, as you say, a day-to-day part of policing, what specific training do the officers receive?

**THE CHAIR:** Do you mean the mainstream officers or everybody?

**MS LEE:** Yes.

**Asst Commissioner Saunders:** In general? It starts from recruit training, and is ongoing training throughout their career in ACT Policing. Some of it is specific in terms of the sorts of roles you might be undertaking, in terms of the cultural groups you might be engaging with, but otherwise there is general ongoing training throughout.

**Mr Gentleman:** It never stops after college.

**MS LEE:** So it is continuous, ongoing training.

**MS CODY:** I will not be able to repeat all the liaison officers you have, but I do not think I heard of an LGBTIQ-specific officer?

**Asst Commissioner Saunders:** No, we do not. However, the AFP more broadly has a capability which we leverage off to support ACT Policing, so we do have an LGBTI network, and those officers not only provide support to educating internally within the AFP but also are a point of contact for members of the community to reach into the AFP more broadly. It is a capability we draw on.

**THE CHAIR:** Excellent.

**MS CODY:** Thank you.

**Mr Gentleman:** Can I add to that and say that the AFP recently attended Mardi Gras, and very successfully.

**MS CODY:** They did. I saw that.

**Asst Commissioner Saunders:** I understand that people are still getting glitter out of their hair.

**MS CODY:** Yes.

**THE CHAIR:** Just to go to the AFP agreement and the costs of the agreement, tell me if I am wrong but I have been having a look at the numbers over the past few years—from this annual report and previous ones—for the amount of money that we commit to the AFP agreement. My understanding is that in the year 2012-13 we committed 152,276 to the AFP agreement; in 2013-14, 149,966; in 2014-15, 155,290; in 2015-16, 157,166; and in 2016-17, 154,206. This budgeted figure each year is not even keeping up with inflation. The inflation over that period has been 9.5 per cent, yet the increase in the dollar amount has only gone up by 6.1 per cent over that period. I recognise that there must be additional sources of income for specific projects, but why is it that this base level funding for the AFP agreement essentially, if we are going to be generous, has not changed, despite the population increasing and so on?

**Mr Gentleman:** That is right. What we are doing is looking at intelligence-led policing right across the territory. That means we look at the appropriation revenue. As you say, there was \$154,206 million, and we had a slight overspend there. We do a budget specifically for particular operations. I talked about Taskforce Nemesis and additional funding for that. The revenue for 2016-17 was \$155.982 million. That

includes new funding for Taskforce Nemesis, \$1.282 million; also \$0.281 million for the safer families program; and \$1.951 million for making Canberra safe, protecting ACT Policing where they work and operate.

**THE CHAIR:** Indeed, but I would like to go to the heart of the question. Even though we have increased demands in very specific areas, and perhaps we have problems in the legislation so we have to address those things with additional funding, why has the baseline figure of ACT Policing remained the same essentially since 2012-13?

**Mr Pryce:** There are two important points. First, it is a service contract with the Australian Federal Police delivered through ACT Policing, and therefore it is a negotiated arrangement that we do each year with very specific outcomes and service delivery requirements. Through that negotiation, the price is determined, and that is then supported by government funding. On top of that, where there have been specific initiatives, over the number of years there have been additional moneys provided to ACT Policing road safety operations, Taskforce Nemesis and safer families. So in addition to the contract price, there may be additional budget measures, and there have been.

**THE CHAIR:** Absolutely, but we are not getting to the point of why the baseline funding has not changed. If our population, as we have been told so many times, is increasing by 5,000 people per year, presumably the basic functions of policing have to increase. If we are not even keeping up with inflation and we have pay rate increases that naturally come, we probably have fewer police in this basic function area.

**Mr Pryce:** We have maintained through the purchase agreement a minimum FTE of 932. That has been maintained for a number of years.

**THE CHAIR:** How many years?

**Mr Pryce:** I would have to go back to the number of years.

**THE CHAIR:** Please take on notice how long that 932 goes back.

**Mr Pryce:** The other thing, Mrs Jones, importantly, is that we fund at a certain level for policing through the purchase agreement, but the structure of policing—we are funded at, I think, around senior constable rate, but not all police are senior constables; we often have new recruits come in at various ranges—enables the Chief Police Officer, and I will hand over if she wants to add some more, to make workforce decisions. So often the number of actual police, while the figure goes up and down, is well above the number that we specify through the purchase agreement.

**Asst Commissioner Saunders:** I can reaffirm the comments of the Director-General of JACS in that regard. It is obviously a negotiated arrangement between all parties in regard to—

**THE CHAIR:** It is not as though one party can say, “Sorry, I am not taking that.”

**Asst Commissioner Saunders:** No, that is true. I will just make the point, though,

that the numbers have remained consistent over a number of years on the basis that, based on key performance indicators that have been agreed by all parties, we have been able to continue to deliver those, achieve those outcomes and keep Canberra safe with the numbers of police that we have.

As touched on by D-G JACS as well, what we have been able to do, based on the recruitment into the AFP, is bring low-cost officers into the ACT, which, as we know, is a very good grounding for policing more generally. That has allowed us to increase the overall numbers within ACT Policing, in some instances by an additional 10 per cent, based on the cost of those individuals, against the budget that has been allocated for ACT.

That has remained consistent up to 2015-16, and we will continue to monitor that, noting that the cost of the workforce is increasing and our ability to recruit is reducing. That means I am working very closely with my executive team in terms of making sure that our workforce plan is right and, as I mentioned earlier, doing a whole lot to ensure that we have the right environment to allow the police officers we have to do the work that is required.

I will make the point that what you are seeing in the ACT is not unique to ACT Policing. If you look at law enforcement numbers around the country, there has been some injection of resources in some jurisdictions in response to significant problems in those jurisdictions. We have not seen those same problems arise here requiring a significant increase in resources, but there are ongoing pressures on all of us, not just law enforcement but all government agencies at both the state and commonwealth level, and we are all working to be more efficient in that environment.

**THE CHAIR:** Indeed, and well done, but I want to go to one final part of the question. We seem to have these one-year agreements. I presume that in some of the other funding it is one year as well. I know this does not just affect ACT Policing, but it affects the downstream providers whom you support through your funding, like the PCYC and others who do good work in our community. It is uncommon in government these days to have one-year funding arrangements. Why do we continue with this when there could be adjustments to it without having to go through the entire process every year?

**Mr Gentleman:** It is a very important question and was highlighted in the Auditor-General's report as well. I am certainly looking at that. I will be bringing that to cabinet to see whether we can increase the period for Policing, looking at the amount of work and resourcing Policing are providing for our dollar, if you like, the best resource for the dollar.

Again, congratulations to ACT Policing for providing those extra resources and still providing a promotional path for police officers coming from the original recruit course right through to work in Australian operations across Australia and beyond with the AFP. It is a wonderful opportunity for those who want a strong career path in the ACT and to spread their career further from there.

We will continue to look at the resourcing options, but it is an agreement that is negotiated. We will look at the best opportunity, too, for Canberrans, for their safety

in the future. That is the main thing that we should have entrenched in these negotiations.

**THE CHAIR:** Thank you, minister. I thank your officials and you for appearing before our committee today. I will just go on to explain a bit about the questions on notice as we prepare to finish for the day.

Before suspending this part of the public hearing, I wish to note that answers to questions taken on notice should be provided to the committee office within three business days after receipt of the uncorrected proof *Hansard*, day one being the first business day after the uncorrected proof *Hansard* is sent to the ministers by the committee office. All non-executive members may lodge questions on notice, which should be received by the committee office within five business days after the uncorrected proof *Hansard* is circulated, day one again being the first business day after the uncorrected proof *Hansard* is sent to the ministers by the committee office. Responses to questions on notice should be provided to the committee office within five business days of receipt of the question, day one being the first business day after the questions are sent to the ministers by the committee office.

On behalf of the committee, I would like to thank all witnesses who appeared before the committee today. When available, a proof transcript will be forwarded to witnesses to provide an opportunity to check the transcript and suggest any corrections. I now close the hearing.

**Mr Gentleman:** Thank you, chair, and I thank the committee and thank officers for attending.

**The committee adjourned at 5.25 pm.**