



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON JUSTICE
AND COMMUNITY SAFETY**

(Reference: [Annual and financial reports 2016-2017](#))

Members:

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

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 8 NOVEMBER 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.

APPEARANCES

ACT Human Rights Commission	11
ACT Policing	80
Chief Minister, Treasury and Economic Development Directorate	36, 112
Community Services Directorate	103
Justice and Community Safety Directorate	36, 54, 75, 80, 103, 112
Legal Aid Commission (ACT)	18
Office of the Director of Public Prosecutions	27
Public Trustee and Guardian	23

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Amended 20 May 2013

The committee met at 9 am.

Appearances:

ACT Human Rights Commission

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

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

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

Hinchey, Mr John, Victims of Crime Commissioner and Domestic Violence Project Coordinator

THE CHAIR: Good morning, everybody. Thank you for being here. I officially open this morning's session of the second day of public hearings of the Standing Committee on Justice and Community Safety on referred 2016-17 annual reports. Proceedings will commence with the consideration of the annual reports of the Justice and Community Safety Directorate statutory office holders. On behalf of the committee, I welcome the president and other commissioners of the Human Rights Commission. Could you confirm for the record that you are aware of the privilege statement and its implications?

Dr Watchirs: Yes, we are.

THE CHAIR: Dr Watchirs, as president, would you like to make a brief opening statement?

Dr Watchirs: Yes, thank you, chair.

THE CHAIR: Please do.

Dr Watchirs: I begin by acknowledging the traditional owners of the land on which we meet, the Ngunnawal people. I respect their continuing culture, the oldest in the world at over 65,000 years. It has been a year of consolidation, with the restructure and a new office opening on 4 July last year. As you might be aware, John Hinchey will be retiring next month. That position has been advertised. We hope to have that recruitment done over the holiday period.

One of the highlights in the report is that we issued our strategic plan in June and put that on our website. Our client service charter was put on the website in December last year. We have been negotiating with JACS to draft a governance and corporate support protocol. The third requirement in the act is an operations protocol. We are in the process of finalising that and hope to have that on the website by the end of the year.

One of the highlights in terms of achievements is that 75 per cent of clients think our complaints process is fair, accessible and understandable. In terms of victim support, 1,843 clients were assisted. There were 2,207 brought to the attention of the Public

Advocate. There were 1,207 Human Rights Commission inquiries and 507 complaints to Ms Toohey.

We made comments on over 30 cabinet submissions in substance. Of course, we see most cabinet submissions, which is a far higher volume than that. We made 15 substantive comments on legislative and policy proposals. Eight commission-initiated considerations by Ms Toohey commenced. We did 55 community engagement events, and 16 training events. So it has been a very busy year. We have been working on a new website. We have scoped, using a \$60,000 grant from JACS to look at our three databases, and have put in a budget bid to have an overarching database, which is a very big piece of work.

MR HANSON: I congratulate the Human Rights Commission. In the work that I have done in opposition, I have been very impressed. You have provided excellent advice, particularly on intimate images, which was then passed through the Assembly, and more recently on OMCG related legislation. The provision of that advice has been excellent. I was somewhat critical of the amalgamation but, based on what I have seen to date, it is working well. Thank you.

I also thank Mr Hinchey. You have made a significant contribution to victims of crime in this city over the period that you have been here. You will have very big shoes to fill there, Dr Watchirs. The people of the ACT have got a lot to thank you for. So on my part, and I am sure the other members would feel the same way, thank you very much for everything you have done.

With regard to the second piece of legislation I was talking about, which is OMCG related, it now appears that this may be on the table at COAG. A number of states have called for nationally consistent laws. I think Queensland has asked that we have those laws now in every jurisdiction. It is going to come on at COAG. We have done some work together on these laws. There is always a balance between human rights and effective laws to address a crime problem which clearly exists. Could you give the committee an update on where the commission sits with regard to the need or otherwise for a legislative response to the problem that we are seeing at the moment with violence in our suburbs.

Dr Watchirs: When we look at legislation to check whether it is human rights compatible, we look at whether it is reasonable, justifiable and a targeted measure. Certainly there is evidence of violence and criminal activity in the suburbs, and we have looked at several legislative proposals. There was a government one last year that was a general association system. We have looked at the government's recent legislation about drive-by shootings and crime scene evidence, and we are happy with that legislation.

We went through Mr Hanson's bill very carefully. There were a number of issues with it, and they have all been addressed in the bill. I will go through them quickly to give you a taste of what it was like. The serious offence was ramped up. It had to be something that was associated with a group-type organised crime, not something generic. The other issues were requiring the Supreme Court to be satisfied that a control order would contribute to preventing or reducing a serious threat to public safety and order; ensuring that young people are only caught up as a last resort;

express time limits on interim orders of no longer than 72 hours; a maximum duration of control orders of three years; the right of appeal and the right of third parties to make representations in appeals; a criminal intelligence monitor to represent defendants' interests in closed hearings involving secret evidence; removing the automatic prohibition in the New South Wales legislation that deemed industries and occupations cannot be engaged in by individuals, instead making it a discretion of the court to look at it on a targeted basis, case by case; and a sunset clause of five years. With those provisions we are happy that the legislation satisfies human rights.

MS CODY: Have you looked at the legislation in other jurisdictions and at how it compares with human rights?

Dr Watchirs: It is definitely better than others. We looked mainly at New South Wales and Victoria. The Victorian one is actually, on my understanding, incompatible. With all of those adjustments, we are satisfied that it is better than other jurisdictions. There is the proviso, though, that in New South Wales the legislation has not been used and the Ombudsman recommended its repeal. But there are other provisions, such as the general association legislation, that we found incompatible last year because it would apply to people who were not members of outlaw motorcycle gangs.

MS CODY: Absolutely. That is a bit of an issue with—

THE CHAIR: To clarify, the suggestions that have been made here for anti-consorting are significantly different to those general provisions that have been enacted in New South Wales which have caused problems.

Dr Watchirs: Absolutely. The biggest problem with the New South Wales one was that it was actually used against Aboriginal people, and that makes it contrary to justice reinvestment.

THE CHAIR: Yes. So it works against what we are trying to achieve here.

MR HANSON: But they are quite different laws, are they not, because—

Dr Watchirs: It is not targeted at outlaw motorcycle gangs.

THE CHAIR: Whereas the proposal here, which you have looked at and you approve of, if I understand correctly—and correct me if I am wrong—does not allow police to just slap an order on out in the streets.

Dr Watchirs: It is a court order.

THE CHAIR: It has to go through a process of the courts.

Dr Watchirs: Yes.

THE CHAIR: And it has to involve the Chief Police Officer; is that correct?

Dr Watchirs: It might be an application, but it is a court decision.

THE CHAIR: So there is nothing accidental about the use of them?

Dr Watchirs: Absolutely.

THE CHAIR: It is good to know we have got to a place where there is some consensus.

Dr Watchirs: The other difference is that when we gave advice last year there was only one gang. Now there are several gangs operating and many incidents.

THE CHAIR: Yes, the issue has become significantly worse.

MS CODY: I have been looking at the diversity section of your annual report. Since the postal survey began, have you noticed an increase in complaints to any of your offices?

THE CHAIR: We are talking about the postal survey on marriage here, just to clarify for those who are listening.

Ms Toohey: We have certainly seen an increase in inquiries about issues: both events on the street, things like vilification on the streets against people, and online material. We have had a number of complaints. It has not been a significant number but we have certainly seen an increase in the inquiries to our general information line. We have been responding to a number of comments, more than inquiries. And we have had a number of inquiries sent to us from other agencies. So, yes, we have certainly seen an increase in activity directly related to the marriage equality survey.

THE CHAIR: If I can just interrupt for one moment, I am having trouble hearing all the words you are saying. It seems a short distance, but there is all this activity in between, so please speak up.

MS LEE: My question is for Ms Griffiths-Cook, the commissioner for children and young people. In your report you talk about the reports from the children and young people protection service taking an average of four months after alleged incidents, with some reports taking much longer, and you say that the information in these reports has been limited and has created some delays. Last week the minister gave us an update in the Assembly on that. When did the protection service begin providing preliminary information to you, and can you clarify whether it has improved or say what else needs to be done to improve it?

Ms Griffiths-Cook: We have seen a significant improvement since the commencement of the financial year in terms of the timeliness of receipt of information, but also we have had some changed practices that have been really advantageous, that enable us to have a line of sight to notifications within the fortnight within which they are made. If we identify in that process that there is a child or young person who may benefit from some advocacy support throughout the process of appraisal or consideration of that notification, even if it does not proceed to appraisal, we can step in and offer that to the child or young person where we see a need for that.

That has been, from my perspective, a significantly improved process in terms of giving us line of sight, which was the main issue that we were concerned about, to the wellbeing of children and young people throughout the course of the appraisal process or the investigation process in respect of abuse in care reports.

MS LEE: Are there any other measures that would need to be implemented before moving forward that you would like to see?

Ms Griffiths-Cook: Yes. We are also in the midst of developing an operational protocol or communications protocol—I am not sure where we are going to land in terms of its title—with CSD that will articulate our expectations of timeliness of reporting. That will similarly enable CSD to have within that protocol the expectation that they have of us in the way that we engage in that space, to ensure that there is accountability from their perspective and also, in return, from us.

MS LE COUTEUR: My question starts off with a supplementary on the same question, around the notifications on page 50 and your graph showing that in 12 cases it took over six months for notifications. Did you think we need to have legislative changes to correct what is clearly an unsatisfactory situation?

Ms Griffiths-Cook: That is a difficult question. I am not sure whether legislative change is necessary or not. At the moment I am satisfied that the practices and operational changes that we have put in place are operating sufficiently, but we will obviously be monitoring that closely throughout this year to assure ourselves that that is addressing the concerns that we had.

MS LE COUTEUR: On page 51 there is a similar timing problem.

Ms Griffiths-Cook: Yes.

MS LE COUTEUR: You know what I am talking about: the annual review reports.

Ms Griffiths-Cook: Yes.

MS LE COUTEUR: What can be done to change that? Again, I was going to ask whether you thought reviewing the time frames in the legislation was the way to go or whether there is some other way. Clearly the reviews are not done in a satisfactory time frame at present.

Ms Griffiths-Cook: Yes. Again that is part of the agreement that we are reaching at the moment with CSD about timeliness. We are proposing a position that requests that they come no later than three months post the end of the review period. That is at the moment under discussion because we have not finalised that, but I think that will be acceptable, from the early discussions that we have had, to CSD. I am certainly hoping that that will be the case and that will be signed off.

MS LE COUTEUR: I have a similar question, on page 50, as we are here: why have there been so many increases in the section 879 requests?

Ms Griffiths-Cook: A number of those—to be honest, I do not have the exact

figure—relate to the insufficient amount of information that we were getting with the section 507 abuse in care reports. The way I was very simply describing it was that A plus B did not equal C; I therefore had questions that I wanted answered about the nature of the matter at hand. We were then issuing a section 879 request to get the information we needed to understand the actions that had been taken in the abuse in care processes. With the changes that we are making to the—

MS LE COUTEUR: You think that will address the—

Ms Griffiths-Cook: I certainly hope so.

MS LE COUTEUR: I suppose we will be asking you this question next year if the numbers have not improved.

Ms Griffiths-Cook: Yes. And, as I said, I will be monitoring that throughout the year; if I am not satisfied that that is panning out, we will look at making changes earlier than the end of the year. I am certainly looking to make them on the go.

MR HANSON: Mr Hinchey, you are working on a victims' charter of rights.

Mr Hinchey: Yes.

MR HANSON: Would you like the opportunity, as a finale, to explain why that is so important and is needed in the ACT?

Mr Hinchey: How long have I got? If we can strengthen the rights and participatory rights of victims of crime, it will enrich our criminal justice system. We have guiding principles similar to other guiding principles across Australia. Those principles are used to guide decision-makers about how to include victims in processes and decision-making, but they are not rights as such, so there is no positive obligation on public authorities to do certain things.

We have a lot of goodwill people working in our criminal justice system, and many take the necessary steps to follow those guiding principles. From a victim's point of view, their participation is a decision that others make for them; rights would turn that obligation around to make it a positive obligation on public authorities and put victims in a stronger position to take up their rights.

I think that those guiding principles should be strengthened. There should be some clear rights around participation in decision-making—not to make decisions, but to participate in decisions before they are made. And then there should be some oversight mechanism to keep watch on public authorities to ensure that their practices are supporting those rights, and some remedy. The remedy does not need to be harsh, but it needs to be taken in a manner that acknowledges that what should have been done has not been done.

I think we are in a good position. We are the only Australian jurisdiction that I know of that is moving to strengthen the guiding principles. We have the Human Rights Act that supports that concept. My office works within the commission. There are only two human rights commissions in Australia: Victoria and the ACT. We are the only

one that has a victims of crime commission within it, and that is an interesting combination. Doing so has opened up a dialogue between victim rights and human rights; they often seem to be at odds, but we find that there is a lot more common ground that we may have believed prior to the amalgamation.

MR HANSON: You are working with the government on these. Have they given an indication of their support and, if so, the likely time line when we might see legislation?

Mr Hinchey: I asked for it to be delayed by a year because we wanted to consult broadly with the people in the community rather than rely on what we thought within the victims of crime commission. We will be producing a consultation paper at the end of this month. I have engaged with a range of groups and individuals around this issue. JACS is also producing an options paper at the end of this month or in early December. We are moving towards the next budget cycle.

MS CODY: In a slightly different report, in the Justice and Community Safety Directorate annual report there is a table that talks about the victims of crime awards. You may have to take this on notice, and that is okay. "Awards by type" is table 65 on page 344. The number of awards for domestic violence cases is only seven, which seems very low compared to the rise in the number of reports.

Mr Hinchey: Yes.

MS CODY: I am happy for you take it on notice, but is there a particular reason why that is so low?

Mr Hinchey: It is in the Justice and Community Safety Directorate report because I think that is referring to the scheme that was being administered by the courts. There has been a scheme that has replaced that scheme which specifically recognises domestic violence offences; that should be in the Human Rights Commission report, around the financial assistance scheme.

THE CHAIR: If you have any information to add, can I ask that you take that on notice and come back to us in the time frame that the committee secretary will advise you of. I thank you all for your attendance today and your willingness to answer questions.

Appearances:

Legal Aid Commission (ACT)

Boersig, Dr John, Chief Executive Officer

Monger, Mr Brett, Chief Financial Officer

THE CHAIR: We welcome you both. Thank you very much for coming, Dr Boersig and Mr Monger. I just want to conform for the record that you are aware of the privilege statement. I am sure you have been here before plenty of times.

Dr Boersig: Indeed.

THE CHAIR: Before we proceed to questions, do you have a brief comment? We have about 10 or 15 minutes for your section. Is there anything you would like to say?

Dr Boersig: No, just to congratulate publicly John Hinchey again. I think it was well said. He has done a great job in these past few years, and it is a very important role.

THE CHAIR: Thank you so much.

Dr Boersig: I would add my voice to the chorus.

MRS KIKKERT: Thank you, gentlemen, for being here this morning. This question is in regard to the Glanfield inquiry. In its 2016 submission to the Glanfield inquiry the Legal Aid Commission (ACT) stated:

There is dire need for the availability of external review regarding decisions made by CYPS about children.

A case study was also provided in which a Children's Court magistrate had recommended that a mother have contact with her children three times per week but then the CYPS reduced her contact to once per year. When she sought assistance from legal aid regarding this change to the care plan, she was advised that there were no pathways for her to seek external review of that decision. Can you estimate how many Canberrans approached legal aid last financial year seeking help with the care and protection decision and, like the mother in the case study, had to be turned away?

Dr Boersig: I would need to take the numbers on notice, and that is important because we have a whole range of matters with care and protection. We have quite a large practice there, but on that specific question I would have to disaggregate the information.

MRS KIKKERT: Is legal aid still of the opinion that ACAT should be given jurisdiction to review a greater range of CYPS decisions, and which ones in particular?

Dr Boersig: We certainly stand by our submission that we made to the Glanfield inquiry.

MS CODY: Thank you both for being here. I would just like to put on record my thanks to you, Dr Boersig, for the tour you gave me of the legal aid facilities. It was quite worth while and it made me realise exactly how much good work you do.

In your report there are lots of tables, but on page 31 in particular there are some tables about the most common types of legal matters which legal aid and child services provided during the year. Domestic violence is 1,685, which is very high. How does that compare with other years? Is that higher or is that about average?

Dr Boersig: No. That is an increase, and quite significant. I attribute that to the broad discussion that now occurs in our society, which is an important discussion, and I think the value is that women in particular are coming forward and we are able to give them advice. Not all of them act on that but many people come to us for advice, whether it is through our helpline services or our walk-in services or the domestic violence units here at the Magistrates Court or, indeed, the new service that is offered through the federal Family Court.

MS CODY: I do have another very quick question. In the report you have also cited that last year you used 3½ thousand reams of papers and this year you used 25. I was just wondering if there was a typo or if you have gone paperless or what is going on there.

Dr Boersig: We have gone paperless to a certain extent, but my colleague will answer that question.

MS CODY: A good news story.

Dr Boersig: It is. It is a good news story. It is about penny pinching.

Mr Monger: No it is not a typo. Last year we did actually get a heavy discount for buying bulk paper, which is one of the reasons we did that. This year we have reduced our coloured paper in order to try to minimise our costs as much as possible. The actual 25 reams that we had this year were all coloured paper only. The rest was the stock from getting the bulk discount last year.

MS CODY: It was huge.

Dr Boersig: There was a percentage difference between white paper and coloured paper.

MS LEE: My question is on the priority groups that the Legal Aid Commission will need to prioritise. I notice that on page 41 in your report you talk about, obviously, the continuing disadvantage of Aboriginal and Torres Strait Islanders in all sectors. But you have also specifically mentioned the increasingly evident needs of the culturally and linguistically diverse communities within Canberra. Are you able to give us a bit of a snapshot on what those needs are and what pressures that has put on the resources of the Legal Aid Commission?

Dr Boersig: Broadly, we surmised that the CALD community was an under-served group in our society. A couple of years ago we established a cultural liaison unit and

their work has allowed us to move out into a whole range of works. We have a report on their work which, if I may, I will send to the committee.

MS LEE: Thank you.

Dr Boersig: It outlines in detail the number and variety of CALD people we have assisted over the last few years. I will make sure that is sent to you. What we have identified is that the concerns on issues faced by people in the CALD community are the same ones experienced by vulnerable and disadvantaged people throughout our society. We are looking at the civil issues particularly but including domestic and family violence issues. We have been able to move out and provide some of those services by doing outreach, by having our own in-house support workers and our own social worker.

You would have heard the term “wraparound service”. I do not use it lightly because it is actually quite difficult to deliver and is expensive generally. But in terms of meeting a person’s needs in our society, providing avenues which are legal and non-legal is crucial. Linking to referral, to appropriate support services, has meant that we provide a better solution for the people that are coming in to see us. And I think our report, which we will send to you, will underline that.

THE CHAIR: I will just clarify for Hansard that we are referring to CALD, the culturally and linguistically diverse groups in society.

Dr Boersig: Correct. Yes.

MS LEE: And in terms of resourcing to meet that, as you say, increasingly evident demand moving forward, how is the resourcing looking for you?

Dr Boersig: I address that more broadly as a challenge for government. Ultimately we can provide the services that government are able to invest in us, both commonwealth and territory. And this is actually reflected in some of our work in terms of grants. But we have been particularly hard hit by the loss of the statutory interest account moneys. In 2009 we got \$1.5 million. Last year it was about—

Mr Monger: \$673,000.

Dr Boersig: That is a huge drop for us in that time. Yes, there are a variety of programs that we receive some funding for—some we have lost—but overall that has been the hardest. And, can I underline, I am not blaming the Law Society at all on this. Those reflect interest rates. But it is starting to hit us really. The services we can provide in any community will ultimately depend on investment.

THE CHAIR: I have got one final question to ask and that is with regard to your budget, which is what we were discussing, in relation to the Eastman case. Obviously being mindful of natural justice issues, as the case is not yet on foot, I just want to ask: I understand you have got some increase in funding which is effectively intended to deal with that workload, but is the funding contingent on the case going ahead?

Dr Boersig: Funding is by way of an appropriation. This might be in a sense for

JACS to answer. Basically we receive an appropriation, as do the other agencies. And that is based on an estimate on our part of the likely course of the matter. As you will have seen over the years, the actual course of Mr Eastman's matter has gone up and down in various ways. That means that we have to expend funds within that envelope in certain ways.

THE CHAIR: It is in some ways tied to that?

Mr Monger: If we do not spend the money on the Eastman matter—

THE CHAIR: It goes back?

Mr Monger: we will give it back, yes.

THE CHAIR: Just as a final opportunity before we have to finish, do you have any ongoing concerns, apart from that budget cut that you have had to deal with from the other legal body, or do you want to make any statements about your workload? I think everybody in this place is very aware of the good work that we are doing in relation to domestic violence. That is putting pressure on every area, and it is good pressure. Do you want to explain a little how you imagine going forward, for us to perhaps get over what might be a hump?

Dr Boersig: To be honest, I think you have actually partly answered that question in what you have just said. It is an issue about, as a society, what we need to do to assist people to make good decisions. From my point of view, the basis upon which legal aid should be provided is about allowing people to make good decisions in their life.

THE CHAIR: Knowing what is available?

Dr Boersig: The shortfall that was identified by the Productivity Commission is one around civil need. And that is helping people in a whole variety of circumstances. In legal aid we have an important practice in criminal law and criminal defence, we have an important practice in the family law, but we have an expanding role in allowing people to help themselves. And if I can foreshadow where we will be going, it is empowering people. It is assisting them, whether it is through law handbooks or helplines or advice sessions. It is giving people the wherewithal to make good decisions about their life before they make bad ones.

THE CHAIR: Earlier the better.

Dr Boersig: Earlier the better. You will have seen the expansion of the helpline, which is a good example.

THE CHAIR: And can I just finally add to that. If someone comes to us—and we often get people coming to us with legal issues—and we say, “Have a chat to legal aid,” or “Go down on one of the days when you can drop in,” are there a set of practitioners who are low cost, who are not no cost? There are a group of people in society who can afford something. And I have met, from time to time, practitioners who have told me that their business model is low cost. Is there a way of your being able to refer people on if you are not able to take on their case or if they have some

means? It is something that also would be really useful to us in this place because we meet with the community so much.

Dr Boersig: We have a panel of lawyers who agree to do legal aid. They apply to us and it is a question of their capability as a practitioner, which we have to assess, and their willingness to undertake legal work. In addition, both the Law Society and the Bar Association have a pro bono service. In fact, I am on a committee that looks at all those applications.

THE CHAIR: I am talking about the next band.

Dr Boersig: Yes. We got nearly 16,000 calls last year from people seeking help. We act as a winnowing device to identify matters that would be appropriate for litigation or for further advice. We have a range of legal practitioners. We do that through our helpline and through our specialist clinics, like those on employment or small business. We are then able to refer particular people to particular lawyers in that process. We give them a choice of three lawyers, for example, that they can choose from. There are some rules and regulations about that that come under the quaint heading of “touting”. We have to be careful about how we administer that. So we give people a choice. In your context I would say that there are a whole range of people, individual lawyers, who do a lot of pro bono work and most of it is hidden. It is an unsung story. People initially come to places like us and then we refer them out.

THE CHAIR: This is not a question; it is just a comment for you to take away with you: if there were, for example, media articles about businesses that were doing things at lower cost, or if there was a list that could be circulated, this would really assist us in not always referring people only to your services. There are a range of practitioners out there but people like me do not know how to find them. Can I leave that with you to ponder?

Dr Boersig: I will.

THE CHAIR: Thank you both very much for coming today. Keep up the good work.

Appearances:

Public Trustee and Guardian

Taylor, Mr Andrew, Public Trustee and Guardian

Thompson, Ms Christina, Director, Guardianship Unit

THE CHAIR: Welcome. Mr Taylor, could you confirm for the record that you are aware of the privilege statement?

Mr Taylor: Yes.

THE CHAIR: Thank you. Would you like to make some brief opening remarks?

Mr Taylor: Just briefly.

THE CHAIR: Remember that we have trouble hearing you sometimes.

Mr Taylor: Yes, I will speak up. The reporting year was our first full year reporting as the Public Trustee and Guardian, as a merged entity. Prior to that we were Public Trustee only, and the guardianship unit existed as part of the Public Advocate. This is the first full year of reporting. Most of the activity during the year has been around establishing that entity as a cooperative, conjoined service to the community. There were a lot of structural issues, looking at bringing together two different cultures, bringing together two different organisational structures and finalising accommodation. We have embarked on a business transformation strategy which involves significant changes to ICT and to position, value structure, classifications et cetera.

THE CHAIR: Thank you. We will go to Ms Cody for questions.

MS CODY: On page 31 of your annual report you talk about the national disability insurance scheme. You have raised a few concerns. One of them was about PTG's request for an urgent review due to a risk of homelessness for a young client. Could you expand on that and maybe fill us in a bit more on how you are finding the transition to the NDIS? From reading this, the NDIA seems to be taking a bit longer than they would normally.

Ms Thompson: In relation to that particular case, this young gentleman had his funding for supported accommodation locked to a particular service provider. To have that service provider changed, we needed to have a full review of his actual plan. That did take some time, some following up and chasing up with the NDIA. I understand that there are impending changes within the NDIA that will mean that changes can be made to a person's plan without the full plan having to be reviewed, which will, I hope, address some of those concerns that we had in this particular gentleman's situation.

MS CODY: Did the NDIA give us a time limit for when they were thinking those changes might come into effect?

Ms Thompson: Not to my knowledge. I was not given that information, no.

MS LEE: There have been a few reports of slashing the number of people that your office is looking after. You have tried to address that in the report. Could you take the opportunity now to expand on responding to some of those reports, those concerns that have been raised in public?

Mr Taylor: Is that in relation to financial management and guardianship as last resort?

MS LEE: Yes. For example, the *Canberra Times* in March this year talked about, since the office was merged, the number of people being looked after by guardians being cut by more than 40 per cent. I know that you went to some effort to try to explain that in the report, but I thought it may be an opportunity to articulate that in a bit more detail.

MR HANSON: There was a picture of you in the *Canberra Times* with a moustache. Was that you?

Mr Taylor: Possibly.

MR HANSON: Was that Movember or was that the fashion of the day?

Mr Taylor: It was just pre Movember, yes.

THE CHAIR: Mr Hanson, I think we digress.

MR HANSON: My apologies.

THE CHAIR: Not that you have ever been guilty of that.

Mr Taylor: It is haunting me. The report in the *Canberra Times* was partly true but missed the main point which would have completed the story. On becoming responsible for the appointment as guardian of last resort, to make health and personal decisions in a person's life we thought it best to conduct a full audit of all of the matters under appointment. Normally, appointments as guardian and manager are reviewed every three years on a cyclical basis. However, it was evident, on moving guardianship into the Public Trustee and Guardian, that there were a number of matters that were being reported perhaps because there was a belief that those people were still under guardianship, where, in fact, there had been a review and they were no longer under guardianship.

There would have been three or four different reasons why the audit resulted in a drop of that number and magnitude. Some people had died fairly recently. Some people had been reviewed to the point that we were no longer required as a guardian. In some cases there may have been another more suitable individual. When I say "more suitable", the tribunal must prefer an individual before it appoints the Public Trustee and Guardian. So there are a range of cases, but the important thing to consider is that the intent of the legislative framework is that the Public Trustee and Guardian can only be appointed as a guardian of last resort, after it has not been possible to find an

individual to take on that matter. Whilst it is not part of the legislation, it is in the spirit of the legislation that if we are appointed we must do everything we can to find a suitable individual to be appointed in our place.

In a sense, it is our continuing job to try to keep people out of guardianship. It is important to make the point that, if you look at the United Nations Convention on the Rights of Persons with Disabilities, there is a worldwide trend now towards supported decision-making, whilst our appointment is as a substitute decision-maker. Intrinsic in that is keeping people out of guardianship where they do not need to be. So the complete story is that we were doing exactly what we were supposed to be doing, and reducing the numbers by 40 was totally explainable.

MS CODY: Because you are appointed guardian, in your report do you find there are conflicts of interest that occur?

Mr Taylor: It was foreshadowed as part of the proposed merger of the two units that there could be circumstances where there would be a conflict. In the 18 months there has not been a circumstance where there has been a conflict. However, the delegation framework in the Public Trustee and Guardian is such that, whilst there is a single decision-maker as Public Trustee and Guardian, there is the delegation of authority to the Deputy Public Trustee and Guardian, the Director of Guardianship, who is not here, and the Director of Financial Management Services, to make decisions and I step back. That has not been called on, has never been a problem, in 18 months or so in all the cases that we deal with. I guess there is also an opportunity for us to step back in favour of the Public Advocate in certain circumstances.

THE CHAIR: One final question that I have before we close this section for today: in the JACS annual report 2015-16 we recommended to the government, at recommendation 13, that some final analysis be given to the Assembly of the matters of fraud and corruption that were uncovered and dealt with in regard to the previous body. The government response to that was based on the KPMG report into the status of controls report. Does that make sense to you?

Mr Taylor: Yes.

THE CHAIR: It was tabled in June 2017. The response was that all recommendations will have been completed on this and other related reports by the end of 2017-18. How are we tracking? What is there still to do?

Mr Taylor: The report you mentioned was the initial report in 2014, immediately after the reported fraud.

THE CHAIR: And why was that only tabled in the Assembly in 2017?

Mr Taylor: Because I was only requested to table it, and I did so last year. I proactively engaged KPMG to come back in the last four months to conduct a further report on progress and they have reported that—

THE CHAIR: Back to you?

Mr Taylor: Yes. They reported to me, and the report has been provided to JACS, that the progress is as expected, given that there were some changes that were recommended around IT systems, which do not happen overnight. Some of them might have had to do with things associated with legislation which are before the policy part of JACS.

We also asked KPMG, when they came back: would they also look at another part of our business that we had previously identified as a risk? That risk is where we might be financially managing a person's affairs under order of the ACT Civil and Administrative Tribunal and somebody might claim payment of some expenses. You will recall that in the fraud some of the fraudulent activity was around that particular activity. What is now happening is that we have engaged KPMG to design a form with us which is effectively a declaration requiring supporting documentation. It is on our website and we can—not always—require a person claiming payment to complete that form, effectively pushing the onus and responsibility back onto the—

THE CHAIR: What was the name of that most recent report from KPMG?

Mr Taylor: It was really just a review. I have got the review. I can provide that review.

THE CHAIR: If you could just take on notice to provide us with a copy of that review that would be fantastic.

Mr Taylor: Yes.

THE CHAIR: Is there a term you refer to that review as?

Mr Taylor: I would call it a follow-up review. I have not got it in my head what the name of it was. We commissioned it for ourselves and it was only four months, I guess.

THE CHAIR: So there will be no confusion about which one it is?

Mr Taylor: No, not at all.

THE CHAIR: I thank you all very much for appearing today. We will suspend whilst we wait for the DPP to step up to the table. Thank you all very much.

Short suspension.

Appearances:

Office of the Director of Public Prosecutions

White, Mr Jon SC, Director of Public Prosecutions

THE CHAIR: We now move to the annual report of the Director of Public Prosecutions. The committee welcomes Mr Jon White SC, Director of Public Prosecutions, to the table. Mr White, could you confirm for the record that you are aware of the privilege statement?

Mr White: I am.

THE CHAIR: And before we proceed to questions from the committee, do you have a brief opening statement to make?

Mr White: Yes. The annual report of the office this year speaks to another year of significant achievement. Members will be able to see for themselves the facts and figures that are set out and also the great diversity of cases that the office has considered during the year. We try to lay out case notes to show the range of cases, the seriousness of cases that we do, one of which, for example, to take at random, involved the Public Trustee fraud that members of the committee have just been discussing.

It was another year of great achievement for the office, but I have to say that the looming resources crisis which I refer to in my overview of the annual report is really a looming storm cloud over the office. We face both a structural crisis in terms of our senior structure in the office—that is, attracting and retaining senior officers—and more generally a resourcing crisis in terms of simply having sufficient prosecutors to meet the increasing workload and diversity of workload that we have. We do feel at the moment that we sit somewhat on the edge of a precipice in terms of the resourcing issues of the office.

During the year we did commission a report from the Nous Group, a strategic review, and that review has now come back and has been provided to the government. We hope that that review will provide a very good framework for government to consider the resourcing issues of the office.

MR HANSON: Who actually commissioned that review? Was it commissioned by you or was it commissioned by JACS or—

Mr White: It was really, I suppose, jointly commissioned by my office and JACS. It was paid for by JACS. It has been provided to the government and I understand that it is now being submitted to cabinet as part of a consideration of budgetary issues.

MR HANSON: And is that review publicly available? Has it been put up on a website or—

Mr White: At this stage, no. As I say, my understanding is that it is being submitted to cabinet as part of the budgetary process. At this stage it is not available.

MR HANSON: Are you able to explain any of the key recommendations or outcomes from that report?

Mr White: Yes, I am. I do not think there is any secrecy that the review has really confirmed many of the concerns that I have been outlining in annual reports now for a number of years about the problems with the office. There is no doubt that there is a base pressure on the resources of the office which is caused by an increase in the number and complexity of matters.

The increase in the population of the ACT has itself led to an increase in matters flowing through, but there is also an increase in the complexity of the type of work—for example, another thing that the committee has discussed this morning: outlaw motorcycle gangs. The prosecutions resulting from those matters have increased greatly and they are very serious prosecutions. They are prosecutions involving shootings and so on which are very difficult to investigate and prosecute, for reasons that members of the committee would understand.

There has also been the pressure from the flow-on from the Royal Commission into Institutional Responses to Child Sexual Abuse. We have, as expected, got a number of matters referred through that commission. But generally, of course, there is a greater willingness of people now to report sexual abuse and bring it to the attention of the investigative and prosecutor authorities. It is the same with family violence, another theme that has already been touched on by the committee today. People are more willing to confront the issues of family violence, but that leads to a greater increase in our work. So there are those base pressures upon us.

We have had, of course, an increase in the number of Supreme Court judges. We are facing an increase in trial courtrooms available for the Supreme Court when the new Supreme Court opens. And we are also facing pressure from things like increasing expectations of witnesses. Again, as you heard from Mr Hinchey today, victims of crime are finding their voice and they are becoming more expectant of the sorts of resources that should be put their way. That includes how prosecutors deal with such matters. All those matters contribute to a real base pressure on our funding.

MR HANSON: Did the NAOS group quantify an amount required in budgetary terms?

Mr White: Yes. I prefer not to go into that at this stage.

MR HANSON: That is fine.

Mr White: Yes, there are facts and figures in the report but they are based on publicly available information.

MR HANSON: And are you satisfied that the amount recommended by the NAOS group, if that were provided by government, would meet your needs that you have outlined?

Mr White: Yes.

MR HANSON: So the amount in there is about right?

Mr White: Yes, and if I can expand on that answer, I think there is an immediate need for resources for the office but there are also structural issues. I alluded earlier to the issue of the seniority of prosecutors. The prosecutions have become increasingly complex, for all the reasons that members of the committee are aware of. For example, in the sexual offending field there are now a lot of special measures and so on, and the ACT leads Australia in many of those. But those sorts of measures increase the complexity, which means that we need more senior prosecutors.

We do have great difficulty in recruiting and retaining senior prosecutors with our current structure. We do need to look at having a more senior structure so that we can attract good prosecutors who will be able to prosecute on behalf of the community. At the moment we are losing the people that we are training up to places like New South Wales.

MS LEE: Does that mean that the New South Wales DPP actually pays better than the ACT? Is that one of the reasons?

Mr White: Yes. Essentially that is the main reason. Again, if I can give a concrete example, people who probably are grade 5 prosecutors at my office who might be getting \$150,000 or \$160,000 a year are competing for jobs earning twice as much in the New South Wales DPP as crown prosecutors.

MS LEE: In terms of the same responsibility and same work?

Mr White: And with the same responsibilities.

THE CHAIR: Can I ask you to reflect on the fact that, in a nutshell, for those listening who perhaps do not fully understand, you are the only backstop for the community in getting matters addressed? Can you give a very short answer on why your service is important?

Mr White: In the ACT we prosecute all matters and we are unique in that regard amongst prosecuting services in Australia. We prosecute summary matters and indictable matters. And there are a lot of advantages in that model because that means that professional prosecutorial decisions are made at all levels of prosecutions but we are the only service that operates—

THE CHAIR: Compared to how another jurisdiction operates?

Mr White: For example, in all other jurisdictions summary matters are generally done by police prosecutors, who do generally a wonderful job but they are not professional prosecutors in the same way that we are.

THE CHAIR: And we also have a different system here because we do not have our own police force, essentially.

MS CODY: Mr White, you were talking a moment ago about some of the stresses on

the organisation. You raised two of them: family violence and the Royal Commission into Institutional Responses to Child Sexual Abuse. I note that you have what looks like a bit of a restructure in the organisation. You have a new, I think, family violence team, or is that just—

Mr White: No, that has been there for some time. That is a specialist team devoted to family violence matters.

MS CODY: I notice that you have increased the number of paralegals in that unit to four this year. That is obviously to provide assistance to the legal officers.

Mr White: Yes.

MS CODY: You mentioned in the report some of the training you do for paralegals. Can you expand on that a bit?

Mr White: We have tried to professionalise the paralegal service. We have now inserted, as a requirement for promotion and so on, attainment of particular qualifications, cert III or cert IV, at different levels of the paralegal structure. That was to emphasise the professionalism of the paralegal service and the career structure within that service. We do not want the paralegal service to be thought of as just an adjunct to the lawyers. We want them to be professional in their own right. I have also mentioned in the report, and it has been a theme for some years, that we would like our paralegals to take a greater role in very simple mention type matters in the Magistrates Court, to take some of the pressure off the lawyers. I am talking about the run-of-the-mill list work, what we call plea and mention matters, particularly in traffic lists and so forth. That could be done by a well-trained paralegal.

THE CHAIR: Does that require legislative change?

Mr White: Yes, it does.

MS CODY: You just mentioned list work for driving offences. I note that the paper this week has been talking about a police officer getting off scot-free. I am sure there are many in the community who would be going, “Well, you know.” Does it also impact on your workload when the community see those sorts of matters as possibly not being dealt with as seriously as they could be? I am not saying that; I am just saying that it—

Mr White: Clearly I am not going to talk about individual cases, but we—

MS CODY: No, but surely that would impact on your workload a bit?

Mr White: We have been very ready to appeal against any sentences that we think are manifestly inadequate. We have done that—and the figures are set out in the annual report—on a number of occasions in relation to Supreme Court matters and also Magistrates Court matters. That is the way that we, on behalf of the community, attempt to maintain appropriate sentencing standards. We do not appeal every case where we disagree with the result but we do appeal to maintain sentencing standards. We have done that particularly in areas of sexual offending, street violence and

robbery and burglary. Those have been areas that we have identified. So we do have a role in relation to that. Obviously those are the decisions of courts, but we have a role in attempting to hold the courts to account for their decisions.

MR HANSON: There have been a number of unsuccessful prosecutions of sexual offences in recent times. Without going into any specific case, a concern has been raised publicly, I think by Mr Hargreaves, a former MLA, and put to me as well that in these offences often the name of the individual making the accusation is suppressed but the name of the accused is publicly released. These court cases have gone through and there has been no conviction but, in the days we have now of social media and so on, the name of the individual who has been found not guilty of a sexual offence is publicly out there, so it is a very easy thing to google and find their name. In particular, when it comes to sexual offences, it is the case sometimes that the allegation of a matter going to court, although no guilty verdict has been found, is very damaging to the reputation of that individual.

From a prosecutor's point of view, if there were to be a change in the way that that is handled so that we were to essentially treat the accused in the same manner as the person making the accusation, so that names were suppressed until such time as there was a conviction, would that affect your ability to prosecute cases? Do you need that name to be publicly released to get a successful prosecution? If the name were publicly suppressed, would that affect you? There is a lot of damage being done to people. If it is absolutely necessary to achieve a prosecution, I would be interested to hear that. But if not, why are we releasing these names?

Mr White: There are two aspects. First of all, the premise of the question about unsuccessful prosecutions is actually wrong. Our success rate in sex matters, which is not as great as it is in relation to general matters, has nevertheless been increasing. One of the key statistics of which we are particularly proud is that the last two years have been the first years when more people have pleaded guilty to serious matters in the Supreme Court than have gone to trial. These are typically matters where people are reluctant to plead guilty, for all of the reasons that really underlie the premise of your question, but we have had a great success rate in getting the pleas of guilty up.

MR HANSON: Sure. To be honest, that was just preamble.

Mr White: To come to the substantive issue, while one understands the issue that you raise, there are considerations of justice which are aided by the publication of the names of accused persons. One of the most obvious in this area is that it is not unknown for other victims to come forward when they hear the name of the alleged perpetrator. I said "not unknown" but I would say it is very common. We have had situations where one brave victim will come forward and name somebody, then that person will be prosecuted and then a number of people, half a dozen, 10 people, will follow along behind that person—having, for reasons that members will readily appreciate, held those experiences within themselves. When one brave person breaches the wall, they come out. That happens on a regular basis. That is a concrete example of why there is utility in releasing the name.

MR HANSON: That is very useful, thanks.

MS LE COUTEUR: On page 21 you talk about occupational health and safety prosecutions. I ask this question in the context that the ACT is apparently the most dangerous jurisdiction as far as construction is concerned. You list three prosecutions. At the bottom of the page you say, “These cases highlight the highly technical nature of these prosecutions.” What can you do to increase the possibilities of successful prosecutions? Do we need law reform? You are saying that you have problems.

Mr White: This is a very difficult area and it is very difficult to answer concisely about this. The essence of the issue is that these matters are very difficult to investigate. They need very professional investigators who investigate from a criminal point of view very early on in the cycle of, say, an industrial accident. If there is a death on a work site, it needs to be treated as if it were a full criminal investigation right from the start. But often it is not treated that way, for all the reasons that are present on a work site. That is one aspect. The other aspect is that the way work sites are organised nowadays is very complex legally. You do not simply have one employer. You have contractors and subcontractors. In fact—

THE CHAIR: Sub-sub-contractors.

Mr White: Indeed, without getting too involved in this, the legal framework is set up to minimise liability and to diffuse liability. That is what we are hinting at when we talk about the technical nature of these sorts of prosecutions. We are operating in that environment. It is a commercial environment which is set up for a particular reason but it is a difficult environment for prosecutors.

MS LE COUTEUR: So possibly one of the things is talking to the Work Safety Commissioner about what their staff do in the case of something being serious enough that there could be a prosecution?

Mr White: Yes.

MS LE COUTEUR: But, apart from that, it is also, from what you are saying, some better way of saying, “Okay, you were the people responsible,” not “There are 20 companies here. We have no idea.”

Mr White: Yes. The WorkSafe laws are set up so that there are multiple duties. In other words, it is not one person on a work site who has a duty; it is everyone on the work site, including the workers themselves, who have a safety duty. Nevertheless, sometimes the duty slips down a crack between different entities or it is difficult to prove.

MS CODY: Are there cases that are brought to you that you just cannot prosecute, for a whole range of reasons?

Mr White: Yes.

MS CODY: Is that a high number of cases, would you say?

Mr White: Are we talking work safety prosecutions?

MS CODY: Yes.

Mr White: It is not a high number but, given the high profile of those sorts of matters, it is always very distressing to have to discontinue or not prosecute a matter where there has been a death or a serious injury on a work site.

MS CODY: Recently in the newspapers we saw the bridge—

Mr White: Yes.

MS LE COUTEUR: The bridge one comes to mind as a high profile one.

Mr White: Yes, indeed.

THE CHAIR: Do I understand correctly that there were also time limits that had expired?

Mr White: There was a time limit problem, which—

THE CHAIR: Do you think that needs to be addressed?

Mr White: I think that is a bigger policy issue, but the more immediate issue is the immediacy of the investigative response and the quality of the investigative response. Often—and I am not talking about specific cases—expert reports about why things have failed, why work practices are unsafe and so on need to be obtained, they need to be of unimpeachably high quality and they need to be highly reliable. So there is a lot that goes into those cases.

MS LE COUTEUR: Is it similar to the legislation we are about to consider about crime scenes and tidying them up? Is that what happens at a construction site? Something happens and everyone does what they think is their duty and tidies it up?

Mr White: Yes, that can be an issue.

THE CHAIR: My understanding is that they down tools.

Mr White: Yes.

THE CHAIR: Finally, Mr White, could you reflect on a brief statement. I have sat here on the JACS committee as a member and now as chair for some time, and I keep hearing the same things from various different bodies. Would you say that we have a significant problem with a huge increase in crimes that can be dealt with? It could be that it is the actual crimes that are going up in number, which we have obviously seen through police reporting, or it is just that the volume of rubbish going on in this place is increasing at a rate of knots? Would you say that is fair? It is certainly the impression that we get sitting here.

Mr White: And it is the impression that we get sitting over in my office. It is not just the volumes that are increasing. It seems to us that the seriousness and complexity of matters are increasing.

MS CODY: I know that domestic violence is becoming not as taboo.

Mr White: Yes.

MS CODY: People are talking about it more.

Mr White: Yes.

MS CODY: Do you think that has also increased—

Mr White: Yes, it has led to increased reporting, and of course it is exactly what we want.

MS CODY: Absolutely.

Mr White: Ms Cody referred to the unit that we have. We want to encourage people to bring these matters forward.

THE CHAIR: Yes, but for good or bad reasons, is it fair to say we are dealing with a bit of a tsunami at the moment?

Mr White: I do not necessarily want to engage in those sorts of terms, but I have to agree that from our perspective there does seem to be an increase in the number and complexity of matters.

THE CHAIR: I know you cannot necessarily analyse this, but from your perspective, do you live in hope that it is a bubble that will pass, or do you think that, because our population is going up, we just have to continue to address this?

Mr White: I am afraid it is the latter. To a certain extent Canberra is growing up, and part of that maturity includes an increased seriousness of types of crime.

THE CHAIR: Serious and more organised crime.

Mr White: Particularly but not exclusively motorcycle related.

THE CHAIR: Yes, outlaw gangs are an issue. Thank you so much, Mr White. Before we suspend for a short break, on behalf of the committee, I would like to thank all witnesses who have appeared this morning. When available, a proof transcript will be forwarded to witnesses to provide an opportunity to check the transcript and suggest any corrections.

In relation to the proceedings today, answers to questions taken on notice should be provided to the committee office within 10 business days after the receipt of the uncorrected proof *Hansard*, with day one being the first business day after the uncorrected proof *Hansard* is sent to ministers and statutory office holders by the committee office.

All non-executive members may lodge questions on notice, which should be received

by the committee within five business days after the uncorrected proof is circulated, with day one being the first business day after the proof *Hansard* is sent to ministers and statutory office holders by the committee office. Responses to questions on notice should be provided to the committee office within 10 business days of receipt of the question, with day one being the first business day after the questions are sent to ministers and statutory office holders by the committee.

It is noted that time frames for responses to questions taken on notice and questions on notice have been determined by the JACS committee for its inquiry into referred annual reports. These time frames may differ from those of other committees, if witnesses are involved there, but this is our requirement. I will now suspend the hearing for a short break.

Hearing suspended from 10.20 to 10.59 am.

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

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

Playford, Ms Alison, Director-General

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

Lutz, Ms Amanda, Manager, Restorative Justice Unit, Legislation, Policy and Programs

McIntosh, Mr Andrew, Director, Justice Planning and Safety Programs, Legislation, Policy and Programs

Chief Minister, Treasury and Economic Development Directorate

Snowden, Mr David, Chief Operating Officer, Access Canberra, and Commissioner for Fair Trading

THE CHAIR: Thank you all for your attendance. The Standing Committee on Justice and Community Safety will now resume the public hearing for its inquiry into the 2016-17 annual reports. For this part of the morning and in the early afternoon the committee will examine the justice, community affairs and road safety portfolios, specifically relevant parts of the 2016-17 JACS annual report relating to the protection of rights, followed by the corrections portfolio from around 12, specifically relevant parts of the JACS annual report relating to Corrective Services and the Sentence Administration Board.

I remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. I would like to remind witnesses that the microphones do not amplify; they only record. Sometimes on this side of the table we have trouble hearing what you are saying. We want to hear all of what you have to say, so please speak up.

On behalf of the committee, I welcome Mr Rattenbury and the officials from the JACS Directorate, and anyone appearing from Chief Minister, Treasury and Economic Development. Before I begin, I remind witnesses of the protections and obligations entailed by parliamentary privilege and draw your attention to the privilege statement on the table. I ask you to acknowledge that you understand those implications.

Mr Rattenbury: Yes.

THE CHAIR: Thank you. As I said earlier, for around the next hour or so the committee will be considering the consumer affairs and road safety part of JACS, as per output 1.5, protection of rights, in particular. Before we proceed to questions, do you have any opening statements on this area, Minister Rattenbury?

Mr Rattenbury: No. I am happy to go straight to questions.

MS CODY: I have a couple of questions on road safety. First of all, I want to go to something that is a bit close to my heart—not that I can do it, because I am on my Ls. The motorbike lane filtering trial—how has that worked out?

Mr Rattenbury: I think quite well overall. There was a push from the motorcycling community to enable this to happen. We will come to the more substantive feedback in a moment, but I have not received any negative feedback, and my general perception is that it works well for the motorcycling community. I see people doing it actively now.

MS CODY: Yes, me too.

Mr Rattenbury: And I am not seeing any aggravation around it in the sense of continuity. Now that Ms Field is here, she may be able to add something to that general anecdotal observation.

Ms Field: Thank you for the question. The formal review of the lane filtering trial is underway. It has started; it is not finished yet. At the moment we are expecting an interim, a draft, report at the end of the month. The people evaluating that are the Sunshine Coast university; they are helping us out with that one. I think we have some survey results and things like that, but we are just waiting to put it all together. The next step is that I will brief the minister. But, as the minister says, anecdotal responses are quite positive.

MS CODY: I would assume it is cars, trucks and buses that would have any issues, if there were any. That does not seem to be happening?

Ms Field: We have to wait until we get the full results, I think.

MS CODY: Okay.

Mr Rattenbury: We set very careful guidelines around it in the sense that traffic should be either at a stop or moving extremely slowly, and also people are not allowed to use bicycle lanes or kerbsides. Again, my observation is that the motorcyclists have stuck to those conditions.

MS CODY: Absolutely.

Mr Rattenbury: I think that has removed the potential aggravation points that could have arisen.

MS CODY: I have another question about road safety matters. In the table on page 128 of the report there is a bit of a flattening out towards the end of the national data for the number of road fatalities. We seem to have had a massive drop, which is fabulous. Is that right? Am I reading that correctly?

Mr Rattenbury: Sort of. There are two components to it. One is that nationally we have seen the road toll actually rising. This is a source of considerable concern to road safety ministers across the country; in fact, we are having a meeting this Friday.

I know that the federal minister, Darren Chester, is very focused on this issue. People are looking at why that is happening and what further responses we need to make. With the ACT figures you will see that the line goes up and down a lot.

MS CODY: Yes.

Mr Rattenbury: Our numbers are quite small. We tend to fluctuate between six and 15. That is why you see that graph. It looks quite dramatic, but literally we can go from 12 to eight in a year. You could say that our road toll has dropped by 33 per cent, but it is not really appropriate to describe it like that.

Ms Field: It is not statistically significant.

Mr Rattenbury: Thank you.

Ms Field: It is a small numbers issue.

MS CODY: Yes; absolutely. I am assuming—

Mr Rattenbury: You are right in the sense that we have had a drop this year, but we could equally see the graph go up next year and it would not represent a significant change in road behaviour in the ACT; it would be more that vagary of small numbers.

MS CODY: Has the road safety strategy played a part in educating road users to be more aware, hopefully, about reducing road fatalities?

Mr Rattenbury: The road safety strategy, which is 2016-20, has 42 or 38 initiatives in it, something of that order. They are targeted. What we see in the ACT is a disproportionate number of people in two categories represented in our road fatality and crash statistics. That is younger drivers and older drivers, and a lot of effort is going into those two particular areas. The other is vulnerable road users—motorcyclists and cyclists particularly, and pedestrians to a lesser extent, but certainly those first two categories. That is why you will see in the road safety strategy that those three themes are most represented in the road safety strategy as a targeting of resources.

MS CODY: Yes, absolutely.

MS LEE: In terms of trials, there is a segway trial. Can you give us an update on that?

Mr Rattenbury: Yes. We have moved past the segway trial now and have changed the regulation to allow the use of segways under certain conditions on cyclepaths and similar areas across the territory.

MS LEE: I know it is early days, but have you had any feedback about regular users yet?

Ms Playford: I think we have had very little feedback and very little evidence of a large uptake of segways. They are quite expensive pieces of equipment.

MS LEE: Yes.

THE CHAIR: You see them round the parliamentary triangle a bit.

Mr Rattenbury: In changing the regulations I do not expect a massive uptake of them, but we were in a situation where we had the commercial operation in the parliamentary triangle operating for a number of years. The operating standards around that have worked fine. There was a suggestion that we had to decide whether to go the next step, and it seems logical just to allow that greater use. I do not expect a massive uptake.

MS LEE: Just on a follow-up question on tailgating, which is a bit of an issue, there was a suggestion about the idea of chevron markings. How is that trial progressing?

Mr Rattenbury: TCCS are actually responsible for the rollout of the chevron markings. I cannot, off the top of my head, think where it is up to. We will take that on notice.

MS LEE: No worries; thank you.

Mr Rattenbury: It is there as a trial. It was suggested to me a while back by a constituent who said they had seen it overseas somewhere. I had TCCS and the road safety team have a look at it, and they formed the view that it was worth trialling it in the territory, particularly somewhere like the Tuggeranong Parkway and some of those high speed roads where people tend to go at such high speeds and be relatively close together. It is those environments where it is considered to be most effective.

MS LEE: Thank you. I might stick with road safety since we are on the theme. With light rail obviously there has been a lot of work going on. Have we had any increases or impacts on accidents and safety issues that have arisen since the works have commenced?

Ms Field: I am not aware of any, no.

Mr Rattenbury: No, I am not either.

MR HANSON: Have you looked at the effect of light rail and whether that is actually going to need any change to traffic laws for safety? Are there any pre-emptive changes that we are going to need to make?

Mr Rattenbury: There are. There are a range of them. There are two tranches of legislation coming through. The first one has just gone through the Assembly in the last month or two. That made a series of changes that related to issues such as driver licensing requirements for the drivers' insurance requirements and the like. There is a second tranche of changes coming through. They relate a bit more to passenger-related issues, ticketing and the like, and there may be some further road rule changes in that.

Ms Playford: Just to amplify that, we are looking to extend a number of the

infringements et cetera which apply on other forms of public transport, like buses, to the light rail environment.

MR HANSON: Let us hope we do not have to turn right from a left lane.

Mr Rattenbury: I have never understood that. There will not be anything major like that.

MR HANSON: I have another question in the road safety area, about electric bikes. I was driving home last night and this thing whizzed past at a million miles an hour. I thought, "Wow, he's pedalling hard," but he was not pedalling at all. He was going up a hill in an 80-kilometre area, and going very fast. It struck me that this individual on one of these electric bikes was wearing lycra, with a light helmet on, whereas if you are on a motorbike, like Ms Cody, she is there in her leathers and all the appropriate gear. Is there any review of electric bikes? They are a great idea, but the technology seems to be at a point where electric bikes seem to be going at the same speed as the rest of the traffic. They are not now in a bike lane and so on. Is anyone looking at this in terms of road rules and safety?

Mr Rattenbury: It is a very interesting question. Again, we have put restrictions in place for the power. It is legal to have an electric bike in the ACT. We have also made some modifications to the rules about the types of motors you can have. You may recall we had a fatality a couple of years ago when a fellow fitted a motorbike engine onto his pushbike. It was some sort of small engine and he was killed in an accident. So we have put in place those power restrictions as an initial step.

Your broader question around safety gear and the like is an interesting one. To be honest, a good road cyclist can hit 80 kilometres an hour down Hindmarsh Drive and they are not constrained at the moment. The bikes are, of course, constrained to the speed limit. That applies in any speed zone. They are probably the main restrictions that are in place at the moment.

MR HANSON: I was just curious about it.

Mr Rattenbury: The other thing I am concerned about with electric bikes is that for motorists they may misjudge the speed because they are not expecting bikes to be quite that fast. It is something that some road cyclists already experience because motorists misjudge how fast a pushbike can go. That has the potential to be amplified by electric bikes. I am concerned about that. Whether there is a clear answer to that is another question.

MR HANSON: There is no body of work reviewing the issue as such?

Mr Rattenbury: No. You have prompted a good question and I will have a look at whether there is any research happening in other jurisdictions. If there is, we will provide it on notice. I am not aware of anything at the moment. It is probably one of those brand-new issues that no-one has started to look at.

MR HANSON: Yes, it seems to be a bit like with segways or something like that. It is an emerging area.

Ms Playford: When the segway review was done in 2016 there was some consideration of electric bikes, mobility scooters and other things that are on the roadways and footpaths.

MR HANSON: It probably goes faster than Ms Cody's Harley! There is a certain banter between all other riders and Harley riders.

MS CODY: Yes, Harley riders are fabulous!

Mr Rattenbury: Depending on which gang they belong to.

THE CHAIR: Yes. I was going to make a comment like that but I decided against it.

MS LEE: I wanted to go to fair trading and scams.

THE CHAIR: Yes, you can do anything within this space. We will just go all over the shop.

MS LEE: I might be jumping around a little bit; is that all right?

Mr Rattenbury: That is fine.

THE CHAIR: The people in the room are very adaptive, nimble and flexible.

MS LEE: The question more broadly is that there has been anecdotal evidence of increases in more sophisticated types of scams—things through mobile devices, the internet and that type of thing. There are even phone calls that require you to just answer “yes” and they can use that as an automated way to scam. Can you give us an update on where we are with making sure that we combat this and notify and warn people about some of these dangers?

Mr Snowden: Yes. Scams are more pervasive and, as you are quite rightly saying, Ms Lee, they are moving into the digital space very quickly. We work really closely with the ACCC in this space as well as with ACT Policing, and we are a member of the Australasian Consumer Fraud Task Force. The Consumer Fraud Task Force is made up of all of the fair trading jurisdictions of Australia and New Zealand, as well as a number of key law enforcement agencies across the country, including most state police forces and the Australian Federal Police. It is also backed by research through the Australian Crime Commission.

The Australian Crime Commission has done a considerable amount of work in this area in evaluating the impact not only in relation to consumers but also across business losses in Australia. It is now recognised on the organised crime threat assessment for the commonwealth. So you are quite right in saying that it is problematic.

In terms of what we are doing about it, we work to disrupt. The most important mechanism that we see, because most of it happens offshore—it is not located in Australia—is to arm consumers and businesses with information in relation to

preventing potential losses. Of course, the perpetrators of these types of activities are not fly-by-nighters. The intelligence suggests they are organised crime syndicates and they are very well resourced. As we adapt, they adapt quicker; also the use of their technology is very adaptive.

From an Australian perspective, we are a small but important player. We contribute actively in the discussions of the Australasian Consumer Fraud Task Force. I know that members of that particular task force are engaged internationally through organisations such as the International Mass Marketing Fraud Working Group. They work very collaboratively across the globe to disrupt this type of activity.

MS LEE: In terms of the public education and information that is out there, what type of mediums do you utilise?

Mr Snowden: We use the obvious mediums such as websites and the like, but we also have quite targeted representations to more vulnerable elements of our society. For instance, this year we have gone out to various businesses, as well as consumer groups, including retirement villages, where we educate consumers in relation to the types of activity that they may expect in relation to scams. It may be from a telephone call. The Microsoft scam was one of those obvious ones that emanated from India. Of course, there is the all-pervasive email-type scam—the classic Nigerian-type scams, as they call them.

It is really important to educate businesses and consumers about what they should look for in terms of the language and the response to grooming. They try to set up some sort of relationship activity before they ask for money. Inevitably, that question will be posed to them. That could come from a range of examples, such as, “I want to come and meet you.” That is the classic dating scam. Or it could be: “I’ve got a sick child and I live in a Third World country. Can you assist me?” The general type of scam now is not necessarily to ask for money up-front but to invest in the time, facilitate that ongoing relationship with someone, ask for money, and then it necessarily increases. We are aware of incidences where people have lost quite a bit of money through that.

MS LEE: In terms of talking about vulnerable groups, you referred to retirement homes and the elderly, but what about people with a disability or from culturally and linguistically diverse backgrounds? Do we have enough resources? Are we doing enough to make sure that those vulnerable groups have the right amount of protection or information to be able to not fall for these scams?

Mr Snowden: Again we are working through the commonwealth agencies in relation to that. We can leverage off their ability to get material and expertise in, in relation to working through the NDIS or through CALD groups. Generally we will replicate that information here and push it out on a local basis.

THE CHAIR: In multiple languages?

Mr Snowden: I am not sure about how many languages we do. I would have to take that on notice.

THE CHAIR: Can you please take that on notice? That would be great. Thank you, Mr Snowden.

MS CODY: What about for visually impaired members of the community? Do you have ability to support them as well?

Mr Snowden: I am not sure whether we have any direct information. I know that I have had discussions with the Canberra Blind Society in relation to this issue. They have pushed out information through their systems. Locally we have not developed anything specifically in relation to visually impaired members of our community.

MS CODY: But you do help to access services?

Mr Snowden: Yes, indeed.

MS CODY: Can we go to restorative justice? Could you give us an update? I know that we spoke a lot about the restorative justice side of things at the last hearings. There have been some changes to the restorative justice model; is that correct?

Mr Rattenbury: We have had restorative justice in the ACT for some time for juvenile offenders. A couple of years ago we moved to what is known as phase 2, which means the adult offenders. During 2018 we are due to move to phase 3, which is for more serious offences, violence and sexual assault related offences. There is a whole lot of preparatory work going on in that regard at the moment. That might be the area you are referring to. I am happy to go further if that is the area where you want to ask questions.

MS CODY: Can we start with how we are going with phase 2 and then move on to phase 3?

Ms Lutz: We are doing quite well in phase 2, actually. We had over 120 referrals for adult offenders and we had 160-odd for the young people's referrals. So it has been a really good uptake. Where we perhaps need to lift is in community awareness about potential benefits for RJ so that victims of adult matters feel confident in embracing that opportunity and participate. For that stage we are building that awareness and getting involved in lots of activities and some media to raise awareness of the program.

MS CODY: When you say "raise awareness", is that to raise awareness for both victims and perpetrators?

Ms Lutz: Absolutely. We do that work with our key stakeholders across the criminal justice system, non-government agencies, and most particularly victims' advocacy agencies. We have been working closely to build up those relationships of trust, especially in those areas, to get a really good shared understanding and collaborative framework for how we will work together for the phase 3 matters, which include family violence and sexual offences. They are the last categories that remain to be available at this stage.

MS CODY: With phase 2 for adult offenders—and I do not want you to list

everything—what are the types of offences that fit into that structure?

THE CHAIR: Or who have taken it up?

Ms Lutz: It includes less serious and serious offences. Less serious offences are those that attract 10 years for a personal offence or 14 years for a property offence or less. Serious offences are offences that attract maximum penalties beyond that. That is a very brief categorisation. There might be assaults occasioning actual bodily harm that fall into the less serious category. There might be assaults occasioning intentional grievous bodily harm that fall into the serious category. In the less serious category there might be motor vehicle incidents where there is negligence and somebody has been seriously harmed as a result. There are thefts, robberies—quite a lot. As I said the only offences at this stage that we would not take are for family violence and sexual offenders. If we had a victim who was interested in participating in a matter that involved a murder or manslaughter, they are available right now.

MS CODY: I have a friend who is currently undertaking your restorative justice process. It was really interesting to listen to his views on it as well. You have confirmed that there is some really good take-up and people seem to be getting a lot out of it. Phase 3 is a little interesting, particularly from a sexual assault or a domestic violence perspective. Do you have some parameters in mind? How do you think phase 3 is going to roll out?

Mr Rattenbury: The very important thing to note at the start is that it is always a voluntary process. People are not required to participate. The formal answer to your question is that there are a series of guidelines that are currently being developed in partnership or in consultation with a range of key community stakeholders, particularly in this case some of the victim support groups like the Rape Crisis Centre and various other groups that you would imagine would be operating in this space.

That very simple premise, that you do not have to participate, is the most important part of the process, particularly in this sort of space, which is so very personal and so very sensitive. Having said that, the premise is that for some people it will be beneficial and can offer them an opportunity to seek a degree of resolution that might not be available through a traditional criminal process.

THE CHAIR: There is often no resolution.

Mr Rattenbury: It is not just about the victim; it also, of course, requires the perpetrator to be willing and able to accept responsibility for what they have done.

MS LEE: I have a supplementary on that.

THE CHAIR: I have a supp first, if that is okay, and then we will come to you.

Mr Rattenbury: I am happy to spend some time on this.

THE CHAIR: I think there are lots of questions in the community about how you can have victim and perpetrator in a room with a person who is facilitating a conversation, how that can work out well. I am sure I should say that in some cases it can. The

discussions in the current conferences that are held when you put all those people in a room together with support people for each of those who are involved are somewhat scripted—not entirely, but somewhat scripted. Have you started work on a script that might work in a domestic violence or sexual assault case, or has that been developed elsewhere?

Ms Lutz: Yes, it is a structured and guided dialogue. It may not be face to face; it might be an indirect process with various means of communicating in indirect ways, using videoconferencing, the telephone or a written exchange of communication. If all parties are keen for a face to face, then, yes, it is a structured dialogue; the convenor is very much in control of that process and makes sure that everybody gets to have their say in the way that has been proven to be the safest and most effective way for listing the kinds of responses that work well.

THE CHAIR: Is there another jurisdiction that we know of that has gone down this track already with these types of offences through an RJ process?

Ms Lutz: We know that New South Wales have been using restorative justice for serious and violent offences, including domestic violence and sexual assault, for well over two years now. One victim of sexual assault in Canberra was able to have a conference with her offender, who was at that time in a New South Wales prison. We did not have a prison then. It was very successful, but it was a very slow preparation. At the end of that, she was still very nervous about going into it, but she felt it was the beginning of her healing when she finally had that opportunity.

Queensland runs restorative justice options for adolescent sexual offenders. We have had some training in the model that they use. They refer to that as RJ-plus. It is extra support, including specialist support from agencies who understand the dynamics behind those kinds of offences.

THE CHAIR: Before I hand over to Ms Lee, it has occurred to me that some of us have had the good fortune to sit in on a conference, but most of the community never will. I just wonder if you have considered depersonalised stories or people's feedback on how it has affected them afterwards, both from the perpetrator and the victim perspective, because there just is not a visual. It is not even like a court where it is open and reporters can come in. It is for a reason that RJ is done the way it is; I just wonder if you are ever going to get people to catch up on the benefits of the system unless you can put out there some stories of how. I witnessed an adolescent one, or a young offender one, a couple of years ago, and I am sure that person now reflects on it and says, "It was a good thing for me at that time." You could even potentially go back and get some volunteers to talk about their experience. It is just a suggestion.

MS LEE: The question I was going to ask was about whether it has actually happened in other jurisdictions. As a follow-up from that, New South Wales have had it for 10 years, you were saying, Ms Lutz. Presumably they do reviews to ensure that they are up to best practice. Are we keeping in regular contact with those jurisdictions to ensure that we are also keeping up to—

Ms Lutz: There was a review that was published, I think a year ago, in relation to the New South Wales serious and violent offending, and the restorative justice used for

that. That showed a very successful program. In terms of whether we are getting the stories out there, yes, that is one of our issues. We do protect the privacy and confidentiality of everybody that goes through a process. That is especially true for young people. But we have had people—

THE CHAIR: There are ways.

Ms Lutz: We have had participants who have agreed to participate in media. There was a story on Channel 10 news one Sunday evening that talked about it and had actual participants who discussed their experience as part of the story. It is really hard to reach everybody. We run events occasionally, where we have had victims who have been part of past conferences come and talk about their experience. So we are doing that. I guess that is a really important part of enabling access to this program.

Mr Rattenbury: Perhaps I could just add that I appreciate the sort of—I do not know quite what the right word is—nervousness behind moving to this phase. It is something I am very conscious of as well. Under the legislation, phase 3 does not start until the minister signs off. There is a sort of process. I have been very clear with the team that, whilst 2018 is the target date, we will not start until we are ready.

THE CHAIR: Yes.

Mr Rattenbury: Until they feel that the guidelines are right and they have been developed with our community partners to a point where the community has trust that the guidelines are right—and certainly until the team say to me that they feel they have got the training and the processes ready—we will not start phase 3. It is quite sensitive. There is a degree of risk in this. There is also, obviously, significant opportunity if we can provide a better process for some people. It is just getting that balance right.

THE CHAIR: I think the main issue with this point, minister, having been sitting here on this committee for quite a few years now, is that no-one has been able to enunciate how people would be treated properly in this process. It is not that there is any accusation that they would not be, but we have not had a clear idea of, for example, how the script would work.

Mr Rattenbury: I see.

THE CHAIR: It is hard for people to picture. There is even today's conversation, which says that people might not be in the same room and the process might be slowed down where you have a response and then a response and then a response and then a response so that people are having time and they are not expected to respond on the spot. For example, that information is really useful for us, but we have not had that information until now.

Mr Rattenbury: If you would like, as the JACS committee, to have a separate session where the RJ team comes and briefs you on the process in more detail, I would be very happy to facilitate that.

THE CHAIR: As far as the committee is concerned, in relation to our other work in

the space of DV that might be an excellent thing for us to have a meeting about. Yes.

MS CODY: Can I just ask one final question on RJ?

THE CHAIR: Yes.

MS CODY: I have a lack of knowledge about RJ; I will be honest. What are the skill sets of the people that undertake restorative justice, from the official side of things?

THE CHAIR: Those who manage the conferences and so on.

Ms Lutz: They come from all different areas. They might be from criminal justice areas; they might be from teaching. We have people from youth justice and adult corrections backgrounds. We have people who have just been with the unit, who have been there for 12 years and have had the benefit of multiple training and years of experience.

THE CHAIR: They are very calm people, I believe.

Ms Lutz: A very mature group who embody the values of restorative justice—the principles of inclusiveness, understanding, being non-judgemental, being very passionate about justice and about fairness. It is bringing the right people in and training them up. We are on a very steep learning curve and we have been engaging a lot of different agencies and training, making sure that we are building that capacity for our clients now and in the next phase. Ms Lee, I am not sure I answered all of your question.

MS LEE: I suppose it was just seeking confirmation and providing a bit of reassurance to the committee but also to the public that we are, as a jurisdiction, making sure that we are on top of the latest reviews, the best practice and that type of thing.

Ms Lutz: Absolutely we are.

MR HANSON: On a different issue, on staffing, have you conducted any staff surveys, culture surveys or reviews in recent times?

Ms Playford: Yes. JACS has, for the last 10 years, every two years, run a cultural survey. There was one done in February of this year.

MR HANSON: What have you done with the results? Can you give me an update on how the staff survey went and what the findings were?

Ms Playford: Yes. Obviously we are a very diverse directorate and there is a diversity of results across the directorate, so it is very hard to talk in general terms. In general terms, the directorate as a whole have not moved very much from where we were, which was very much a consolidated culture. There are a range of cultures that a directorate can have. In terms of how we have disseminated that, we have an organisation called Best Practice Australia which conducts the staff survey for Justice and Community Safety—and have done, as I said, for a period of time.

We provide information sessions that they run on our behalf for staff. We have separate sessions with all the managers around the individual results in the teams. Then we have a process which is coordinated through our HR area where I require all of our managers to report to me on actions that they will be taking in their areas on things that might have come out of the staff survey in their areas. That is reflected through the performance plan process that we have for their formal performance plans.

MR HANSON: Does Best Practice Australia do the survey and come back with a report and recommended outcomes?

Ms Playford: Yes, essentially. It is essentially the same survey that we have been running for a number of years. It gets slightly modified each year. They run surveys for a whole range of both private and public sector organisations. They provide us with feedback on how our organisation fits with other public sector type organisations. We are relatively standard for public sector organisations.

MR HANSON: Is this JACS specific or is it consistent with other directorates in the ACT public service?

Ms Playford: This is JACS specific. I understand that a number of other directorates conduct staff surveys. I cannot remember who, but I think at least one or two others have used this company as well.

MR HANSON: But there is no sort of directive from the Head of Service or something to use a particular agency or methodology?

Ms Playford: No. There has been discussion at different times around having it ACT public sector wide. Obviously there is the state of the service report that the Public Service Commissioner does each year. This is something that had already been instituted when I arrived at JACS, and now there is a sense of some longitudinal data, so I have seen value, and there is value for managers, in having those conversations and facilitating conversations in staff groups.

MR HANSON: They are comparing apples with apples. Has that report been made publicly available?

Ms Playford: No, it has not, because it is very much an independent internal document that we have used within the directorate.

MR HANSON: Is there a summary available, though, in terms of judging where the staff issues are and so on? I am not asking for the—

Ms Playford: I can take it on notice and look to what would be appropriate to provide.

MR HANSON: I think it would be of interest to the committee and members to see, particularly if it is longitudinal, “Okay, this is an area that has got issues. What is being done about it?”

THE CHAIR: When did it start?

MR HANSON: As opposed to issues where there might be improvement or decrease or plateauing or—

Ms Playford: Yes.

THE CHAIR: When did this organisation start your surveying?

Ms Playford: My sense was that we had a decade's worth of data. I guess that 2007 was the first time, or 2006-07, yes.

MR HANSON: I think that would be very interesting because, particularly within JACS, there are some areas which I imagine are very high pressure, very demanding.

Ms Playford: Yes.

MR HANSON: A lot of the front-line service areas.

Ms Playford: Absolutely, and that is what I said. There is great diversity across JACS and of course there are discussions around the context and comparisons with other, for example, emergency services agencies across Australia. There are people who work in very much office environments.

THE CHAIR: Or even across the different agencies.

MR HANSON: But even that could be interesting. You do a new courts building and all of a sudden you get better results or whatever it might be. It would be, I think, interesting data. Obviously there would be some in-confidence elements to it that I do not think the committee would be interested in, but we would certainly be interested in the analysis and results. Where are the problems? Where is the success and what are we doing to learn from success and to remedy any problems?

MS CODY: I want to know what the uptake of the survey was. I am assuming it was not compulsory. What is the percentage of staff that do undertake the survey?

Mr Pryce: We have about 1,700 employees and this year we had, I think, the highest return rate that we have had in a while. It was between 900 and 1,000 employees voluntarily putting submissions in.

Ms Playford: We are told that that is fairly average for public sector organisations in terms of participation rates and, again, across various business units we have varying rates of engagement. It is obviously harder to get our staff who are on rosters and out on the road to sit down and do surveys. We have had various strategies on how we can assist those staff in terms of uptake, but, clearly, for some staff it is easier to access those mechanisms and you do get some diversity across the organisation once again. I guess the feedback we have from Best Practice Australia is that our returns are statistically significant and also that they are pretty much in line with what you would expect for public sector agencies.

MR HANSON: And have you identified any problem areas? In ESA or in corrections

or in administrative staff, are there areas at the moment where that data says there is more work to be done, there are some staffing issues in particular areas?

Ms Playford: The survey, as you would expect, points to a whole range of issues where we can do better. One of the positives of this survey certainly was in relation to the questions it asks around bullying and harassment. We actually saw some good improvements, which helps us to reflect on various measures we have taken over recent years in those areas. But certainly across the agency there is a whole range, and it is probably a bit difficult in this forum to get into that detail.

MR HANSON: I expect that there would be consistent issues across the board, but do you look at it and go, “Right, this is a functional area”? I know that there were problems in the Ambulance Service a while back. Are you looking at this data and saying, “Okay, but there seems to be an ongoing or emerging area of concern in a particular area of the service,” or not?

Ms Playford: We certainly use this very much as a management tool, and I guess it is one of many sources of data that we have about how our organisation and various parts of our organisation are going. We very much analyse it in the context of it as a piece of data, and it is part of the discussions we are having.

MR HANSON: But moving beyond the process of it, then, I am specifically asking: having looked at this data and having the benefit of 10 years, is there a particular area within JACS that you think has a staffing problem? I am not saying it is a management problem or anything like that, but are there areas, for any complex number of reasons, where you look at it and say, “Yes, there is an ongoing issue and we get below average”—or whatever the terminology would be “in emergency services”?

Ms Playford: There are a range of issues which are quite different for different business units and we absolutely do see and have discussions around those issues. There is not one that stands out above all others that I can talk to. It is probably better if I look to see what we could provide you at a more generic level that provides some detail about what some of the issues are, because they are different issues in different business units, as you would expect.

MR HANSON: It might be because the accommodation is appalling or it might be—

THE CHAIR: We might go to Mr Milligan, who has got a burning desire to ask a question.

MR MILLIGAN: My question is in relation to justice reinvestment and the Yarrabi Bamirr trial and the bail support trial. In the annual report it mentions that the first trial will use a family friendly service support. Was this trial actually conducted in the 2016-17 financial year?

Mr Rattenbury: I just misheard. Which trial you are referring to?

MR MILLIGAN: The Yarrabi Bamirr trial.

Mr Rattenbury: Yes, that trial is now underway. I launched that with the CEO of Winnunga, Julie Tongs, on 27 April this year. The initial intent with Yarrabi Bamirr is that we target 10 families. The premise of the program is to try to engage families who either have been involved with the criminal justice system or could be. Of course there is a bit of sensitivity in identifying people, but that is the strength of the partnership with Winnunga. They know their community well and they are able to, through the culturally appropriate way, engage those families.

MR MILLIGAN: How are they engaging with those families? What are they offering—what services and what support?

Mr McIntosh: Winnunga have got a case management model, a family-centric case management model, where they effectively work with a family, work on a family plan, family goals, those sorts of things. What service provision will be provided to every family will differ depending on the needs of those family members. Winnunga have a history of being able to deliver this service model.

What we have done is also to provide additional support through a number of other agencies which we think are likely to be able to be engaged or would likely be engaged by Winnunga as well through the trial—organisations like Domestic Violence Crisis Service, ACT Policing, those sorts of agencies—where we can build a framework of support that those families may need.

MR MILLIGAN: Have you got any measures in place to monitor the success of this trial and when will those results be made available, if they will be made available publicly?

Mr McIntosh: In co-designing the model that we would use for the trial with Winnunga we also worked with partners at the ANU to design an evaluation model. They were in on the ground level to know what evaluation methods and markers we would use to evaluate the trial as we went. At the moment we are still obviously in the trial phase and we will be collecting all that data. It will be a bit of time before that will be available.

THE CHAIR: Is there anything about this trial that tackles school attendance and academic achievement of the younger generation or the emerging generation of children in these families?

Mr McIntosh: One of the key parameters for families to be involved in the trial is that there were children as part of this family and that, as the minister indicated, it might be those family members that are at risk of engaging with the criminal justice system. Working with Winnunga and partners and police, we are certainly seeing a number of younger people who sort of are abutting on the system but are not quite there yet. Engaging with the services in education to re-engage those people in schooling is absolutely part of those family plans as well.

THE CHAIR: Is there anything in those family plans about school attendance, reasons for non-school attendance like we have seen in Cape York with some of the charter school-type work, where they actually follow up with families if children are not attending or enthusiastic, getting to the bottom of why?

Mr McIntosh: The family plans are very individual. We certainly would not be able to talk about the details of what those are, but I can tell you that what they do at Winnunga is that they address the needs of those families as they are specifically related.

THE CHAIR: Is educational attendance one of the outcomes that is trying to be achieved?

Mr McIntosh: Yes, that is absolutely a focus of ours.

THE CHAIR: And is it being measured?

Mr McIntosh: It is absolutely a focus of ours, education.

Mr Pryce: Of the 10 families, there are a number that do have schooling attendance as a priority action as part of their family plans, absolutely.

THE CHAIR: I think there is a lot to learn from Noel Pearson in this space.

MS LEE: I want to talk about the high-density housing safety and security program. It has been operating for almost 10 years. I know that in the report at page 40 you have outlined a couple of the good results from it, but could you give us specific examples of what that program was about? There is a lot of “the program does this and it is designed to do this” but there is actually no detail about what that program involves.

Mr McIntosh: Certainly. As you say, the program has been running for approximately 10 years now at Ainslie Avenue. It is based around engaging a community, in effect. It is getting people who are living perhaps in a tough environment to engage and build a community to make that environment much more sustainable, a better place to live. That has, obviously, benefits in a justice sense but also in a social sense for those people. Practical things are about bringing people out of their flats and into community gardens, where they are growing produce and using that then in their own kitchen. We have brought in the service provider. ReLink Australia has worked with Red Cross and organisations like that who will then come and teach people how to cook and how to use those services. It then also gives us the ability—

THE CHAIR: It follows on.

Mr McIntosh: Yes. It gives us the ability to engage other services and get to know people’s needs and then link those people in with those services.

There is also a skill centre at Kanangra Court, a woodwork shop, where 20 or 30 people a session are being drawn out and are coming into this to build things and restore furniture. Some of the things they are preparing there have been donated to the local school, Ainslie Primary School, to raffle them off. It is people doing it tough giving it back as well.

THE CHAIR: Building up their self-esteem?

Mr McIntosh: Really engaging with the community is what it is about.

THE CHAIR: The committee will suspend.

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

Peach, Mr Jon, Executive Director, ACT Corrective Services

Byrne, Ms Emma, Acting Manager Offender Services and Corrections Programs, ACT Corrective Services Manager, Offender Correction Services

THE CHAIR: We will now deal with the Corrections portfolio, specifically the parts of the JACS directorate annual report that concern output 2.1, Corrective Services, and the annex to a report of the Sentence Administration Board. On behalf of the committee, I welcome Minister Rattenbury, now wearing a different hat, and officials from the JACS directorate. I presume we have in the room also the chair of the Sentence Administration Board. Before we begin, I remind witnesses of the protections and obligations entitled by parliamentary privilege, draw your attention to the pink privilege statement on the table and ask you to acknowledge out loud that you understand that.

Mr Rattenbury: Yes.

Ms Byrne: Yes.

Mr Peach: Yes.

THE CHAIR: Before we proceed to questions, is there any statement in this area that the minister would like to make?

Mr Rattenbury: Just a brief one. Corrective Services continues to make progress in improving in a number of areas. I think I have said to this committee before that I consider that we are at the beginning of something of a new chapter for corrective services in the ACT, in the sense that when the AMC first opened in 2009 it was the first time the ACT had run a corrective services system in its own right. We had always had the remand centre but it was a step up. I feel that we have gone through a lot of that establishment phase now. With the arrival of Mr Peach, six months ago now, we are trying to work through a phase of consolidating the findings of a number of reviews of the AMC and really starting to expand into some new areas of work. Industries is an example of that. I am happy to speak to that more later. That is, in broad terms, where corrections are up to.

I note that Ian Robb is here today. He is the new general manager of the AMC. That was the role previously held by Don Taylor. Mr Robb joined us about three weeks ago.

THE CHAIR: He is on the ground on a daily basis?

Mr Rattenbury: Yes. He is essentially the superintendent in charge of the centre, whereas Mr Peach has the broader—

THE CHAIR: Welcome.

Mr Rattenbury: That is just so you know who he is and—

THE CHAIR: Yes, there has been quite a change.

Mr Rattenbury: Yes, we have had a bit of a staff renewal in recent times.

THE CHAIR: Thank you. I note that there have been some changes rolling out of the department and out of the facility in relation to some areas that we were really struggling with, and that the minister has been quite open that we were struggling with. I want to go briefly to gendered groups within the prison. On page 69 of the report there is a heading “Women in detention”. In an answer to a previous question on notice that I asked—question 502—I was advised that the draft function design brief, capital works plans and time lines would be completed by November 2017. Is this occurring now?

Mr Rattenbury: The work is underway, yes.

THE CHAIR: Will it be complete by the end of November?

Mr Rattenbury: It is certainly due by the end of this year.

Mr Peach: The feasibility study as funded by government originally started with a key focus purely on female detainees, with a greater program to come following that to look at the wider needs of—

THE CHAIR: The general population?

Mr Peach: Yes, absolutely. Because of the work that we have done with the female detainees that has been attracting recent media, we have actually taken a far wider and more holistic program with the feasibility study. That encapsulates the needs of the whole—

THE CHAIR: So you have extended the scope of it while it has been underway, essentially?

Mr Peach: Absolutely. We will take the whole planning process for the AMC into consideration, rather than doing it just for females. The problem with doing that is that it would have solved a very short-term need, when actually we need to have a far more cohesive planning process around it.

THE CHAIR: Yes, particularly now that you have announced an interim resolution to the issues of the women in the other section. On the matters of gender, sex and cohorts within the prison, table 9 on page 68, “Daily average unsentenced detainee population”, notes that there is a gender unspecified segment of the prison population. In answer to question on notice 654, the minister advised that there is scope for detainees in the AMC to identify as neither male nor female, or to identify as transgendered. If one of the current male detainees decided to identify as a female,

would that detainee be moved into the women's section of the prison?

Mr Peach: At this moment in time, it would depend on the postoperative/preoperative state of that person and also on the risk factors that we consider. So there is not a clear delineation on how we do it. We would have to take a very balanced and risk-mitigative approach on that, which would obviously take into account the needs of the detainee.

THE CHAIR: Is the minister aware of a case in New South Wales where a man who was preoperative chose to identify as a woman, was housed in the women's section of the prison, in which he raped a woman, and was then rehoused in the male section of the prison, upon which he sued the prison for not accepting his gender identity and used the money from that suing to pay for his surgery? Are you aware of that case?

Mr Rattenbury: I am not.

THE CHAIR: I wonder if on notice you might consider what our policies would be if such cases were to arise in the ACT. I am particularly concerned about how we can protect female detainees from men who have not been operated on. Having said that, even men who have been operated on are potentially much stronger than female detainees and have potentially the capacity to do physical damage to female detainees, so I wonder whether it is time to have a very comprehensive approach to what might happen if and when that occurs. I understand from the answer to the question on notice that we do not have anyone in that category at present.

Mr Rattenbury: You started the question by saying "on notice". I am not sure there is a lot I can add on notice, in the sense that what Mr Peach has just described is the approach we would take. It would be a matter of assessing each individual. In those matters, in one sense, the centre has very well-developed risk mitigation and assessment factors for individuals. At the moment we have some female detainees who are perfectly capable of inflicting significant violence on their female co-prisoners, so they are the sorts of assessments we have to already make. The case you cite is obviously a particularly disturbing one and raises very difficult questions. They would be cases where we would need to come out with a broad framework of safety for all detainees, and staff for that matter, and make individual assessments around—

THE CHAIR: But safety is the priority, I presume, over preferred gender identity.

Mr Rattenbury: Yes, indeed, as it is for trying to deal with all the other cohorts. This just adds some moral questions that people struggle with as well.

THE CHAIR: Yes, of course. This is a whole new area we are now playing in. How many of the self-identification genders does our facility recognise? If you go to the well-publicised gender list of the Tumblr website you have got 114 genders, including "genderblank", "genderfuzz", "genderwitched", "girlflux", "hermigender", "horogender" and some that I cannot even pronounce, to be honest.

Mr Rattenbury: I am not familiar with that particular list. Again, the list aside, it is the same approach. It is based on risk and safety.

THE CHAIR: Right—however a person presents themselves. Can you rule out taxpayer money being used for gender realignment surgery while someone is in the care of corrections?

Mr Rattenbury: That is not a matter for Corrective Services. That would not be an area that Corrective Services would be responsible for.

THE CHAIR: No, but when you have someone incarcerated you make various decisions about what is and is not available to them.

Mr Rattenbury: No, that is not true. In the corrections environment, people are entitled to the same medical services they would have if they were a regular member of the community. They would need to seek that process through a regular medical process. It is not something Corrective Services would determine.

THE CHAIR: So you do not make decisions about the types of things that you would release people for, and have them supervised whilst they undertook, in an outside medical facility?

Mr Rattenbury: That would be a medical decision. At the moment, if we are given the medical advice that they should be transferred to Canberra Hospital, Corrective Services' job is simply to provide the transfer process and the security at the hospital.

THE CHAIR: Do we know whether the public system is doing these operations?

Mr Rattenbury: I simply do not know the answer to that. It would be a question for the minister for health.

THE CHAIR: Can you envisage any circumstance in which a previously male detainee would be moved into the female unit?

Mr Rattenbury: As I say, it would simply be a matter of assessing the individual.

THE CHAIR: So, yes, it is possible?

Mr Peach: The answer is obviously that postoperative it is something that we would consider. As to whether it could actually happen, as the minister has said, we would refer to the risk assessment that we would undertake. If somebody was postoperative and the risk that we considered appropriate would be manageable within the female detainee area, then it may be appropriate to do so.

THE CHAIR: I do not want to put words into your mouth. The risks that you would consider are not only risks of rape, that kind of assault, but if somebody was postoperative, you would consider their physical strength?

Mr Peach: Absolutely. We would do a full risk assessment of that person.

THE CHAIR: And the person's history of behaviour?

Mr Peach: Our risk assessment processes for everything we do are fairly extensive. They would consider the nature of the offence, the physical stature and the risk that would be posed to other detainees. Of course, there would be other aspects—

THE CHAIR: These are all considered at the moment when you are deciding where to put people?

Mr Peach: Absolutely.

MS CODY: I want to move to a slightly different area. The JACS committee was lucky enough to have a bit of a wander through the AMC not so long ago, which was very interesting, I must admit, for me personally. We saw the bakery, the laundry and those sorts of things. I note that in the annual report you talk about the detainee education and training initiatives and the fact that there has been a slight downturn. You have explained that quite well. Are you looking at introducing new skill sets for detainees?

Mr Peach: We are constantly looking for opportunities in terms of what we can and what we cannot build into the AMC. There are a number of industries we are considering at this time. We recognise the importance of work and employment in there, but of course we are very constrained by the actual facilities that we have. So we have to maximise that use. For example, we are considering opportunities to work with one of the trades associations at the moment. We are considering the potential for a print-scanning facility within there. So there are a range of options that we have to look at. In terms of working with TAFE, again, that is something we are exploring further. There is the potential to work with traineeships into the future. We are doing an extensive review of our industries at the moment, our access to programs and education of that nature.

In short, the answer is that there is nothing specific at this moment, but we are acutely aware of the need to increase the employment opportunities for detainees in the AMC. As we have seen with the bakery coming online, that will increase. That is just the start of the next part of that.

MS CODY: I notice that some of the foundation skill units that have been offered, and I am assuming are still offered, are hairdressing, hospitality, cleaning operations, horticulture and land management. Do you offer basic information technology courses or are they more advanced?

Mr Peach: I might have to defer to Emma Byrne, who would be best placed to answer that. Emma has a broader view of the education provisions.

Mr Rattenbury: Can you repeat the question, Ms Cody?

MS CODY: In the annual report, on page 74, you noted that some of the foundation skill units that are currently being studied by detainees include electives in hairdressing, hospitality, cleaning operations, horticulture and land management. You also mention information technology. I was wondering what sorts of units that would include.

Ms Byrne: I cannot tell you the specific units. We would be able to get that information. When a detainee commences their episode in custody, our education team will do a needs assessment, which will take into account their literacy levels, their numeracy levels, what their needs are and what their priorities are, which takes into account their length of custodial stay. If they are only going to be in for a few days, it looks at what education can do for them in that period of time.

We do offer basic IT courses for women. It depends, again, if that is included in their needs assessment from education. We also offer further education options for female detainees. There are a range of tertiary courses that they can apply for. That is for males and females. I am sorry; I thought the question was female-specific.

THE CHAIR: No, it was about everyone.

Ms Byrne: For males and females, it is the same assessment process for education.

MS CODY: You do an assessment, look at the skill sets that they currently have and at what skill sets they can better develop whilst they are detained and on remand?

Ms Byrne: While they are on remand, yes.

MS CODY: If there was a view by a detainee to undertake a specific course that is currently being offered, you would help facilitate that as well?

Ms Byrne: The education team at the AMC would. Again, that would take into account a range of considerations. Within our team we have a case management arm as well, so we would work with custodial operations, with our health team, our case management team and education to find out what their priorities are for that specific time period and whether or not we can build in that education course within the case plan, and whether or not that meets risk assessments in terms of the appropriateness of the course.

MS CODY: You may have to take this on notice: how many detainees have finished a qualification?

THE CHAIR: You could do it for the whole life of the AMC. It has been going for nine years, and I think education has been a big part of what has happened out there. If you have that information available on how many people have graduated or have got a certificate that would be great.

Ms Byrne: While in custody?

THE CHAIR: Yes.

Mr Rattenbury: We will see what data is reasonably readily available.

MS CODY: If it is available, what courses they have completed.

Mr Rattenbury: Yes. There is reasonably good data on that. Whether it is for the whole nine years is a question I am uncertain about.

MS CODY: That is okay.

Mr Rattenbury: Certainly, in recent years, we have been asked this and we have a pretty good breakdown of data, so we will be able to provide something.

MS CODY: I want to ask one last question, which you may or may not be able to answer. As a hairdresser I find it very interesting that you offer hairdressing. Do they actually cut hair? Does it actually work like that in the AMC?

THE CHAIR: Yes. There is a little salon there.

Ms Byrne: It is a priority for us at the moment to train hairdressers. There has been a period over the last few months when we have been recruiting a qualified hairdresser in order to train the detainees in that qualification. My understanding is that that process is being finalised by Campbell Page, who is our education provider.

MS CODY: So you will start to train hairdressers again?

THE CHAIR: Are OHS qualifications offered in our prison as well?

Ms Byrne: I know of some. We offer a white card.

THE CHAIR: Perhaps you can take that on notice?

Ms Byrne: Yes.

Mr Peach: We offer the white card program, but I am not sure—

THE CHAIR: If there are others?

Mr Peach: Yes.

MS LEE: You were saying that it is a priority to get hairdressers qualified. Is there any link? Why were hairdressing and bakery chosen as priorities? Was that to address a skill shortage nationally? Was there any link at all or was it just a matter of—

Ms Byrne: In terms of priority, offering hairdressing has been something that we have done over an extended period of time. We have just had a period when we have not had, as part of our education staff, a qualified hairdresser that is able to offer that training. So it has been a priority for us, in order to continue that service and training, to recruit a staff member.

MS LEE: So there is no link with, “Hold on, there’s a shortage, so we want to train hairdressers,” or anything like that?

MS CODY: There is always a shortage of hairdressers.

MS LEE: I know. That is why I am asking.

Mr Peach: Certainly, with the hairdresser, it also meets the needs of the establishment, because obviously people need haircuts. It gives us a live opportunity to use that. In terms of the bakery, obviously, that is an industry that is fairly new. One of the driving factors behind that was the fact that we can engage more detainees in work that will see us reach some self-sustainability within the prison as well.

MS LEE: The percentage has decreased from 2014-15 through to 2015-16, from 76.3 per cent to 72.3 per cent. Firstly, is there a reason for that? Secondly, have I missed where the 2016-17 figures are in terms of percentage, or is that not in the report? This is at page 73.

Mr Rattenbury: The first thing, while we are looking for that data, is that it is worth noting that, even with that small percentage, the national average is 31.6 per cent—

MS LEE: I was wondering whether in the ACT there is any explanation.

THE CHAIR: Given that this facility was set up as an education facility in the first place.

Mr Rattenbury: That is certainly something that I sought to change. Having purely education is not appropriate for our cohort. It goes a bit to your other question about where the choice of bakery and hairdressing comes from. It is about trying to find activities that are appropriate for our cohort in the AMC that provide enough interest and the right skill level for the people involved. Certainly, I have been keen to move from a pure education focus to an education and practical skills focus. I think this is—

THE CHAIR: Do you have a target of the proportion of the prison that you would like to have in either education or work?

Mr Rattenbury: Not specifically, no. I do not have a particular number. At this stage it has really been about getting industries started. We had to go from nothing to getting things up and running. So the emphasis has really been on getting things started, creating those opportunities and trying to find the right kinds of opportunities that match—

THE CHAIR: That people are interested in.

Mr Rattenbury: interest, where there is a practical use, and to be mindful—and this is a conversation we have with New South Wales corrections—that we need to not inappropriately compete with businesses that are operating in the ACT. All of those factors need to be taken into account.

THE CHAIR: As in flooding the bread market or something like that?

Mr Rattenbury: For example. We are a little way off that.

THE CHAIR: I think it has been already asked: when will we be able to buy prison bread?

Mr Rattenbury: That is very popular. I was fortunate enough to take a loaf home

after the recent bakery opening.

THE CHAIR: The television staff made it look very tasty.

Mr Rattenbury: It will appear on my gift register.

MS LEE: I was going to ask whether you declared that.

Mr Rattenbury: It was very good. I can assure you it was very good.

MS CODY: I have one quick follow-up from Mrs Jones's supplementary. I know that you do white card training; that is in the annual report. It is generally well known that the construction industry has lower skilled employees, but to get into the construction industry you do not just need a white card anymore; you need asbestos awareness. Do you offer that at the AMC yet?

Mr Peach: Not at this point in time with asbestos.

THE CHAIR: Is that something that you might be able to consider, given how important it is to get into the industry?

Mr Rattenbury: That is useful feedback. Thank you. Again, the other bit of context is that we have a range of people in our custody who have never held a job in their lifetime. This goes to the types of activities we are trying to build as well, where you actually—

THE CHAIR: There is always a first time.

Mr Rattenbury: Exactly. But you are very much at first base. It is about trying to provide some of those basic skills and confidence.

THE CHAIR: And routine.

Mr Rattenbury: Yes. All of those things.

Mr Peach: If I may, minister, talking about the reduction in percentages, that is not indicated by the fact that our prisoner population has gone up significantly. We have not decreased services, but obviously that rise has to account for that. I think the other thing that is worth mentioning is that in terms of a structured day and the opportunities that we talk about here, one of the things we are doing is looking at how we actually introduce a structured day that allows us to give people purposeful activity throughout the periods of the day. That is a combination of a range of issues, from employment to education, recreation and visits. It is all the things that we can actually do and deliver to assist people in their rehabilitation and reintegration approach.

THE CHAIR: Is it fair to say that, until this point, a structured day has not been the main priority of the facility but you now are recognising that that would be a valuable addition?

Mr Peach: I do not think it is fair to say it has not been a priority. It has just been a case that we need new eyes to look at how we do things and how we operate the centre. It does come with a number of challenges in terms of the cohorts that we widely reported on before and the mix of prisoners, of detainees, we have, in a sense of—

THE CHAIR: Because we have a large number of cohorts in the one facility here.

Mr Peach: That is right. Our work at the moment is looking at the actual operating model of the prison itself, so we can free up some of that and allow people to mingle better in a more managed approach. The movement of the female detainees on 28 November will allow us to deliver a purpose structured day for the first time for a long time, if ever, in the AMC.

THE CHAIR: For the women?

Mr Peach: That is right, for the women. That will be used as a benchmark to start looking at what we can and cannot do for the males.

THE CHAIR: Does that mean there will be an expectation to get out of bed by a certain time?

Mr Peach: Absolutely.

THE CHAIR: To be dressed, to present. Can you explain a little how the structured day works in a prison environment?

Mr Peach: Yes. It really is about setting times for when people need to be somewhere, as we would in regular society. For example—and the times are not set—it would mean that people are up and having breakfast at 8 o'clock and at half past eight they would be actually engaged at work, recreation or some form of activity. That basically allows them the full day of having, as I say, purposeful activity. It does include downtime, recreation, lunch et cetera. We try to replicate community standards, in terms of the expectation being placed on our detainees as much as it would be in the community.

THE CHAIR: And that has not been the case until now?

Mr Peach: There have been different efforts to try it. It is very difficult when we have not had the sort of creative thinking and opportunities to increase our availability of purposeful activity. That is one of the big drivers of the work that we are doing now—how we increase that. As we know, the detainee population increases. Every time it increases, we need to find another opportunity to do it.

THE CHAIR: Will that address matters of boredom?

Mr Peach: That is part of the intention of it. I cannot guarantee I will ever address detainee boredom, but the more active—

THE CHAIR: The busier you are the better, probably.

Mr Peach: Absolutely.

Mr Rattenbury: I think historically we have had a problem with lack of facilities. We were built without industry facilities. We were built without recreational facilities. In the last couple of years, through the money that has been available and the money that has been saved on the new build, we have been able to bring these facilities into play. It is giving us better options now than we had three or four years ago. It has been a very deliberate effort to try to bring those facilities on stream.

THE CHAIR: I imagine boredom would not assist in getting the best outcomes. I just have a question about—

MS LEE: Before you move on, chair, unless there is a supplementary, I do not think I got an answer to the second part of my supplementary question, which was about the 2016-17 figures.

Mr Rattenbury: Sorry. I got lost.

MS LEE: They are not with the 2014-15 or 2015-16 figures.

Mr Rattenbury: Sorry, which figures are you talking about, Ms Lee?

MS LEE: Page 73 of the report, under the subheading “Detainee education and training”. In that second sentence it talks about the decrease in percentages, which I asked about, but then it has only got 2014-15 figures to 2015-16. We do not have the figures for 2016-17.

Mr Rattenbury: That is because that is ROGS data. These are from the report on government services. The 2016-17 ones will come out in January.

MS LEE: Okay.

Mr Rattenbury: There is that period in the last four days of January when ROGS produce all their numbers. That is when we would expect to see those figures.

MS LEE: Thank you.

THE CHAIR: My substantive questions go to just a clarification about the women in detention but also some issues around contraband. Firstly, answers to questions on notice that I asked that have come back which relate to the changes that are going on in the facility now with regard to women. They stated that, when we had an overflow from the management unit, women were being housed in the health centre units. However, last week, I think it was, in the chamber, in the statement that you made, you said that they had been housed in the crisis support units. They are not the same thing, are they?

Mr Rattenbury: No.

THE CHAIR: Can I just ask, on notice, how many women were housed in the health

facility rooms, and when, versus being housed in the crisis support unit? I was not aware that they had been housed in the crisis support unit until that statement was made.

Mr Peach: Just to clarify that, we do occasionally have female detainees in the crisis support unit, based on the fact that they are in crisis at that time.

THE CHAIR: Yes.

Mr Peach: It is not used as an accommodation unit, as the healthcare centre has been. With the crisis support unit, we do occasionally hold female detainees there but as a short-term measure to support them through their crisis.

THE CHAIR: Perhaps we would like to go and look again at the statement that was made, just to be clear. I thought it was being referred to in relation to the overflow.

Mr Rattenbury: No; you are right. It probably could have been more crisply expressed. What Mr Peach has just described is that it has not been used as a standard place of accommodation.

THE CHAIR: For overflow.

Mr Rattenbury: For overflow. Correct.

THE CHAIR: That was what the health centre cells were used for.

Mr Rattenbury: Correct.

THE CHAIR: Okay.

Mr Rattenbury: In terms of what you asked on notice, does that clarify it or is there still—

THE CHAIR: I think that does clarify it.

Mr Rattenbury: Sorry if that was not expressed as crisply as it might have been.

THE CHAIR: I just thought, “That is different.” Going back to contraband, what are the policies or your legal framework that gives you power to search visitors if they are suspected of smuggling contraband?

Mr Peach: We use the AFP to do our searching. If a visitor is detected by canines or suspected, we actually refer that to the AFP.

THE CHAIR: Does that mean you have to call in the AFP or do you have some people there?

Mr Peach: No, we would call in the AFP.

THE CHAIR: Obviously, one of the issues to do with contraband is visiting times.

All over the country there seems to be the same thing: you have 10 or 15 tables with small groups of people around them. Do you have any plans for how to make it more difficult for people to use that time to smuggle? If you are looking at the ratio of visitors to staff, my understanding is that you have 12 or 15 tables with people around them, and you might have five staff around the room. Tell me if I am wrong, but I presume it is difficult for them to keep an eye on everybody. Have you considered things that would really tighten up that process—for example, smaller numbers of visitors at a time or a higher level of staffing; or, in a busy period, the option of visits where there is some sort of barrier, if that would enable more contact but without this risk?

Mr Peach: First up, Mrs Jones, in answer to your first question around searching, can I clarify what I referred to as strip searching of people. We do search visitors. We do put them through the X-ray machines.

THE CHAIR: You put them through the detectors.

Mr Peach: Our staff are able to do what we call a pat-down search. What we cannot do is a physical strip search.

THE CHAIR: A pat-down search on adults or on children?

Mr Peach: On adults.

THE CHAIR: Children are not patted down?

Mr Peach: Not at young ages, no.

THE CHAIR: Is it a bit like with the mental health facility: if there is any concern about children with contraband, they are just denied entry?

Mr Peach: We would deny entry. Realistically, if somebody was in possession of an item, we would not allow them in.

THE CHAIR: Realistically, though, the problem is that people do get through that system and are in the visitors room with stuff from time to time. The media that has been done about the stuff that was found in the prison obviously shows that they are not all coming in in tennis balls over the wall. There are obviously some things still coming in in the visitors centre, if I am understanding correctly.

Mr Peach: We have a comprehensive search and processes already in place in the AMC to prevent contraband. As we saw from the media last week, one of those has just been increased with the use of the canines. We do have significant resources already attached to that. Yes, we can do better, and we can look at different ways to do that. The problem we have with some of the things that you just commented on is that we service a huge detainee population. Obviously, visits are a key part of the rehabilitation in maintaining family ties. To reduce that number would mean that we have to significantly reduce access to visits for people. Some of that is legislative; some of that is actually about decency and having a standard. So there is a balancing act that we have to do there. In actual fact—

THE CHAIR: If you asked the general public how they expected visits to be supervised, when we know that it is one of the areas where contraband clearly gets in—and tell me what the ratios are—with four or five staff in a large room where there are 12 tables of people, people might think that that was not very high level supervision.

Mr Peach: It is actually good supervision in the AMC in terms of ratios. It is significantly comparative to, if not higher than, what I have seen in other jurisdictions. I think we can be more proactive in the actual management of contraband. We are working through a range of strategies to do that as we speak; that is high on our agenda for security, anyway. A lot of that is based on the intelligence work that we need to do. We are announcing our intelligence capacity as we speak. We actually can target our search and we can target our operations more, but we do have to balance the level of dignity that we give to visitors with the risks to security.

THE CHAIR: I do not think anybody is suggesting any approach that reduces people's dignity.

Mr Peach: Absolutely not. When you look at the recent results we have had in contraband, which again have been well publicised, we are actually doing quite well in that regard. The problem we have—

THE CHAIR: The thing is, obviously, the great problem with contraband is that it can cause deaths.

Mr Peach: What happens, though, is that we stop one route and detainees find another route; then we move on to that route and stop that. It is a continual—

THE CHAIR: Welcome to the world of crime.

Mr Peach: That is absolutely right. It is a continual chain of trying to thwart the next option. That is what we do and that is where our intelligence particularly is really important for us.

THE CHAIR: What are the repercussions for visitors who are found to be bringing contraband into the prison?

Mr Peach: From a police perspective, they are prosecuted where there is evidence to suggest it. From a prison perspective, we ban visitors, or are able to ban visitors. Again, they are measures that we take. For a detainee that is involved in that, we take a range of measures. Some of those can be disciplinary for people that are entering with contraband.

THE CHAIR: For the actual detainees themselves?

Mr Peach: Absolutely. We are looking at how we use better counselling and better support services for people that are caught with those, because, with respect to the reason why they are bringing them in, it is not always just for their own use.

MS CODY: You mentioned the new canine. Has the canine started work, so to speak?

Mr Peach: He has, yes.

Mr Rattenbury: And his handler.

MS CODY: And his handler.

THE CHAIR: Is there one canine?

MS CODY: Is there just the one?

Mr Rattenbury: Yes, it is an individual dog with the individual handler.

THE CHAIR: Does he have a name?

Mr Rattenbury: The dog's name is Uno and his handler's name is Craig.

MS CODY: They have begun work at the AMC?

Mr Rattenbury: Yes, they have.

MS CODY: Is that a full-time job?

THE CHAIR: Or is it just around visiting hours?

Mr Peach: No, we have two dog handlers and two dogs. Craig and Uno are the latest addition to that. They do work across all the visiting hours that we have.

THE CHAIR: Do the dogs work inside the facility in other areas as well?

Mr Peach: Yes.

Mr Rattenbury: It is not exclusively about visits; it also can be a search of the centre.

THE CHAIR: I have a final question on the matter of contraband: how many visitors have been banned, perhaps over the last three years?

Mr Rattenbury: We will have to take that on notice.

THE CHAIR: Absolutely.

MS CODY: You talk about the rehabilitation of offenders, which is great. There are a whole raft of programs, but one of the programs listed here is—

Mr Rattenbury: Can you tell us which page you are on, Ms Cody?

MS CODY: Page 80. The domestic abuse program: can you give me a little bit more information about that?

Mr Peach: Again I will defer to Ms Byrne.

Ms Byrne: A general overview of the domestic abuse program?

MS CODY: Yes, please.

THE CHAIR: Who is eligible and how long it takes.

Ms Byrne: The domestic abuse program is a program that was initially contracted from New South Wales. It is delivered in New South Wales by Corrective Services. It is targeting domestic abuse. We consider it to be a therapeutic behaviour change program.

THE CHAIR: For perpetrators or victims?

Ms Byrne: It is to address offending behaviour relating to domestic abuse. In terms of eligibility, we have screens that we do to determine their eligibility and also their suitability—whether or not they are program ready and able to engage in a group process.

MS LEE: It says on page 80 that the DAP is the main treatment option for male perpetrators of domestic violence who are assessed as being of medium risk of reoffending or higher. Is it only for male perpetrators? This does not include—

THE CHAIR: For women perpetrators?

MS LEE: It is not eligible for women perpetrators?

Mr Rattenbury: We have a program called out of the dark, which is for female offenders who have been victims of domestic or family violence.

MS LEE: I am talking about female perpetrators.

Mr Rattenbury: I was coming to that. No, we do not have a dedicated program at this time. It has not been identified as a major need in the ACT. It is not to say that there cannot be female offenders, but we have not reached a point where there are sufficient numbers to—

THE CHAIR: Or identified as such.

Mr Rattenbury: Yes.

MS LEE: In terms of the assessment of being at medium risk of reoffending or higher, how does that assessment take place?

Ms Byrne: We use a tool called the LSI-R. It is also used in New South Wales Corrective Services. That is an actuarial tool based on a number of domains which assess their criminogenic risk across the range of 10 risk factors. Based on that number, it is an indicator of whether or not they are at low, medium or high risk of

reoffending. We use that as one of our metrics to determine their suitability for programs.

MS LEE: Who undertakes that assessment using that tool?

Ms Byrne: The LSI-R is undertaken at the AMC by our case managers. It is used and interpreted by our program facilitators.

MS CODY: I have a couple of follow-up questions. Firstly, does the program help male offenders realise that their behaviour is an issue? I think sometimes offenders do not realise that their behaviour is an issue.

Ms Byrne: Yes. The broad answer is that there is really good evidence to say that this kind of therapeutic program works in changing behaviours and reducing the likelihood of reoffending. There has not been a specific evaluation done of the domestic abuse—

THE CHAIR: I am sorry, there has not been?

Ms Byrne: An independent evaluation of the program in terms of how it is working specifically in the ACT context, if that is useful.

THE CHAIR: Could I ask that you take on notice to supply some of the course information to us. In some of the work we are doing as a committee we are trying to understand better the rehabilitation of people who have offended in this space. We would like to know a little more about how the program runs, what it is exactly trying to achieve and how that is achieved. I do not know if you have got a course guide.

Mr Rattenbury: We can send you the curriculum or something.

THE CHAIR: That would be really good.

Mr Rattenbury: Perhaps if we have it as well, we will provide you with the background on why this course is considered to be successful.

MS CODY: That would be great.

THE CHAIR: There would probably be some evaluations from New South Wales, I assume, that you have relied upon.

Ms Byrne: There are.

Mr Rattenbury: I imagine we have a record of those. We will provide those to the committee as well.

Mr Pryce: Could I just add too that corrective services is also engaged in and linked up with the family violence intervention program. We do work across government with all our partners. Again, if that identifies risks or other issues that impact on corrective services and detainees then obviously that is taken on board too.

THE CHAIR: I guess also in housing people, working out whom they should be with and all these sorts of things, you need that information, yes.

MS LEE: I just have one more follow-up. In the reporting period, it says, a total of 58 offenders were referred to the program and 32 completed it. That is 26 who failed. Is there any assessment done on the reason for the failure? I understand what happens to them next, but is there a reason? What would be the main reason why?

Ms Byrne: There can be a range. We do not necessarily use “failure”. They can be exited from the program for a range of reasons. It might be that they are released from custody. It might be that their suitability has changed, their program readiness. They might not be able to engage in a group. They might be disruptive. It might be a management issue. But there are a range of reasons.

We do document reasons for exiting someone from a program. In terms of how that can be reported, I am not so sure, but we do keep records to track and we do make every effort to re-engage someone in the program. Depending on the reason why they have been exited, always our program facilitators and our case managers will work together to address what the cause of the exiting behaviour has been, or the issue, and resolve it so that they can enter a new program or re-enter that program if they have only missed a small number of sessions.

MS LEE: And the people who do get re-referred—I suppose the success rate, for want of a better word, because we would be using “failure” on the other hand—is that relatively good in that regard? If they have re-entered the program most of them will go on to complete it?

Ms Byrne: I would have to double-check our record keeping in terms of whether or not we could pull that information easily from our system.

THE CHAIR: If you might take that on notice. I have got a couple of short questions with regard to a couple of different things. One of the things that have been drawn to my attention is that, because the facility was set up as an education prison, people have fair access to money from the outside. They have, I think it is, a limit of \$140 a week or a fortnight that they can have supplied to them by family or so on. But the industry programs that we have got pay \$70 per the same period. Do you want to clarify what that amount is and what can be done to increase people’s motivation to be engaged in work programs?

Mr Peach: Again, you heard me speak earlier on changing the operational model for the prison. We are in the position that, for a period, they have access to funds of \$140 being sent in from the community.

THE CHAIR: Is that per week or per fortnight?

Mr Peach: That is per week. Also the top wage at the moment in terms of the industries is about \$70 a week.

THE CHAIR: And some are less?

Mr Peach: Some are less, yes, absolutely. It depends on the level of work the people are doing and the days that they are working et cetera. Yes, we are acutely aware of some challenges that face us. As to what we are doing around this, again, I refer to incentives and privileges models which have actually just started to work now in providing a structured day and, in that structured day, finding incentives that can encourage people to work, as well as the financial elements. For example, this may include things like access to visits, enhanced family visits, and a range of different incentives.

THE CHAIR: Rewards based?

Mr Peach: Absolutely, which can be both progressive and aggressive in terms of a detainee's behaviour and engagement with the purpose for which it was there. It is a very—

THE CHAIR: And depending on what motivates them.

Mr Peach: Absolutely. It is very much a pro-social and pro-society and community model in terms of how we actually manage and support detainees.

THE CHAIR: Minister, were you surprised to find this disparity?

Mr Rattenbury: Surprised in what sense?

THE CHAIR: That someone could receive \$140 from outside but that the pay rates essentially for doing the work inside amount to about \$70 per week?

Mr Rattenbury: That has been in place for some time. I was aware of it.

THE CHAIR: With the introduction of the industry programs was there something that concerned you about uptake?

Mr Rattenbury: No. We have got a lot of enthusiasm. People are very keen to work. They are very keen to be involved. Certainly, with the recent open event we had on the bakery, I took the opportunity to chat with most of the detainees who were there and they were all very enthused and really pleased to have the opportunity. There is no shortage of enthusiasm for those sorts of things. To be honest, as we have reflected before, people are at times bored and they would rather be doing something constructive. I guess the focus has been on providing those opportunities.

THE CHAIR: Finally, if my reading of the numbers from questions that I have asked and from the annual report is correct, we have somewhere around 30 per cent to 40 per cent of the prison on methadone.

Mr Rattenbury: That sounds about right. I would have to think about numbers.

THE CHAIR: Have you considered what the system's preference is for people on methadone, whether the intention is to keep someone on it for the life of their sentence or to try to give those who have the capacity the opportunity to move off methadone and to live a life that is not drug dependent? Have you given that any

thought? It seems to me a fairly high level, and I do not know if you know how that compares to other prisons around the country.

Mr Rattenbury: The methadone decision, of course, is taken by the medical staff, through justice health, predominantly through the doctor. As you know, we have a range of programs at the AMC that are designed to help people manage their drug taking behaviour. There is the solaris program. There is certainly a focus on trying to use the time in custody to help people escape from their addiction. And that is certainly an area that is a really important part of what we do.

THE CHAIR: Do you think it is something we could improve on?

Mr Rattenbury: Undoubtedly. Again, the science of these things is always evolving. People have new ideas on how to run programs.

THE CHAIR: There is a certain strain of thinking that when someone is on methadone they are stable and they should be left there. There is that strong view in the community, by some people. Do you adhere to that view or do you think it would be ideal, for at least those who have the ability to address the underlying issues or the reasons for their addiction, that that be dealt with?

Mr Rattenbury: I have never had anybody in the community express that view to me.

THE CHAIR: They certainly have.

Mr Rattenbury: It is not a view I ascribe to. My preference would be that everybody in the jail would be drug free, but that is not the world we live in.

THE CHAIR: I understand that.

Mr Rattenbury: We will continue to provide the opportunities and encouragement for people to participate in the programs that can break the chain of addiction.

THE CHAIR: What is the uptake of the solaris program and how many people have reduced their doses in the last three years?

Mr Rattenbury: They are two separate questions.

THE CHAIR: Yes, they are. They can be taken on notice.

Mr Rattenbury: What do you mean by “reduce their doses”?

THE CHAIR: I could say how many people have had an improvement in their status and have been closer to being drug free, but I think the easiest way to measure that is: who has had a reduction in their doses? My understanding is that if people want to withdraw from methadone it is not something they can do overnight. It has to be done under medical supervision, a slow reduction in doses to the point where the person is not being dosed. But during that period there obviously also need to be psychological support services because there are usually reasons for the addictive behaviours that methadone is addressing.

Mr Rattenbury: Of course, and that is where the full range of programs comes into it. It is not just about the drug programs. It is a range of self-esteem, education, criminogenic interventions.

THE CHAIR: Are there a specific set of programs that are aimed at reducing the number of people on methadone in the prison? From my understanding, and from talking to people and being around and touring the facility and discussing the matters, the impression that I get is that obviously there have been quite a few changes to how methadone is dosed. I understand that nothing can be done overnight. I am not actually trying to be unreasonable here, but is there an intention to have a system which is really trying to aim at getting that number down?

Mr Rattenbury: Perhaps it is a question we can take up with justice health. We ascribe to the national methadone guidelines.

THE CHAIR: What if they did not do that? Do you know what I am saying? I am not saying that we are out of date. I am asking if—

Mr Rattenbury: No. I am trying to understand what you are asking.

THE CHAIR: I am asking: can we get some people in the prison off methadone? Can we try to do that? To me, 30 per cent to 40 per cent of the population being on methadone every day is not only a huge cost but it is a huge life-controlling issue for them when they one day get out.

Mr Rattenbury: I will take that as feedback.

THE CHAIR: Again, just the numbers involved in solaris.

Mr Rattenbury: I can certainly get the numbers for solaris. In terms of those specific issues around individual dosing, I do not know that those records are kept electronically.

THE CHAIR: There is a machine that people are looked up on. There is a computer system where people are looked up when they come to the window for their dose, but I do not know whether you can depersonalise that data and analyse it.

Mr Rattenbury: We will have a look. We will have a look and see what data is available.

THE CHAIR: I thank everyone who is here from corrections. We will finish corrections now and we will move just briefly to the Sentence Administration Board, who I thank for attending today and being very patient. I invite Ms Beacroft to the table and we will suspend while people change over.

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

Beacroft, Ms Laura, Chair, Sentence Administration Board

Malcolmson, Mr Don, Deputy Chair, Sentence Administration Board

THE CHAIR: Ms Beacroft, I welcome you and Mr Malcolmson. Could you please confirm that you understand the privilege implications as per the pink privilege statement on the table?

Ms Beacroft: Yes, thank you; I have read it before, thank you.

THE CHAIR: Appearing before an Assembly committee?

Ms Beacroft: Yes.

THE CHAIR: And Mr Malcolmson?

Mr Malcolmson: Yes.

THE CHAIR: Thank you. Before we proceed to our brief questions, would you like to make any statements about what has happened over the last year for the Sentence Administration Board?

Ms Beacroft: Very briefly, the deputy chair and I were appointed in May. We had various other roles on the Sentence Administration Board before then, but in our current capacity it has just been since May.

THE CHAIR: Yes.

Ms Beacroft: I would just make the comment that it is a very important jurisdiction. It is a difficult jurisdiction. We take the role very seriously. There are a lot of initiatives on foot to work intensely with a whole lot of parts of the criminal justice system to improve outcomes. The board is very aware of those and is working within those; for example, on reducing recidivism and rehabilitation. We are focused on decisions about whether someone gets parole and, if they do get parole, breaches and what occurs then, and also the new intensive corrections orders. If someone breaches those or there is an allegation of a breach, they come very swiftly before the board. We manage the decisions about breaches and, if they get cancelled, the reinstatement of an ICO. There are a few other things we do, but they are the main aspects of our work. That is in the annual report, of course, but that is just to give you an overview of what we do.

THE CHAIR: I want to go to data and data management. From my memory, the last time I spoke to your predecessor in this capacity here, we were talking about a new system that was going to be implemented and whether that would be able to talk to the

court system and find information about people so that you could make a better decision when you are deciding on parole. Obviously, there is a fair level of community interest in these decisions and how they are made, especially if people offend while they are on parole and so on. We have had a few incidents over the years of that occurring in Canberra. Can you give us an update on what has happened with your data systems? I believe that previously it was still rather paper based.

Ms Beacroft: Could I just break that into two, if you do not mind?

THE CHAIR: Please.

Ms Beacroft: One is about what we have before us when we make a decision about a particular offender.

THE CHAIR: Yes.

Ms Beacroft: We have a very streamlined system. I have worked in a lot of different areas, and I would say it is right up there. We have an iPad, and—I am a criminal lawyer by background—all the previous history is on that iPad. There is probably weeks worth of reading on that iPad.

THE CHAIR: Per person?

Ms Beacroft: Yes, per person. And to some extent, even if they have come from another jurisdiction, that material is there. Or if we wanted to ask for that material, that can be loaded. Certainly in relation to the matter that they are doing an ICO or parole order for, or applying for parole, all the criminal history is there—all the documents that were before the court: the transcript, the victim statements, everything. My personal view, and I think Don would agree with this, is that what we have before us is extraordinarily wide and deep, and the preparation is significant for every matter.

THE CHAIR: I am sure you realise the importance of the decision both to the individual and to the community.

Ms Beacroft: Definitely.

THE CHAIR: And getting it as right as we can.

Ms Beacroft: Definitely.

Mr Malcolmson: If I could just add to that?

THE CHAIR: Please.

Mr Malcolmson: There is a document called a pre-release report, which is the report that is prepared by corrections, which makes a number of judgements and comes up with a recommendation as to whether parole is recommended or not. That also looks at things like accommodation in the community, the nature of the offending behaviour, a person's behaviour in custody, their disciplinary record and so on.

Ms Beacroft: I wonder if you want to also know about data reports, literally data reports.

THE CHAIR: I remember that we were told there was a new system coming in.

Ms Beacroft: There is. ACT Corrective Services have a very significant system being rolled out. I am not the expert on the whole system, but—

THE CHAIR: No, but as it affects you.

Ms Beacroft: Yes. We are working with the relevant officers to have the component that is relevant to the board developed. We have very basic data at the moment. I understand that over the next year that will take place. The sort of data we would want is the sort of data you see the Victorian parole board now reporting on. If you happen to look at their annual report, you will see that they have indicators and they have data reports not just about what they call inputs but about timeliness—time can be important to risk management—and also those final outcomes on recidivism and so forth for the actual offenders that are before the Victorian parole board. Those data reports are being developed; we are working out the specifications now. We should see that roll out at the same time as the ACT Corrective Services system rolls out.

THE CHAIR: Minister, do you know what the time frame is for that rollout?

Mr Rattenbury: I know that work is proceeding. Probably Emma could tell you.

Ms Byrne: The system that is being developed by Corrective Services is called the CORIS system. There have been consultations happening for an extended period of time. It is currently in the final stages of developing the sandbox; that is about as technologically savvy as I get in terms of describing it. In terms of the pilot or the trial for staff members, we are anticipating that that will happen in the next few months, and then ideally a full rollout next year.

THE CHAIR: Minister, I wonder if the committee could perhaps next year book in a time to get briefed on this system, what it does and what it is intended to do. We have discussed it ad infinitum for years. I am glad to hear it is close to rollout, but it would be good for us to understand what it is actually going to be able to do, and to be able to do that in depth, not in a five-minute committee discussion.

Mr Malcolmson: Could I just add something?

THE CHAIR: Yes.

Mr Malcolmson: Another source of information for the board that has not been mentioned is either psychiatric or psychological assessment for particular types of offending. That is something that the board places particular reliance on. It does provide that assessment of someone's suitability, the risk of reoffending in the community.

THE CHAIR: I think we are probably learning more and more about that sort of thing every year. We have had evidence sometimes of the fact that it is difficult to really, truly know, but you need to have as much professional information as you can,

don't you?

MS LEE: I only have an administrative question. The board met 57 times during the year, which is quite extraordinary. Leaving aside the two full board meetings, the liaison meeting and the induction, do you meet face to face every single time?

Ms Beacroft: Yes. We sit generally every Tuesday in the Magistrates Court. The deputy chair and I alternate because there is a lot of preparation for each Tuesday.

MS LEE: That is what I am thinking.

Ms Beacroft: Correct. The board has a membership of three, to provide broad professional judgement. We have a lot of diversity in our membership; it is actually a board of three that sits.

THE CHAIR: You bring three together at a time from a larger group?

Ms Beacroft: Yes; that is right.

THE CHAIR: So that people can prepare properly.

Ms Beacroft: People are rostered on, because the preparation time is significant.

MS LEE: That makes sense.

Ms Beacroft: Sometimes we have extra sittings. I sat an extra time last time because the intensive corrections orders, and sometimes risk itself, demand that things be done in a different time frame. Plus we have continuing education for the members. We recently had one on issues to do with sex offenders, for example. There is, as you would expect, a constant process of skilling up and keeping up with the evidence.

MS LEE: On a follow-up administrative issue, I notice that during the reporting period all board members' time for renewal came up. Did it cause any administrative inconveniences at all that they all happened at the same time?

Ms Beacroft: I have a bit of a history with the board, so I can say that that is probably a bit of an accident of timing. I think things did go smoothly. But it is a bit of an accident of timing.

MS LEE: It seems to be a bit odd; that is all.

Ms Beacroft: We did not miss a meeting; let me put it that way. Everything proceeded as it should.

MS LEE: Kudos to you.

THE CHAIR: On that point, if there is going to be an ongoing issue every so many years, the committee does sometimes consider an extension of some people's time frames, based on advice from the department. That is worth considering if it is—

Ms Beacroft: We will take that on board.

THE CHAIR: Is there any other matter that you would like to cover off with us about your work? We value what you do. It is always good to see you here. It goes on quietly and it does affect people's lives a great deal. Do you have any other comments that you would like to make before we finish up?

Ms Beacroft: I just want to thank you for your interest and reiterate that it is a very difficult area. The criminal justice system in general is a difficult area. I personally am particularly encouraged by a lot of the reforms that are underway.

THE CHAIR: In the prison system, or—

Ms Beacroft: In the prison system. I have worked in other jurisdictions. The prison system here, in my view, has a lot of positives compared to other areas, but it is still a very difficult area. But also the drug and alcohol court in due course, once it starts, will make a big difference. The intensive corrections orders are based on a program that I studied in Hawaii. It was just a coincidental thing that then I realised it was being rolled out here. Things like that make a big difference. As a person who is practising in the area I see that they make a big difference.

THE CHAIR: So you can actually see some change in people?

Ms Beacroft: Yes.

THE CHAIR: Thank you very much, Ms Beacroft and Mr Malcolmson. On behalf of the committee, I thank all witnesses who have appeared this morning. When available, a proof transcript will be forwarded to witnesses to provide an opportunity to check the transcript and suggest any corrections.

In relation to all of the proceedings heard today thus far, I advise members and witnesses that answers to questions taken on notice should be provided to the committee office within 10 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 member, the minister or the department by the committee office.

All non-executive members may lodge questions on notice, which must be received by the committee office within five business days after the uncorrected proof *Hansard* is circulated, day one being the first business day after the proof *Hansard* is sent to ministers by the committee office. Responses to questions on notice should be provided to the committee within 10 business days of receipt of that question, day one being the first business day after the question is sent to the minister by the committee office.

The time frames for responses to questions taken on notice and for questions on notice have been determined by the JACS committee for its own inquiry into referred annual reports. These time frames may differ from those of other committees who sit in the annual reports process.

The committee suspended from 1.03 to 2.29 pm.

Appearances:

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

Justice and Community Safety Directorate

Lane, Mr Dominic, Commissioner, ACT Emergency Services Agency

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

Wren, Mr Howard, Acting Chief Officer, ACT Ambulance Service

ACT Policing

Saunders, Assistant Commissioner Justine APM, Chief Police Officer

THE CHAIR: Good afternoon and welcome to the resumption of the public hearing of the Standing Committee on Justice and Community Safety inquiry into the 2016-17 annual reports. For this part of the afternoon the committee will examine police and emergency services, specifically, relevant parts of the JACS annual report relating to emergency services. We will then go to ACT Policing. I remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live.

On behalf of the committee I welcome Minister Gentleman and officials from the JACS Directorate, and the Chief Police Officer, who will be here shortly, no doubt. We will commence this session with the examination of the emergency services section and then move on to policing. Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink privilege statement that is on the table? I ask that you all state that you understand those privilege implications?

Mr Gentleman: Thank you, chair. Yes, we do.

THE CHAIR: Before we start do you want to make any opening remarks, Minister Gentleman?

Mr Gentleman: If I could, chair, just for a couple of minutes. As police and emergency services minister, I am pleased to update the committee on a challenging but rewarding 2016-17 financial year for the ACT's emergency services and police. The ACT Emergency Services Agency, ESA, continues to perform as a leader in the provision of emergency services. Canberra and the ACT remain one of the safest places to live in Australia. I want to thank all of our emergency services personnel and the volunteers for the work they continue to do to care for and protect our community.

To ensure the ACT community's safety into the future, the government will continue to support ESA's strategic reform agenda, which is all about how our emergency services can work together in their aim to deliver high quality care and protection for the community. These initiatives include the communications centre reform, the blueprint for change aimed at enhancing professionalism in ACT ambulance, the station upgrade and relocation program, and the women in emergency services

strategy.

I was delighted to address the first of our four ESA roundtable meetings in January this year and pleased to see so many stakeholders there ready to offer their ideas, opinions and questions. I am confident that ESA, its staff and volunteer members and the wider community will benefit from the information received through this consultation. I want to thank everybody who supported this opportunity for consultation and for engaging in it so positively.

The ACT has continued to record excellent ambulance and firefighting response times, despite demand for these essential services continuing to increase. I want to highlight our response to a request for ACT personnel to assist in the rapidly spreading wildfires in British Columbia during August and September, which demonstrates the high regard in which our experienced and well-trained people are held. The experience gained by ACT personnel deployed to Canada is also invaluable in enhancing their skills and developing long-term response capabilities within the ACT.

Another highlight comes from the ACT State Emergency Service, which continues to provide outstanding support to the community in storm and flood events. Their diverse capability also allows them to assist other emergency services such as this year's innovative program of structured ACTAS support to assist the ACT Ambulance Service at mass casualty incidents.

The 2016-17 financial year was also a milestone for ACT Policing. On 28 September 2017 we celebrated 90 years of continuous service by Canberra's own police force. Not all of them are 90 years old, though; but their service is appreciated.

THE CHAIR: Glad to hear it.

Mr Gentleman: I want to take this opportunity to thank the CPO for the hard work of ACT Policing in engaging with government, partner agencies and the entire ACT community to successfully deliver a dynamic range of policing capabilities for Canberra.

The five-year trends demonstrate a stable picture for the overall volume of reported incidents and offences in the ACT and comparably lower victimisation rates across the personal crime categories than other jurisdictions. These positive results are reinforced by the national survey of community satisfaction with police, with Canberra residents indicating positive perceptions and high levels of satisfaction with ACT Policing. This exceeded the national average and community confidence in ACT Policing was the highest recorded result nationally.

While the ACT Policing annual report shows an increase in personal crime, the increase in offences against the person can mainly be attributed to a whole-of-government focus on family violence, with 44.7 per cent of all assaults reported to ACT Policing being family violence related.

Increasing reporting suggests that there is a growing confidence to report family violence incidents to police. We will continue to work to ensure that those Canberrans experiencing family violence get the help and the support they need. Taskforce

Nemesis continues to play a significant role in countering criminal gangs and serious and organised crime. This was a priority across ACT Policing in the 2016-17 year.

I want to acknowledge the commitment and efforts of ACT Policing and the CPO in addressing concerns and developing strategies to protect vulnerable members of our community, including Aboriginal and Torres Strait Islander people and youth. Last month the CPO hosted a forum with the Aboriginal and Torres Strait Islander community to listen to their concerns and discuss issues. The successful forum was well attended and discussions provided ACT Policing with a greater understanding of the issues when working with the community.

ACT Policing continues to proactively support the ACT road safety strategy through education and traffic enforcement, targeting dangerous and antisocial driving, and this year recorded the lowest number of motor vehicle collisions in five years and a subsequent decline in fatalities.

I am sure all members share my gratitude for the outstanding work of our police officers, firefighters both urban and rural, paramedics and ambulance officers, volunteers and support staff. On behalf of the ACT community, I thank the women and men in uniform who protect us every day. We welcome the committee's questions.

THE CHAIR: Thank you, minister, for your very brief remarks. I have a substantive question with regard to ambulance officers. At table 45 on pages 159 to 160, my question is: of the 233 ambulance officers, what is the full-time equivalent?

Mr Gentleman: Yes, we have the spread here. Of the 233 ambulance officers, 85 are female, which represents 36.5 per cent, and 149 are male, which represents 63.5 per cent.

THE CHAIR: What is the total FTE?

Mr Gentleman: We will take that on notice.

THE CHAIR: Yes, sure.

Mr Gentleman: We should have some detail for you by the close of the hearing.

THE CHAIR: Of those qualified ambulance officers, how many were employed on a full-time contract with flexible working arrangements? I understand that we have increased the number who are able to access flexible arrangements.

Mr Gentleman: Yes, it is a very good question; thank you, chair. Paramedics have talked to me through the commissioner about operational matters allowing them to spend more time with their families, particularly for women but also for some of the fellows who are looking at transitioning into retirement. We are trying to work through a process to allow as much of that as we possibly can, taking into account also the amount of leave accrued for those paramedic officers. I do not have the actual number, though.

THE CHAIR: Again I do not mind if it is taken on notice.

Mr Gentleman: Sure.

THE CHAIR: I want to know how many qualified ambulance officers are currently employed on a full-time contract with flexible working arrangements.

Mr Gentleman: Yes, we will get that for you.

THE CHAIR: There will be a number, presumably.

Mr Gentleman: There will be those that are qualified as paramedics and ambulance officers as well.

THE CHAIR: It can be broken down by both; that is fine.

Mr Gentleman: Sure.

THE CHAIR: Do we track the average weekly or fortnightly hours that qualified ambulance officers employed under flexible work arrangements actually clock on for, on average?

Mr Gentleman: We would have that.

THE CHAIR: It is by no means a criticism; it is just in regard to how that is affecting things overall. What is your policy once someone is on flexible work arrangements? For example, if you find in your analysis of the data that they are working on average a 60 per cent load, which they are being paid for appropriately, what is done to backfill those hours?

Mr Gentleman: What is the policy for it?

THE CHAIR: Yes.

Mr Gentleman: To ensure we have the right amount of FTE to be able to provide the backfill.

Mr Lane: Yes, so in the rostering arrangements—

THE CHAIR: My question is: is that actively being achieved when people ask for flexible hours and have we worked out what the average performance of someone on flexible hours is, so that there can be accurate recruitment, if necessary, to fill those hours?

Mr Gentleman: Yes, that is a very good point. We do need to recruit more officers so that we can allow more of our staff to go to flexible arrangements and also to ensure that we can provide the necessary leave to them.

Mr Lane: This has been a significant area of policy review under the blueprint for change. Certainly, your question is very valid in relation to having a policy that

recognises the number of people who are on flexible work, which then allows us to work out how many people we wish to put on full time so that we balance across that.

We have been doing a lot of work within the blueprint for change project team in terms of the staff engagement and the policy formulation with the staff themselves, the Transport Workers Union, officers of the Emergency Services Agency and the Justice and Community Safety Directorate, to come up with a new flexible work policy. It has not quite been signed off yet, but it is very well progressed. As I understand it, there is good agreement around all of those stakeholders to bring that forward. From that we will implement a policy whereby it is very transparent to staff and management in relation to those people who do want to go on to those types of arrangements and the types of systems we can put in place to make sure that we can then backfill with the appropriate level of FTE against that.

THE CHAIR: The feedback I have been getting around the annual reports process and on the ground is that there are some concerns that we had a huge change in ambulance a few years ago, a big cultural change, a huge amount of financial investment and effort on the cultural front but that is now slipping and that one of the reasons that it is potentially slipping is that we are not recruiting in line with our needs. I do not mind if you demonstrate that that is being taken into account. I also want to ask: what is the minimum number of working crews to be provided at any one time for the ACT?

Mr Lane: I think for that one, minister, if it is all right, we might get our chief officer of the ambulance to explain our working minimum number of crews.

Mr Gentleman: Yes.

THE CHAIR: Please.

Mr Gentleman: And, as he arrives, can I congratulate Howard Wren on his new appointment. Welcome to the hearings.

THE CHAIR: What is our minimum crewing? How often have we in the past 90 days been below that level? How many times have we been below that level this financial year, in 2016-17 and in 2015-16? I understand if some of that needs to be taken on notice but do you want to just start with what the minimum crewing level is?

Mr Wren: The minimum crewing that we will tend to run on shift is 10 crews. However that is matched very much to demand and we do have an indication of predicted demand. There will be occasions when we will drop below that.

THE CHAIR: I would presume that minimum crewing means what it says, which is that that is the minimum to manage the ACT at low-demand levels.

Mr Wren: Yes, but it is optimal at that.

THE CHAIR: I do not know if you have the information here but I was interested in knowing how many times we have been below the level of minimum crewing over the past 90 days, during this financial year, in 2016-17 and in 2015-16.

Mr Wren: We would have to take that one on notice.

Mr Gentleman: There is quite a bit of detail in that but we will research that for you.

THE CHAIR: Finally on the matter of crewing, can you provide me a list of how many qualified ambulance officers have been employed by ACTAS at the end of each financial year since 2010-11?

Mr Wren: Again, we would have to take that on notice.

Mr Gentleman: If I could, there is normally a time line for answers to questions taken on notice.

THE CHAIR: We will come to that but it is 10 days, I think.

Mr Gentleman: This could be quite a detailed piece of research.

THE CHAIR: There is a little flexibility. The committee has decided on 10 working days. See what you can do in that period and come back and ask if you are not able to do it. But that is 10 working days after you get the transcript.

MS CODY: I have a supplementary to your question. Of the 233 ambulance officers/paramedics—that is a good sized force for the ACT, I think; that is pretty cool—with that many people, are there many staffing issues or concerns?

Mr Gentleman: I will just reflect on shift work generally. Having worked shift work for 11 years I can reflect on it personally. From the point of emergency services, it is difficult sometimes for personnel to be able to take their rostered leave in the segments that they would like to take it. We are trying to organise rostered leave. Quite often we need to be aware of the leave build-up and provide that support for them when we can. That is why, when the chair's question came earlier about different types of working arrangements, that gives us the opportunity to keep employing those people but in a different structure. I think that is welcomed by the service as well.

These are some of the challenges. It is normally shift work which is the challenge and then, as the new head of service said, it is in regard to the obligations to the community and the deemed times of response needed at peak periods.

MS CODY: Do you currently have any staffing matters that are being managed externally by an ombudsman or a human rights commissioner or any of those sorts of people?

Mr Gentleman: I cannot think of anything in that vein.

Mr Wren: I am not aware of any outside ACT government, no.

Mr Gentleman: We have support structures of course within ESA and if there are personal needs then we assist our officers with that as well.

MS LEE: In relation to the figure of 233, I noticed that the gender ratio was roughly about one-third female to two-thirds male. Does that imbalance worry you at all? I am not saying that it should be one or the other or everything should be equal but is that something that is of concern to you as a minister?

Mr Gentleman: We have our women in emergency services program where we are trying to recruit more women to front-line services across all our emergency services. It is going quite well but of course we need to do more to ensure that we can get that gender balance. I will pass over to the commissioner to talk to you about the work that they have been doing on that front.

MS LEE: The ambulance figures are nowhere near as stark as, for example, Fire & Rescue where it is 10 females to 324 males. I wondered if there was a targeted program there.

THE CHAIR: In fire there certainly is, yes.

Mr Lane: That is correct. We are very proud of the fact that within the ACT Ambulance Service we are getting closer to a balance of gender. Whether it will ever get to fifty-fifty, who knows? But it is a very good representation which I think we see as a healthy indicator of some of the strong cultural elements of the ACT Ambulance Service. Balanced with what we see in the ACT Ambulance Service is a significant number of women who are senior managers at the manager and general manager level.

Within ACT Fire & Rescue, yes it is a very different story but it is not different from what you see in other urban fire services around the nation. However, as commissioners and chief officers of all the fire and emergency jurisdictions that have urban fire services, we have all made a commitment to increase the number of women within our various services, and certainly within the ACT we have committed to a program of targeting at least 50 per cent women within all new recruit colleges.

It is a challenge to get there. We did not quite get there last time around but we are certainly committed to doing our very best with the next college to have eight women and eight men.

MS LEE: What does that targeting involve, though, specifically?

Mr Lane: It has basically been around promotion, and that is making sure that women are aware that there is a role for them in the fire service, breaking down some of the traditional stereotypes that there are around gender. Our marketing campaign was very successful last year and we have backed off again this year. I think we saw an 800 per cent increase in the number of women applying to join the organisation and then going through the process. By doing that, we obviously increase the pool from which we can recruit, and that is the most significant thing we have tried to do.

MS CODY: I want to ask a question about the fire service. You have recently just had a lateral recruit college finish, is that correct?

Mr Lane: Correct, yes.

MS CODY: That is 16?

Mr Lane: Nine graduates, I think, was the number on that particular program, of lateral entry from other states and territories, yes.

MS CODY: That course is not quite as long as the new recruit—

Mr Lane: Correct, that is right. All the firefighters who came from the other states, such as New South Wales, Victoria and the Northern Territory and I think one from Queensland, basically were all firefighter trained. They had already been in an urban fire service and we just simply did—

MS CODY: Is it nine weeks?

Mr Lane: a much shorter training college so that they could understand, obviously, the specifics of working in the ACT. That was a very successful program, and I had the opportunity last week to catch up with those graduates and their families and congratulate them on (a) coming to Canberra but (b) graduating from the college. They actually start shift, I think, it is today or tomorrow, which is great.

MS CODY: When do the new recruits graduate?

Mr Lane: We are currently in the recruitment process. We are currently up to the stage where we are going through the various elements of it. We are up to the physical aptitude testing part. That is happening as we speak. We do hope to run the college sometime early in the new year to commence the actual training of those new recruits.

Mr Gentleman: We have funded 16 places in the budget for that and that will see additional firefighters in operation by May next year.

THE CHAIR: Is it about a 10, 20-week course? Fifteen weeks?

Mr Lane: Yes, that is correct.

MS LEE: I refer to page 363 of the report. It says that in the reporting period 24 prescribed burns totalling 7,379 hectares were scheduled but due to unsuitable weather only nine, or 504 hectares, were done, leaving 15 burns totalling almost 7,000 hectares. I know that you also say that any burns that were not completed are going to be put in to this coming year. That is every single one of them, the 15? Is that right?

Mr Lane: That is right. It is a rolling program, and this is one of the discussions I have had with the ACT Bushfire Council to make sure, of course, that we keep up with the government's commitment to broad-scale prescribed burning. But the main thing we have to remember with prescribed burning is that we are very much at the mercy of the vagaries of the weather. One of the significant reasons why last year we had such a low number against our target was simply the rain. We had record rainfall throughout 2016, which really impacted on those windows of opportunity. It depends very much on weather.

What I am very pleased to report is that the land management agencies, principally EPSDD, the minister's portfolio, are doing a great job in relation to the planning of prescribed burns and having that work ready. And the main thing I ask of all those agencies, whether it is the National Capital Authority, EPSDD or some of the other land managers, is that they are prepared to go so that when the weather is right they are ready to go to work. That is about the preparation of trails, having all the plans in place and the safety measures. It is a dangerous role. If it is too wet, it does not work well. If it is too dry, there are risks of escape and the like.

MS LEE: Has such a lack of progress last year—and again I accept that it is up to nature—put us in a vulnerable position in terms of this upcoming bushfire season?

Mr Gentleman: There is some more fuel load there but fortunately we have had some rain over the past few days, too, which dampened it down and provided a safer environment. But in regard to burns, there are a number of other operations that we use as well, as I said in my opening statement. There is grazing in the area, there is slashing as well and physical removing of fuel load, to ensure that Canberra is a safe place to live. Of course both ESA and EPSDD ensure that it is a safe place to be.

But we always give the warning, as we have most recently as we lead into the bushfire season, for Canberrans to best prepare. That talks about ensuring that there is no build-up of fuel material around your house, clean out your gutters, those sorts of normal things. I know they are repetitious messages but they are very important for householders.

THE CHAIR: Just as a supplementary to that—and I know Ms Cody has one as well—if we are behind, over a whole year period, do you consider, in the budgeting process, an increase in the number of people in parks and so on? I know a lot of the burns are undertaken by parks and conservation. If we lived in a city where we only had 10 days a year to do this burning then presumably you would use more people to get the burning done in different areas. Has there been any consideration of scaling up the capacity so that in a shorter number of days we can still get to our target? People in Canberra have high expectations in this area.

Mr Gentleman: Yes. You have raised an important point, and I will just respond in the first part, then I will pass over to the commissioner. Yes, we certainly do look at resources available, but also the size of the burns is important, too, in an operational sense. But when you talk about parks, we have recently had a discussion in regard to environmental burns, about different ways of managing those, and whether we do them at different times during the year as well, to ensure that fuel load is removed and it provides a better environmental outcome for our native species.

Mr Lane: I think it is a very good point that we are well and truly ready to go in terms of resources if there is a significant opportunity. Obviously we cannot light all the areas up at once. We have to carefully manage that.

THE CHAIR: There is a level of panic that would be created by that.

Mr Lane: And it is also the health issues in relation to smoke management and those

sorts of things that are critical in that, because we do not want to have any other outcomes that are unfavourable to people's health as we do it. But in terms of your question of resourcing, yes we have got a wonderful resource within the ACT Rural Fire Service, the volunteer capacity that works with parks and conservation when those times come. And one of the things that have been successful—

THE CHAIR: So they embed together?

Mr Lane: Indeed.

THE CHAIR: For each burn?

Mr Lane: Yes, exactly. That is exactly what has happened. What we have also done, not only in the burn but in the preplanning stage, is actually embed an officer of the Rural Fire Service into the team so that we can work that.

THE CHAIR: It is an alarming number, 7,000 hectares that has not been done.

MS CODY: My supplementary question was: I know that we are a small jurisdiction but percentage-wise how does our fuel management control, in regard to bushfire management, compare with other jurisdictions?

Mr Lane: Extremely well, and until the 2016 wet season we were, by benchmark, the best in the nation in relation to our commitments.

THE CHAIR: And we also have more bushland in the city than any other capital city in the nation.

Mr Lane: And that is why we have set strong, positive targets. We will continue to work towards meeting them, subject to the conditions of the weather.

MS ORR: At page 117 it notes that there is a due diligence process being undertaken for the future of the Gungahlin RFS and SES. Can you step me through the due diligence process that is going on and when you expect that to be completed?

Mr Gentleman: I will ask the commissioner to give you some detail on that process. I will also let you know we are doing—and this may come up in the next half of the hearing—an accommodation review for ACT Policing as well. We will be looking at what we can do with them in that area as well.

THE CHAIR: It is getting rather crowded there.

Mr Lane: It is. In terms of the Emergency Services Agency, I would strongly advocate that there is a lot of strength to be gathered by the four emergency services being collocated. It is what we do at headquarters, it is what we do at the training centre at Hume and other areas. You are right, it is getting crowded, as our capacity continues to grow. As the minister has pointed out, there is a strategy underway looking at what the future holds on that.

In relation to the specifics around the due diligence study, those works are progressing.

I understand that the contracts have been let to undertake that type of work, and a number of options are being put forward. Of course, then it would still have to go back to government to secure funding to actually do anything with that. But it will give us additional advice we need about making sure we plan for the future.

Mr Gentleman: Just in regard to the commissioner's comments there about the agencies working together, I think the community really saw that on the ESA open day, where we had all the agencies on display, including our volunteers of course. It was a great success and I think the community really saw how those agencies can work together.

MS ORR: Sorry, my question was less about the issues that the chair raised. If you can step me through what you do when you are undertaking this? What do mean by due diligence? What is the process?

Mr Lane: It is from a number of areas, particularly for our paid service but for all our services. It is obviously about getting the station in the right spot, and that is for our performance in relation to response times. We are trying to find locations where appliances can get to the various parts of the city as needed. When it comes to the volunteer services, the same applies in many ways, because the quicker we can get there the quicker we can obviously deal with the incident. But it is also working through issues such as collocation, as I point strongly towards. If we are going to build in one part of the city because, for example, it makes sense to put an ambulance station there, then why would we not collocate if the footprint of the area allows for it?

But it is also very much in terms of the suitability of the land, the environmental impacts and all those other things that anyone has to go through. That is one of the key parts of the due diligence process. It is no good just saying, "Oh that looks like a good spot on a map," without understanding what is under the ground and all the other issues around the GP part of it.

THE CHAIR: I think that when that station was built in Gungahlin it was on the edge of civilisation, so-called.

Mr Lane: That is correct.

THE CHAIR: But now it is really in the centre. What is your preference, because it is not even really on a main road anymore?

Mr Lane: One of the things we did in terms of aligning with the government's policy about light rail and densification of the city was go back and review what that means from an emergency response time. A couple of years we did go to that. Whilst it is important, as you say, on the outer edges, our analysis and data actually point to the fact that for an ambulance service in about nine years time it looks like we will need something in that north of the EPIC-Mitchell area to fill in that. As you can imagine, this is what the data we use from our response modelling helps us get to.

THE CHAIR: When do you expect that process of the future planning to be complete? There is the Gungahlin discussion but there is also this paper about long-

term needs for police.

Mr Gentleman: For ACT Policing, yes. It will be quite a few months off yet. There is quite a lot of work to do.

THE CHAIR: Sometime next year?

Mr Gentleman: Yes.

MS ORR: Just to clarify, you said that the tender has gone out and they will be undertaking the due diligence on what the contract is for.

Mr Lane: As I understand it, it is underway, yes.

MS ORR: Just the last part of my question: when do you expect that process to be finished?

Mr Lane: I will have to take that on notice. I am not sure of the exact timing.

MS ORR: If you would not mind.

THE CHAIR: Any information that you can add as well for Ms Orr.

Ms Playford: One question that I took on notice that I have been sent through the answer to was the FTE for ACTAS. I am advised that on 18 October 2017—it does not quite align with the annual report—the ACTAS FTE was 236.7 and a head count of 251. That was on 18 October. That was for the whole of ACTAS.

THE CHAIR: You will still be able to take the rest of that question on notice and try to get the dates that I have asked for?

Ms Playford: On notice.

THE CHAIR: Thank you so much for that. Finally, before we finish up with emergency services, I want to ask about our beloved Bronto, which features greatly in our discussions. Of the 11,357 incidents and the 21,084 responses involving ACT Fire & Rescue in 2016-17, how many of them requested the use of the Bronto, and in what month did they occur? That can be taken on notice. Since 1 July 2016, on how many days and for what period of time was the Bronto unavailable for immediate response? I mean “immediate”, not whether the engine could be put back together and have it on the road within 15 minutes, which I know has been alluded to.

Mr Gentleman: No, that was only in regard to an alternator, I think, that was being replaced, which does not stop it.

THE CHAIR: We could have a debate about what was in that statement, Mr Gentleman, but perhaps I can just let you have a look at that question. And on what date will the ACT government provide the second aerial pumper? My concern is that the two pumpers may not actually both exist at the same time in the ACT. Can you give us some kind of definitive expression of your plans, because there is no date

on the completion of the new aerial pumper and the Bronto has been, for at least 40 days this financial year, in the clink, getting repaired? It is a bit of a lemon.

Mr Gentleman: I do not think the mechanics would call it “the clink”. It is a very modern, state-of-the-art workshop, actually.

THE CHAIR: Don’t take offence on behalf of them; they work very hard. The question is: are we ever going to see two aerial pumpers able to operate at once? Whether by accident or just the nature of the beast, it is not as useful as it could have been, if it had had a better engine, and it is off the road quite a bit. Are we going to see them both operating at once?

Mr Gentleman: You may well see them both operating at once, but the—

THE CHAIR: I do not mean on one fire; I mean in the ACT at the same time.

Mr Gentleman: I understand what you mean.

THE CHAIR: Do you have an intention to have two?

Mr Gentleman: The maintenance schedule would allow us to have one operational and one being maintained at any one time, which is what we do with several of the other pieces of machinery.

THE CHAIR: So you are actually hoping to have both of them in the system at the same time?

Mr Gentleman: Indeed. As I mentioned in answer to previous questions, it takes about two years for construction, and that process has begun.

THE CHAIR: So next year perhaps you will have it done?

Mr Gentleman: No, it will not be done by next year. It takes two years to build. So the chassis is purchased first—

THE CHAIR: Have we started building? No?

Mr Gentleman: We have started the purchase process for the chassis and then the construction of the equipment around the chassis can start after that.

THE CHAIR: I hope there is a very big ribbon opening for the second Bronto when it arrives.

Mr Gentleman: It is a very big machine. We had the current Bronto out, of course, at the ESA open day.

THE CHAIR: Yes. Was it engine in or engine out?

Mr Gentleman: It was operational.

THE CHAIR: I am glad to hear it.

Mr Gentleman: It goes up 44 metres—

THE CHAIR: Yes. When it works, it works very well.

Mr Pryce: Mrs Jones, I would not classify the Bronto as a lemon. It is a very expensive and a very complicated piece of machinery.

THE CHAIR: I am not saying it is not complicated, but I am telling you that the advice from on the ground is that the people using it see it as a lemon because it spends so much of its time being repaired. Forty days since last year being repaired does not allow it to go out to buildings where someone might be suiciding. So it is not my opinion; that is the opinion of operators. Thank you very much to everyone from ESA. We will move on to ACT Policing.

Short suspension.

THE CHAIR: The committee welcomes the Chief Police Officer, Assistant Commissioner Saunders, and other officers from ACT Policing. Before we begin, can I remind witnesses of the protections and obligations afforded by parliamentary privilege, and draw your attention to the pink privilege statement that is on the table. Could witnesses please confirm for the record that you are aware of and understand the statement and its implications?

Asst Commissioner Saunders: Yes, chair.

Mr Gentleman: Chair, the CPO has a very short statement to make.

THE CHAIR: I was going to say that you had already spoken about policing, but did you want to make a short statement, Assistant Commissioner?

Asst Commissioner Saunders: Thanks, chair, for the opportunity to make a brief statement. As the annual report reflects, the past year has been a challenging period for the men and women of ACT Policing, but it was also an extremely rewarding and satisfying year in terms of what can be achieved through flexible and nimble approaches to policing our community.

I am extremely proud of what the men and women of ACT Policing do every day to keep our community safe, and I would like to take this opportunity to thank them for the professional manner in which they respond to the increasing demand on our services in challenging, sometimes dangerous and often unpredictable situations.

Policing is a tough job. This has been highlighted by recent tragic events, including a fatal attack on a dog owner and the death of a man after ACT Policing used a taser to prevent further serious self-harm. To add to the trauma of these events, we also lost one of our own AFP family in the Melbourne office on the weekend.

Adding to these challenges is an increasing demand on our services, with ACT Policing responding to 16.7 per cent more calls for assistance. Furthermore,

whilst five-year trends demonstrate that crime rates have maintained relative stability, the picture of criminality continues to evolve, requiring an agile, innovative and flexible response. This is not easy and my people do feel the pressure of these demands. Consequently, my priority is to continue the development of sustainable strategies aimed at alleviating this pressure through my major strategic reform agenda, policing for tomorrow's ACT.

This strategy, which is strongly supported by ACT government, is aimed at making their job easier and continuing to deliver a high quality service to the community with a focus on our workforce in terms of numbers, skills and capability, our accommodation needs, tools and technology, and developing practical and streamlined processes in terms of governance.

Whilst we have work to do, ACT Policing continues to perform strongly in accordance with community and government expectations. As the minister has stated, the national survey of community satisfaction with police illustrated the ACT community's positive perceptions of and high levels of satisfaction with ACT Policing.

Additionally, as per the 2016-17 purchase agreement and ministerial direction, ACT Policing achieved or exceeded 18 of our 21 performance measures and 14 of our 17 indicators of effectiveness. This has been achieved by the continued flexible deployment of our capabilities on a priority basis to prevent, disrupt and prosecute crime in partnership with the government and the community.

This is further illustrated by our response to recent firearms-related violence linked to criminal gangs. ACT Policing has worked collectively to prevent, disrupt and prosecute those involved, under the leadership of Taskforce Nemesis. Our efforts are ongoing, but we have had positive operational successes, all of which make a difference. These successes involve the arrest and summons of 10 men, the visa cancellation of two others and a seizure of firearms, ammunition, illicit drugs, proceeds of crime and stolen property.

We also continue to work hand in hand with government to enhance our legislative framework to combat criminal gangs in the ACT, including the introduction of a specific offence for drive-by shootings, enhanced police powers to secure and maintain crime scenes and ongoing work on an ACT firearms prohibition order regime to disrupt, deter and prevent firearms-related violence.

Preventing crime before it occurs is critical to maintaining our way of life in Canberra. I liken this approach to the health model of primary prevention. We have redoubled our efforts in crime prevention, particularly with genuine community engagement, particularly with youth and Aboriginal and Torres Strait Islander peoples, assessing the efficacy and cultural appropriateness of our early intervention and diversion strategies and targeting recidivism.

Further to genuine community engagement, ACT Policing continues its commitment to reflect on the demographic of the community we serve. Diversity is a core element of modern policing as it assists us to build and maintain community trust and strengthens our capacity to effectively respond to local, national and international

challenges.

To support our efforts, ACT Policing and the broader AFP recently advertised for a women-only entry-level recruitment round aimed at achieving gender balance in future recruit courses. We also advertised our AFP directions traineeship program for Indigenous and Torres Strait Islander peoples.

In summing up, we have achieved a great deal and we are doing a great deal both internally and with our stakeholders to keep our community safe now and into the changing and evolving future. Thank you for the opportunity. I welcome your questions.

THE CHAIR: Thank you, Assistant Commissioner Saunders. First of all I wanted to state, on my behalf and probably other members of the committee, that there is a great deal of concern here in the Assembly about how your people are going in their jobs. They are under a huge amount of pressure and we think about them often. Please pass on our best wishes and our support to all those who protect us in your force because we absolutely rely on them.

Asst Commissioner Saunders: Thank you, chair.

Mr Gentleman: Thank you, chair.

THE CHAIR: In your statement you spoke about the increased number of calls for assistance. Today the DPP spoke to us about his concerns regarding an increasing volume of crimes and, in his case, prosecutions to deal with in the ACT. I want to go particularly to one area, but, first of all, do you agree with the DPP that there is a bit of a wave of work going on at the moment for you? Do you feel that it will pass or is it simply that we are increasing our population and that workload will continue?

Mr Gentleman: There are a couple of things to talk about there, before I pass over to the CPO. Firstly, we recognise that there is crime within the ACT. Our numbers, though, if you look at reporting, have stayed very similar, but some changes in activity have occurred. I went to that in my opening statement, particularly about family violence and the need to support police and the community with that. The government announced a family violence package.

We have also increased resourcing for police. In the last budget there was an increase of \$1.63 million compared to the previous financial year, a \$1.9 million increase to protect ACT police, \$0.281 million for safer families, and \$1.28 million for Taskforce Nemesis. The government has recognised the need to support policing both in a financial sense and in a legislative sense. We see the need to keep it up over time so that police can attend to criminal activity across the ACT.

THE CHAIR: Thank you, minister. Ms Saunders.

Asst Commissioner Saunders: In response to your question, chair, I think we have seen that crime is generally cyclical, and there are many factors that contribute to the increases and decreases in crime. If we look over trends, we see that the overall crime statistics have remained pretty constant and static over the five-year period. But you

are quite right: there has been an increase in calls, of 16.7 per cent. Obviously, that has an impact on our capacity to respond.

Having said that, though, as I have indicated, there have been some very positive results, which I have previously touched on.

Whilst we are not seeing an overall change in the overall numbers of crimes generally, the challenge for ACT Policing is responding to the changing environment, which I touched on earlier. Whilst we have seen a 16.7 per cent increase in calls overall, we have seen an increase of 19 per cent in priority 2 calls, which are those matters which genuinely require physical response and follow-up actions. Of course, that takes time. We have also seen a 16 per cent increase in priority 3 matters, which require an ACT Policing response. That equates to about 130 calls per day, which certainly is an increase from 2015-16, when it was 111 calls. That has meant that we did not meet priority 2 in 20 minutes; we did not achieve that. Mind you, it was by only 0.2 per cent: the target is 80 per cent; we achieved 79.8.

The good news is that we have seen a decrease in property crime. That has been a reduction by seven per cent. The challenge has been, though, that our clearance rates did not meet the target of 15 per cent. We achieved 14.5 per cent of that target. But within the property offences, whilst we have seen an overall reduction in some areas, we have seen an increase in some areas which are of concern. We have spoken previously about the increase in robberies by 53 per cent and motor vehicle offences by 25.7 per cent. We have also seen an increase in person offences by 14.8 per cent. And we did not achieve the KPI this year—nor did we achieve that last year—although the gap is slightly increased from last year.

THE CHAIR: What is not recorded in these statistics, presumably, is the length of time you are having to spend with each of these call-outs. The anecdotal information I have been given from your officers on the ground is that because we have had success in getting more people to report matters such as domestic and family violence, those call-outs take longer, as they should, but that also puts on additional pressure which perhaps the numbers do not reflect. It is not just about numbers but also about the length of investment.

Asst Commissioner Saunders: That is true. Certainly it is having an impact. As I said, I think the stats show those pressures that exist. However, it is really important that there be some context to those figures in terms of what the nature of ACT Policing's response has been. It has been quite effective in actually addressing some of these issues more recently in terms of the flexible response that we have undertaken.

By way of example, if we look at the issue of increased motor vehicle and property crime, we implemented a targeting team, a flexible team to respond to this trend, early this year. As a result of that strategy, which has been particularly effective, we had 40 individuals arrested and remanded, 268 charges laid, nine search warrants executed, and over \$1.4 million in stolen vehicles and property recovered.

My point is that, whilst we are seeing these trends, ACT Policing has been very nimble in responding to those priorities and actually addressing that crime. We see the

same response in terms of armed robberies. We established an armed robbery team. We have quite significant success in identifying the firearms used in those armed robberies and prosecuting those responsible.

THE CHAIR: I am sorry, Ms Saunders; we are under a bit of time pressure. I am happy to take more information if you want to take that general question on notice.

I want to ask about the total number of sworn police officers, unsworn officers and professional staff—those two categories: sworn versus unsworn or professional staff—for each financial year since 1998-99. I presume that overall headline number would not be that hard to find. I wanted to ask if there has been a decrease in the number of sworn officers since 2010-11 and what factors might be responsible for that. I understand that is a detailed question; I am more than happy for that to be taken on notice, given that there are plenty of others here who would like to ask a question. It is something that has been concerning: how to continue to keep up the personnel that we need to do this work.

Asst Commissioner Saunders: I will need to take that on notice in terms of the detail, but I could make some general observations.

THE CHAIR: Yes.

Asst Commissioner Saunders: As mentioned by the minister, there has been quite a significant investment into ACT Policing over recent years and our numbers have remained fairly constant. The challenge that we have found within ACT Policing is, firstly, that, with the continual recruitment we have had over recent years, the affordability of our workforce has reduced, which has allowed us to employ greater numbers than we have currently. But as soon as the recruitment courses, which are driven predominantly by the broader organisation, reduced, our workforce affordability increased—

THE CHAIR: More expensive, yes.

Asst Commissioner Saunders: which has reduced our capability to employ greater numbers that go well beyond what the contract between us and the ACT government has been historically. That certainly has been one factor. A second factor is that I have not gone to government in the past 12 months and asked for an investment into ACT Policing in terms of policing numbers. We have had a range of pressures on ACT Policing. In particular, if you look at even making sure the current cadre of police we have are kept safe, government has made an \$8 million investment in ensuring that our police are safe. Where we have gone to government and asked for specific support in targeted areas, we have received that. What we have not done is go to government in terms of support to address our core capability. That is an issue that I am exploring now.

My point is—and you would have heard other police commissioners make this comment—that I would welcome any increase in policing numbers that the government was prepared to fund, because the more police I have the more I can do. That is a common view. However, the solution is not as simple as throwing sworn police at this issue; it is much more complex than that. That is why we are doing our

strategic futures work, which is aimed at looking holistically at the service model that ACT Policing needs to deliver to best meet the community's needs; how we ensure they have got the right processes, systems and technology to do their work more efficiently; and how we make sure they have got the right legislation and policy to support them.

My advice—and the minister has been very supportive—is to do that piece of work and then come to government with an evidence-based position on what a sustainable model of ACT Policing in the future needs to look like and make sure we get the right remedy to the problem.

I anticipate that, based on the very pressures we have been talking about and the trends that I am seeing in regard to the demands for service, as one example, I will be going back to government and seeking an increase in our core capability. As to the quantum of skills and experience that are needed, though, I do not have the answer to that question. I am in the process of developing that case.

Mr Gentleman: There has been quite a bit of growth since our 90-year anniversary. We started policing in the ACT with one sergeant and eight peace officer guards. We will continue to grow.

THE CHAIR: In the five minutes we have left, Minister Gentleman, perhaps we will not reminisce too much.

MS CODY: I have a question for the CPO. In the annual report you talk about being an ethical and values-driven organisation that embraces diversity and inclusion and values fairness, trust, respect, accountability, integrity, commitment and excellence in service to the community. I was wondering how you measure those values.

Asst Commissioner Saunders: That is a good question. In terms of how we measure that, there is no simple way to say, for example, “I can take you to page 53 and there is the answer to that question.” It is based on feedback from the community; it is based on the surveys that are undertaken yearly in regard to the community's perceptions, which would suggest to me that those values are being instilled day to day. In terms of behaviour which is not consistent with those values, that is captured through our very robust oversight mechanisms, through our professional standards, the role of ACLEI and the commonwealth Ombudsman's office. We have those oversight mechanisms. We also have a very strong performance management model which is incorporated internally; those values are implicit in all of those performance measures, and those behaviours are considered, reviewed and discussed on an individual basis.

Ultimately, what is key in terms of organisational values is that they are demonstrated by the senior leadership group. At our last hearing, we spoke about the work that Elizabeth Broderick did with us in terms of developing an organisation that is supported by diversity and inclusion. That has been in the forefront of our mind with AFP values and ensuring that our leadership group are demonstrating those on a day-to-day basis.

There is a range of strategies in place to ensure that we fulfil them, and there will be a

range of benchmarks to go back and revisit to see how we are performing against those values, noting, for example, that we did an internal survey at the time that Elizabeth Broderick came on board and we will be doing another survey, I think early next year, to get a sense of how the organisation is feeling about our growth in terms of cultural reform.

That gives you a bit of a snapshot of what we do in that space.

Mr Gentleman: I think it is worthwhile, too, for myself, to congratulate our police officers on the ground who uphold those values, sometimes during very difficult circumstances. The taser incident the other day was a genuine effort to try to help that family. Our condolences, of course, go to that family, and to the officers involved.

MS LEE: I have got another question for the Chief Police Officer. In the past, and during the annual report hearings last year, there was some discussion about anti-consorting laws. You have spoken about them previously. As you know, there is now legislation tabled for the Assembly. I do not know if you have had a chance to have a look, but this morning we had evidence from the Human Rights Commissioner to say that she was satisfied with the bill that is before the Assembly. I was just wondering if you could expand on your views on anti-consorting laws, particularly if you have had a chance to look at the specific bill that is before the Assembly.

Asst Commissioner Saunders: I should add a caveat to my comments by saying I have not undertaken close analysis; that work is being done by ACT Policing now. But we have certainly made some general observations in regard to the framework.

MS LEE: Could you please expand on those?

Asst Commissioner Saunders: In terms of general observations, we have been very consistent in our position, in terms of anti-consorting, that we see a benefit in an anti-consorting framework that allows us to assist in preventing criminality. That has been our position. Having looked at the proposal coming forward in general terms, we understand the rationale for the framework that is being proposed as a means of mitigating some of that threat, and of course we welcome all efforts to mitigate the threat of criminal gangs and their activities.

Mr Gentleman: Can I say that the laws that are brought forward by Mr Hanson are somewhat different; they are criminal organisation laws where a group is declared a criminal organisation.

THE CHAIR: Correct.

Mr Gentleman: They have never been successfully utilised by any Australian police force. Minister Corbell had a strong discussion about consorting laws for the ACT, and the government's position was that we were very worried—and not just the government, but the community—about the human rights aspects of those. I did hear the comments from the commissioner—

MS LEE: Were you not satisfied with the Human Rights Commissioner, who gave evidence this morning?

Mr Gentleman: Yes, I did hear the comments this morning. We will certainly take those on board. And I will continue to work closely with ACT Policing about combating criminal gangs. But there is no simple legislative solution to addressing organised crime. There is a whole package that we need to do. The resourcing is a very important part of that, and the legislative response is important as well.

MS LEE: I do not think anyone is under the impression that there is a simple solution to this. Chief Police Officer, you were—

Asst Commissioner Saunders: I concur with what the minister said in terms of the feedback we have had from other jurisdictions that have applied like laws. They typically have not been implemented, as they are practically difficult to do. That is why you have seen New South Wales go on the path they have in regard to the anti-consorting regime they have in place.

The feedback from other jurisdictions is that they are problematic to implement. And on the face of it, I guess the biggest vulnerability, more broadly speaking, with the proposal is that it does not address situations where you have other criminal organisations travelling to the ACT to undertake their activity. That is a key gap, noting that we have seen an increasing trend in people travelling to the ACT for their runs, for want of a better term, in addition to planning and undertaking preparations for criminal activities. So that is a key vulnerability.

THE CHAIR: Can they not also be proscribed?

Asst Commissioner Saunders: I am sorry?

THE CHAIR: Can those organisations not also be proscribed under this legislation?

Asst Commissioner Saunders: Potentially, if there is time in order to do so. The process, from my understanding, is that it requires me to go before the court, having that criminal organisation registered and then making an application to a relatively high standard that individuals and members—

MS LEE: You are saying it is not a legislative restriction; it is a practical—

Asst Commissioner Saunders: Practical; I guess that was my point. The issue is around a framework which is practically implementable. As I said these are general observations, knowing that we have not done the analysis of the work. As the minister said, it has not actually been applied effectively in every jurisdiction. I think I will leave it at that.

MS CODY: Taskforce Nemesis has been very successful of late, hasn't it?

Asst Commissioner Saunders: It has been very successful in—

THE CHAIR: Very successful in responding to things that have happened already on the ground, but I do not think we would call it a success that there is a six-year-old putting out a car fire with a hose while the father bleeds to death.

Asst Commissioner Saunders: I can go a step further. As I mentioned earlier, every operational success has an impact. Yes, it is in response to crime, but it does have a preventive and disruptive impact.

MS CODY: Absolutely.

Asst Commissioner Saunders: Yes, it has been positive. As I said we have recovered a number of—approximately 16—firearms just in the past four to five weeks that we have been able to get off the streets. That obviously has a significant impact in regard to their access to firearms to then use in violent crimes. I do absolutely agree that we are having a positive impact.

MS CODY: Absolutely.

MS LE COUTEUR: My question is about *Beyond the binary*, which was an ACT government report in 2013. It gives legal recognition of sex and gender diversity. How does ACT Policing incorporate this in your daily work? In the interests of time, I was specifically thinking about the situation of a transgender person being put into police custody. How would you determine where to put them?

THE CHAIR: In the watch house; I think everyone goes there.

MS LE COUTEUR: Yes, but where—

THE CHAIR: Single cells.

Asst Commissioner Saunders: I might need to take on notice the actual governance and policy about that. My understanding anecdotally is that we are very respectful of all people that we deal with, and if someone associates as a particular gender, we would respect the position of that individual, and ensure that they are treated appropriately and in accordance with their gender.

MS LE COUTEUR: Would you ask them? Would you ask them what gender they would prefer to be treated as?

Asst Commissioner Saunders: Yes, if that was in question. It might not be obvious to us. Certainly, I would argue that it is generally brought to our attention if that was the case, and we would respond appropriately. We also have a very strong network within the AFP which we draw upon when we are dealing with people that may be transgender and/or from another vulnerable group that we will gain assistance from in terms of making sure that we provide the appropriate support to that individual.

MS LE COUTEUR: If an individual came with other individuals, if you were going to detain the lot of them, would you generally put them together?

THE CHAIR: No.

Asst Commissioner Saunders: I am not sure we have faced that scenario.

THE CHAIR: The watch house generally separates people.

Asst Commissioner Saunders: That is right. I am not sure what you mean in terms of whether they were a group—

MS LE COUTEUR: I possibly need to talk to you afterwards because I am referring to a specific incident that you probably would not be able to comment on.

THE CHAIR: Would you like to give some more detail by way of a question on notice as well?

MS LE COUTEUR: I will see what can be appropriately put on notice, but this is not totally hypothetical.

THE CHAIR: The minister may be able to organise a briefing with advisers for you—

Mr Gentleman: Yes, I am happy to do so, if you contact my office.

THE CHAIR: so that that can be resolved. I think we would all like to see the best professional outcome in those areas. I thank ACT Policing. Thank you so much for attending.

Appearances:

Berry, Ms Yvette, Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation

Community Services Directorate
Wood, Ms Jo, Coordinator-General for Family Safety

Justice and Community Safety Directorate
Rosenberg, Ms Madelon, Senior Legal Policy Officer
Playford, Ms Alison, Director-General

THE CHAIR: On behalf of the committee, I would like to welcome Minister Berry and her officials, particularly Ms Wood, working on family safety. For the next 30 minutes the committee will consider the prevention of domestic and family violence, specifically, relevant parts of the 2016-17 Justice and Community Safety Directorate annual report relating to the family safety coordinator-general in particular, and the annexed report of the coordinator-general.

Before we begin, can I remind witnesses of the protections and obligations afforded by parliamentary privilege, and draw your attention to the pink privilege statement set out on the table. I will ask you, minister and officials, to confirm for the record that you understand the privilege implications of the statement.

Ms Berry: Yes.

Ms Wood: Yes.

THE CHAIR: Thank you. Before we proceed to questions, minister, do you want to make a brief statement?

Ms Berry: No.

THE CHAIR: I will go to Ms Cody to ask the first question.

MS CODY: Thank you. Could you give me a brief overview of how the implementation of the safer families package is progressing?

Ms Berry: Yes, we can do that, and I will get Jo to talk about some of the work that has been happening so far. I think most members here attended a walk-through—

MS CODY: Unfortunately, I was unable to.

Ms Berry: That is all right. We can take you through it, and there might be some questions that other members might have as we go through that. You will also know that, with respect to the family safety levy, where the funding is being spent is in the budget papers—and it is very transparent for people to be able to see where it is being

spent—on page 406. It has been very important to make sure that everybody knows where that money is being spent across the government. In addition to that, each year since last year we have put out a small glossy to inform people about where the funding has been going to. That is available online, so you can get hold of that.

A lot of work has been done in the past 12 months on implementing all of these different parts of the safer families funding, particularly over the past 12 months in the co-design of the family safety hub. Considerable work has been done by Jo Wood, working with the women's safety sector as well as others, as well as victims or people who might have experienced domestic or family violence, on what the family safety hub would look like.

Importantly, part of this has been making sure that directors-general across government understand the priority and the importance of this work; that government all works together on this, and that the community sector and others across our community work together to tackle this very important issue. I might ask Jo to take you through some of the work she has been doing with the development and the co-design of the family safety hub, and how she has engaged with the community so far.

Ms Wood: We have been in a fairly intensive co-design process with the community sector since March this year. That co-design process has explored a whole range of issues that people have raised with us about challenges and barriers in our response to domestic and family violence in the ACT.

To bring people into the co-design we started by developing a set of principles to guide that work. It has been really important to have a set of priorities and principles that people could unite around and that reflected what we collectively saw as important.

Very importantly, the co-design had at its centre understanding and being informed by the experience of people with lived experience of violence, as well as being informed by people who do the front-line work to support clients with lived experience of violence. Obviously, anything we do with a family safety hub in the ACT needs to support that front-line work. It cannot create an extra burden; it cannot create extra complexity; it cannot in itself create extra barriers to people who do the front-line work. That has been a really important guiding principle.

The other really important principle has been to say we want to start by understanding the experience of people who are most vulnerable to domestic and family violence and who we find hardest to reach through our existing services. We prioritise for that Aboriginal and Torres Strait Islander women and families, women with disability, culturally and linguistically diverse women and families, the LGBTIQ community, which is obviously a broad, diverse community in its own right, and young men with a lived experience of violence in their families.

That has been how we have approached the insights piece, where we have wanted to interview people. We have interviewed and run focus groups with over 50 people who work in front-line service delivery roles—people who are in specialist services, and a whole range of people in mainstream services who see an increasing proportion of

families dealing with family violence. Through those 50 people, we have used their trusted relationships to then interview people with lived experience of violence. We have done about 20 interviews, mostly of women, but we have had a couple of men participate as well, to share their experiences.

With those insights, we have had a first tranche of an insights report, which we published in July. That reflects the work with front-line workers. We will have an updated report fairly soon that adds to that with the individual stories, and the additional insights that come from the experience of people with lived experience of violence.

We have taken those insights into an intensive design phase. We have had a core design team that has had government and community sector service providers and policy people involved in a series of design workshops to respond to those insights. What came out of the insights was a really broad range of messages about whole-of-system reform. One of the things that we have committed to the people that contributed was that we wanted to use these insights to inform the family safety hub, and as an evidence base for other reform as well. It is not a kind of one-off: “We’ve heard your stories, we’re going to do a family safety hub and that’s the end of it.” We are taking the insights really seriously, and looking at them to guide a range of things in the future.

THE CHAIR: For example, if you are having to tell your story over and over, you could streamline that through all the departments.

Ms Wood: Yes.

MS CODY: As part of the gathering of evidence, for want of better terminology, and talking to people with lived experience, have you also included people that have never accessed services, who have been involved in violent situations but not ever accessed any services: police, courts or any of that type of assistance?

Ms Wood: Because our way to reach people was largely through service providers, most of the people we have spoken to have been engaged with the service, but we have used victim support and the Victims of Crime Commissioner to reach some of the victims. Off the top of my head I do not know about that group. They would have all touched the service system somewhere, I suspect.

MS CODY: Not necessarily. I am speaking from personal experience.

THE CHAIR: Sometimes they might avoid the system.

MS CODY: Yes.

Ms Wood: I understand that a lot of people avoid the system and that approaching the police, for example, creates a lot of fear for a lot of people. With the particular subset of people who reach victim support, and whether they have had any other service experiences, we would have to look at that.

THE CHAIR: Do you want to take on notice having a bit of a look at the people you

spoke to and whether you found some people specifically from that group, as part of your information? That would be good.

Ms Wood: Yes, I am happy to do that.

MS LEE: On page 33 of the report, under the subheading “Safer Families”, it notes:

The Family and Personal Violence Amendment Act 2017 ... implements a number of the recommendations contained in the joint Australian and New South Wales Law Reform Commission’s report, Family Violence—A National Legal Response ...

My understanding is that that report is from 2010; is that right?

Ms Wood: That is probably right, yes.

MS LEE: Could you explain why it has taken seven years for the important implementation to come in?

Ms Wood: I cannot answer it in full but we do have someone here who can answer it.

Ms Rosenberg: The reason that it took such a long time to get the first tranche of amendments in place was because of a quite lengthy consultation process.

Ms Berry: It was lining up governments as well, wasn’t it?

Ms Rosenberg: Yes.

Ms Playford: Yes, it was a national report. With respect to a lot of the work we did, there were a number of state and territory working groups that considered these issues and which went alongside, and discussion at ministerial meetings at a national level, trying to develop a national response to some of the issues raised by the Law Reform Commission. That went in parallel with very extensive consultation at the local level around what the ACT issues were.

Ms Rosenberg: We ran extensive consultation roundtables with the community and with government over a period of many years. Once we had settled on the overall ACT approach, there were further consultations to effect change in the first tranche of legislation. That is a lengthy process and, as Alison said, it was done in tandem at a national level.

Ms Berry: One of the challenges was lining up other states and territories, so that it would be a national approach rather than states and territories applying the law at different times during the process. So, yes, it did take a while, and I think there are still some that are in—

Ms Rosenberg: There were 131 recommendations that applied to the ACT, some of which still require lengthy consultation and have serious ramifications for ACT law reform, including resource costs.

MRS KIKKERT: My question is in regard to family safety hub insights. Some of the insights gained from the workshops, interviews and focus groups seem to directly challenge traditional approaches to family and personal violence, which is very understandable; things like wanting non-legal and non-justice responses, desires to preserve the family structure intact, fears over losing children, the need for a non-punitive approach to men, and so forth. Jo Wood, what do you see as the biggest challenges to actually implementing a family safety hub that meets these kinds of needs?

Ms Wood: I think those insights, as I said in my previous answer, really point to a whole lot of big system reforms. There will not be one thing that we can do that will be able to respond to all of those insights; we are interested in looking at how we could use a family safety hub as a way to start to develop some of those different approaches. Those insights tell us that for some people, and it is not for everybody, we do not have the right responses; we do not have responses that meet their needs or their aspirations for their family.

We are not at all suggesting that we would throw out the system of protections we have, which do work for some people, but we need to have a more diverse range of options. We know that developing that diverse range of options will take time and will need to be done closely with people so that we are continuing to put people at the centre, continuing to co-design and test things in a really disciplined way. Also, some of those issues cut across different parts of our system: they cut across the justice system and a series of community services; they interact with our child protection system.

THE CHAIR: And probably restorative justice as well.

Ms Wood: Yes, that is right.

Ms Berry: Another part to that is acknowledging the work of Room4Change, which is new in Australia. There is another program which is similar in Western Australia, but the program that is being run in the ACT, Room4Change, recognises that not all families want their partners to go; they just want the violence to stop. It removes the perpetrator or the person who thinks that they might use violence from the family so that the family can stay safely at home, and then provides supports to the family at home and also to the perpetrator or the person who might be thinking that they might be using violence to help them to not use violence anymore and to learn different ways.

That has only just started in the ACT, but it does go to the complications that we have been hearing that people have in their lives and the way that with our service system there is no one size that fits everybody. We need to have a whole bunch of different ways that we support people.

THE CHAIR: I think that even the perpetrator, as we have discussed before, is sometimes a victim or someone who has previously been a victim. It is difficult to just create two categories of person when it can be much more complex than that.

MRS KIKKERT: On top of that, what legislative changes do you think will be

necessary to implement these kinds of changes?

Ms Wood: We have not yet, in our insights work and our design work for the family safety hub, identified any particular legislative change that is needed. One thing we are considering is supporting the right kind of practices and frameworks around information sharing. That is one that was identified earlier; it was identified as part of the government response to family violence. We have consulted on that issue. What comes out really strongly in the consultation is how big the culture and practice around information sharing are as an issue. We are looking at that first, about creating the right kind of environment and culture and practice around information sharing.

We will consider legislative change if we find that there are real legislative barriers. At this point we have not identified any particular legislative barriers that we need to act on immediately but, as we continue this work, if we find real legislative barriers, we would definitely be raising those issues and looking at what we could do.

THE CHAIR: The question has been raised with me about whether people could give permission at an early stage of contact with whatever systems we have in this city for their information to be shared. They would still maintain control, but that information could be shared where it is appropriate or where the person agrees. Obviously you do not want them to lose control of their own information, but you want the flexibility for them not to have to tell that 100 times over.

Ms Wood: Yes, that is right.

Ms Berry: It is something that the community has talked a lot about within the service providers. We are a human rights jurisdiction as well, so ensuring that it meets up with our Human Rights Act is the other part to it.

THE CHAIR: Yes, that people have some control over their privacy.

MS LE COUTEUR: Minister, you mentioned Room4Change. I would like to get more information about that. How many people have been involved in this?

Ms Berry: The rubber has really just hit the road on that whole program.

Ms Wood: I have some early numbers. Service delivery for Room4Change started on 1 April and the residential component started on 9 May. Men and families referred to the program can either participate in the residential component—that means that the man is accommodated in one of the properties that Room4Change have available—or stay in their own home or in a different location and participate in the therapeutic work, the group sessions and the individual sessions.

In the first three months of operations since the whole program started in April, 21 men received support or referral and there were seven men who were accessing the program accommodation. Twelve families received case management. That may include support to stay at home, but it may include a range of other supports that they might need. It is very early days in terms of the numbers of people in the program.

MS LE COUTEUR: It may be too early to ask this question, but how many people

have successfully completed the program, and what would you define success as?

Ms Berry: It is still very early days.

Ms Wood: The expectation is that the behaviour change component is around a six-month program. We are only now getting to the first lot of people who could have made their way fully through that program, assuming that everything went perfectly as expected.

It is probably a bit too early to have numbers on that. They are developing an evaluation framework, because it is a pilot and it will be evaluated. There will be a range of measures of success. Because it is quite new to the ACT, I think we are still working out what that success looks like.

Obviously the ultimate goal is that the person who is either using violence or at risk of using violence changes their behaviour and interacts in a different way. But there are also some other really important potential benefits of this program and we will be interested to see how they develop.

It really is one of the few behaviour change programs that has visibility of both the perpetrator and the victim and the family. We have one service that is working with everybody. That is really important in terms of giving the victim and family visibility about the perpetrator's behaviour, which they would not necessarily otherwise have. It could also have some really important benefits in terms of supporting the victim in achieving safety, feeling safer and feeling as though they have the information to manage safety.

I think there will be different kinds of measures of success. We know that the behaviour change part of it is hard work and long term.

THE CHAIR: Yes. Reconstructing behaviours is not an easy task for anybody.

MS CODY: Can I just ask a very quick supplementary? I wondered what the referral process was for Room4Change.

Ms Berry: There are a few different referral pathways.

Ms Wood: It is managed by the Domestic Violence Crisis Service. People are referred from ACT Policing, from corrections; there is a range of potential referrers. DVCS has a set of criteria where they assess people's capacity to benefit and readiness for that particular kind of program.

Ms Berry: Yes, and they have to be ready and agree to be part of the program.

THE CHAIR: You have to be at a point where you want some improvement from both sides.

Ms Wood: Yes, that is right.

THE CHAIR: We have one more minute if anybody has a question.

MRS KIKKERT: I have a question. With regard to page 150, on leading cultural change within the ACT government, the annual report mentions an International Women's Day address given by Ms Wood regarding her work leading cultural change within the ACT government. Ms Wood, could you please provide a brief summary of the most important cultural changes that need to occur in the government regarding family safety?

Ms Wood: That was probably the International Women's Day address I gave in JACS. The thing that has come out through our insights work and the family safety hub is really that the key change, the thing that would make the biggest change, is a person-centred approach, actually listening to what victims tell us they want and what they need. I am not suggesting that does not happen; of course, there are a whole lot of services that do that really well. But it is about ensuring that across the board we are actually putting the victim at the centre and ensuring that we are not making assumptions about what they want or need but we are responding to what they identify that they need.

THE CHAIR: Putting them in the driver's seat.

Ms Wood: Yes. That kind of culture will reduce people's fear about seeking help. It will also ensure that in the longer term there are better outcomes, because we are providing the right things that people want to engage with and that will get them to what safety looks like for them.

MRS KIKKERT: As you focus on victims, can I ask: how many youth or children were involved in your co-design interviews?

Ms Wood: We did not interview any young people or children. We have identified that as something we want to do; we want to understand the impact on children. In the process we were running, we did not really have the right expertise to do that, but we are talking to various people who have done that kind of research with children before. We are interested in finding a way to do that in a safe way. We did try to reach some older young people through some of the service providers, particularly young men. The service providers told us at the outset that it would be impossible to find anyone to talk to us because the stigma about that was so huge, and that proved to be right. But we want to continue to explore how we reach those people and understand what it looks like from their perspective.

THE CHAIR: Going forward, it would be very interesting for us, in our work in this DV space but also as a community, to understand how to talk about it. We launch out on this "men are bad; women are victims" kind of language, which is sometimes correct and other times not. As we have discovered, it can alienate culturally diverse communities and so on. There will be a lot more to do, I am sure, about getting all the right buzzwords to get people to seek the help they need. Across policing, we spoke this morning about there being a huge increase of awareness and reporting in the community, and that is a start.

I have a few administrative matters concerning the morning and early afternoon sessions of the hearing.

On behalf of the committee, I thank all witnesses who have appeared this afternoon. When available, a proof transcript will be forwarded to witnesses to provide an opportunity to check the transcript and any corrections that you want to make.

In relation to the proceedings heard thus far today, I advise members that answers to questions taken on notice, and I think there were one or two, need to be provided to the committee within 10 business days after you have received the uncorrected proof *Hansard*, day one being the first business day after it was sent to you from the committee office. Non-executive members can still lodge questions on notice, and they will be received by the committee office within five business days after the uncorrected proof transcript is received, the first business day after the proof *Hansard* is sent to ministers being day one. Responses to those questions on notice should be provided to the committee within 10 business days of the receipt of the question, day one being the first business day afterwards.

If you are appearing before other committees as part of annual reports hearings, they may have slightly different reporting time frames, but that is what we have agreed to as the JACS committee.

Hearing suspended from 4.02 to 4.12 pm.

Appearances:

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

Justice and Community Safety Directorate

Playford, Ms Alison, Director-General

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

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

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

Garrison, Mr Peter, Solicitor-General for the Australian Capital Territory, ACT Government Solicitor

Toohy, Ms Mary, Parliamentary Counsel, ACT Parliamentary Counsel's Office

Chief Minister, Treasury and Economic Development Directorate

Esau, Mr Lloyd, Director, Major Projects, Infrastructure Finance

Snowden, Mr David, Chief Operating Officer, Access Canberra

THE CHAIR: The Standing Committee on Justice and Community Safety will now resume public hearings for its inquiry into the 2016-17 annual reports. For this part of the afternoon session the committee will examine firstly the Attorney-General's portfolios, specifically relevant parts of the 2016-17 Justice and Community Safety Directorate annual report relating to justice services. This includes policy advice and justice programs, legal services to government and legislative drafting and publishing services as well as courts and tribunals. In concluding the hearing today the committee will examine the Attorney-General's portfolio as it concerns both racing and gaming policy and regulatory services together.

Can I remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and are being live web-streamed and broadcast. On behalf of the committee, I would like to welcome Minister Ramsay and officials from the Justice and Community Safety Directorate who have been very patiently working with us all afternoon. I will now commence this session with the Attorney-General's portfolio, specifically justice services and courts and tribunals.

Mr Ramsay: I have got an opening statement.

THE CHAIR: Please do give us a short opening statement.

Mr Ramsay: I do appreciate the opportunity to make an opening statement. In my role as Attorney-General I am pleased to progress the high quality and the innovative justice and community safety policy and legislation that benefits all Canberrans. Most of all, I am pleased to emphasise that in this annual report you will see a focus on delivering the things that we as a government committed to do.

Key achievements of the year include support for a vibrant, safe and fun night economy; delivering on the government's gaming and racing reform commitments; and helping to build a more timely, transparent and accessible justice system.

Supporting Canberra being ranked *Lonely Planet's* third best city in the world to visit, the government is committed to making sure the ACT continues to be one of the best and safest places to live.

During the year, reforms to the Liquor Act 2010 supported a vibrant, fun and safe night-time economy for Canberra. The liquor reform package that we have rolled out during 2017 has not only reduced red tape for Canberra businesses but it has also done much to ensure our city has a safe, vibrant night-time economy. Through targeted fee reductions for small venues, red tape reduction across the industry and funding for six more police officers to patrol night precincts, we are delivering better conditions for small businesses and a safer environment for people enjoying a night out.

Stronger protections against gambling harm were clearly endorsed by the community at the election and have been since. Through thorough consultation we are bringing forward a tax rebate to help small and medium clubs transition away from gaming machines as a source of revenue, limiting cash withdrawals from EFTPOS machines in clubs to \$200 per transaction and requiring interaction with a trained staff member for all withdrawals, and increasing the problem gambling assistance fund levy to provide more funding to help people who are affected by problem gambling.

As members of the committee are aware, those measures were just the beginning and there is more continuing on past the financial year. We are going to keep looking at the evidence about gambling harm and keep on finding ways to make our strong regulatory framework even more robust.

The government is also living up to its commitment to end the greyhound racing industry. We chose a course of action which ensured that animal welfare and support for workers were first and foremost. We engaged Mary Durkin to make independent recommendations on how to implement the policy and, based on that report, in June this year we established the greyhound industry transition task force which is currently ready to provide individualised support packages to workers who are leaving the industry. Legislation to end the industry is currently before the Assembly, as members of the committee are aware.

Finally, within the Attorney-General portfolio there has been a comprehensive push to ensure that our courts are timely, accessible and transparent. A major achievement to help people facing family and domestic violence came in the Family and Personal Violence Amendment Bill. The bill streamlined the processes around family and personal protection orders and provided additional safeguards for children and people with impaired decision-making ability.

With these amendments, the Family Violence Act 2016 commenced on 1 May 2017. The new act expands the definition of family violence to include a broader range of coercive and controlling behaviour, including economic abuse and psychological abuse. These important reforms will help the justice system to better serve vulnerable people who are seeking help to confront family and personal violence.

Funding to help vulnerable people navigate the justice system has also been provided and, as I mentioned in my opening statement at the estimates hearings, we have

improved the accessibility of the system for our most disadvantaged Canberrans by providing additional funding to those services that support the vulnerable members of our community. This includes nearly \$2½ million for our community legal centres over the next four years and the funding will assist community legal centres to continue to provide core services to the most vulnerable members of the community.

Overall, the annual report represents a government and a public service who are focused on delivering first-rate services to this community. Through law reform, through funding and through key policy decisions we are helping to support a Canberra that is economically vibrant, that is safe and whose laws reflect the value of the community.

MS CODY: Minister, in your opening statement you have just mentioned part of what I wanted to ask you. I was wondering if you can tell me how the safer families legislative changes that came into effect in, I think it was, May will impact and what they will do for people facing domestic or personal violence.

Ms Playford: I might get somebody from the legislation and policy area to come up but while they are coming up I probably can make a few opening remarks. I think one of the key changes was in relation to how the personal protection orders operate. A key thing was in terms of the way evidence is presented to the court and the capacity for police to capture that evidence, for example in a video format. I think the early indications are that that is proving quite successful. But I might hand over to Karen who can probably more comprehensively answer that question.

Ms Greenland: We will be working with agencies to monitor how the changes are working for them. As the director-general said, one of the key changes was around the capacity to give evidence immediately so that that could be captured proximate to the time that the incident occurred. It is fairly early days but our intention is to work with agencies to get some preliminary feedback around how that is going in terms of looking at the numbers of matters that have been dealt with under the new arrangements and then use that to see whether or not there are any things that we need to look at with the way the scheme is operating, as well as having a more comprehensive review of the way in which the scheme has worked probably after a couple of years when we have got a reasonable amount of data that will tell us how effectively the scheme is working for those affected by family violence.

MS CODY: I know you briefly mentioned some of the changes but can you outline how the new legislative changes change people's experience in the courts?

Ms Greenland: The benefit of being able to give that evidence at the time at which the incident occurs is that the person does not obviously have to relive the experience in terms of repeating the evidence. It also is very good evidence because it is proximate to the time of the incident. And it obviously provides a less daunting experience for victims of family violence when they are able to give that evidence at the time at which, or immediately after, the incident occurred. That is clearly a benefit for those who are in the court process.

MS CODY: And I would assume that also means it is fresher in the—

Ms Greenland: Yes. That is right. It is actually fresh in their minds and they are able to give evidence. They do not have to recall something that happened quite a long time ago, because obviously matters can take a period of time to come to court. They do get the benefit of being able to give their evidence when it is fresh in their mind.

THE CHAIR: I have also heard some feedback that, as excellent as this change is, it does take a little more time at the time of police attendance and so on at the scene and there has had to be some training and so on. I do not know if you have had a think about how that is affecting police and their workloads because they are spending a little more time with people, which is beneficial in some ways.

Ms Greenland: Police have staff who are supporting the process. They have got specialised staff—

THE CHAIR: Specifically trained, yes.

Ms Greenland: who are liaison officers in the family violence space. And, as I say, one of the reasons that we want to reach out to the agencies that are participating in the way the new scheme is working is to find out how that is working for them at a practical level. And we have had discussions with Jo Wood's office around that.

THE CHAIR: And some of that would be fed back through JACS as well in their negotiations, I am sure.

Ms Playford: Yes. I note that there was some specific funding in the budget as part of the family safety package. That was two budgets ago now, wasn't it?

THE CHAIR: Yes.

Ms Playford: Specifically for police to support them in anticipation of these legislative changes.

THE CHAIR: I am not suggesting there are any complaints from the top, as we have discussed today, but just on the ground. The response from police, which is, I am sure, very useful for you, is that they are willing to spend the time. It just takes longer.

MS LEE: Page 93 of the report talks about a report prepared by UC and ACU academics in relation to impacts and potential benefits of a therapeutic jurisprudence model for care and protection matters in the Childrens Court. I note that it says a report "will also provide", so I assume the report is not available as yet. Is that right?

Ms Playford: This was the report that the Chief Magistrate, as the Childrens Court Magistrate, engaged. So, rather than the department engaging, it is actually something that the Chief Magistrate has led this work on. That report is available. The Chief Magistrate has facilitated a meeting with a whole range of stakeholders, across government but also with the non-government sector and with particular sectors like the Aboriginal community. I think that just last month there was a meeting that she convened where she had the people from Canberra uni who had done this work together to talk through what some of the issues might be. She is definitely looking to

progress that work.

Mr Kellow: I think that that is where we have reached. Like all good reports, it took a little bit of time just to get into a final form. But it has been circulated on the basis of discussion, and we are now trying to move forward into the next stage about we come up with some concrete proposals to put to government as to how a therapeutic justice approach in the care and protection jurisdiction will work in Canberra.

MS LEE: The report is not publicly available at the moment. Is that right?

Ms Playford: The Chief Magistrate has circulated it to quite an extensive range of stakeholders. We could take on notice whether she is prepared to have that supplied.

THE CHAIR: Can we have that supplied?

Ms Playford: We will take that on notice. It is really a matter for her, because it is her report.

MS LEE: I understand. And you cannot speak on her behalf here.

Ms Playford: I also note that the court working through with the Chief Magistrate what a model would look like obviously might involve some resource implications, which would then feed through a normal government budget process.

MS LEE: Is there a bit of a time frame as yet in terms of when the pilot program might kick off? Or is it too early to say?

Ms Playford: It is probably too early to say exactly. It depends a little bit on what the model is and whether she decides she wants to pilot it, or how broad the model might be.

THE CHAIR: Could you take it on notice to seek permission, if that is possible, to give us a copy of that report.

Mr Kellow: Yes.

Mr Milligan: You mentioned Aboriginal and Torres Strait Islander, and that sparked my interest. Here we have got that they are looking at ways to “improve accessibility to the courts for Aboriginal and Torres Strait Islander people in the ACT”. There were 55—

THE CHAIR: What page is that?

Mr Milligan: The same page: 93. Fifty-five persons contributed to a workshop, and some recommendations came out of that workshop. Can you give any indication as to what a couple of the key recommendations that came out were?

Ms Playford: That workshop was actually convened, again, by the judiciary. In this case the Chief Justice and the Chief Magistrate jointly convened the forum. I understand that they have developed a range of recommendations for that. I know

from my discussions recently with the Chief Justice that at least the Supreme Court is developing an Indigenous strategy from some of the things that came out of that forum. There have certainly been some discussions that we have been having with Philip, as Principal Registrar, around some of the challenges of how they might increase the diversity of court staff and in terms of Aboriginal and Torres Strait Islander staff.

Mr Kellow: The workshop was facilitated, and the facilitator drew together the outcomes. There were a number of recommendations. We have a judicial cultural diversity committee that was established, and that has now considered those recommendations. We have an action plan which we are just waiting for the committee to endorse. The convener of the committee spoke to me last week to say she was keen to do that this month. Running parallel to that, the Chief Justice has developed a strategic action plan for the Supreme Court, which was endorsed by the judges on Friday. That will be published on the Supreme Court website. We are just waiting for the final form before we put that up. So it is progressing.

There is a mixture of recommendations. One of them is to make sure that whatever the courts do complements the range of services that already exist in the community, both government services and non-government services. We do not want to just duplicate services; we want to see if we can add extra value. So it is looking at some of those gaps. One thing being discussed is around liaison officers and wraparound services and so on.

The other thing is that we are keen to make sure everything is woven together with the drug and alcohol court proposals and the therapeutic justice proposals. Obviously Aboriginal and Torres Strait Islander people are well represented, unfortunately, in those cohorts. It is about making sure that if government is moving forward with these reforms it has a coherent and well-coordinated package rather than having little pockets of reform which do not necessarily talk to or support each other. We are very conscious of and trying to work through that. So we have a bit of work to do over the next few months.

There are other things around better information and continuing liaison with the various community representatives. There is the Aboriginal Justice Partnership, which is coming up for renewal next year. We want to have some input into that from a court and tribunal perspective. The current partnership agreement really focuses more on the courts and tribunal being a source of data. I think it is fair to say, for my part and for the part of the judiciary, that we want to do a bit more than that and put in some more stretch about actual services and other changes that we might be able to put in place over the life of the next partnership.

MS LEE: The workshop is hosted by the ACT Courts Cultural Diversity Committee. I assume that its responsibility and remit is broader than the Aboriginal and Torres Strait Islander community.

Mr Kellow: Yes.

MS LEE: Can you outline some of the other work that it does for other groups? Are there any priority groups in particular that the committee focuses on?

Mr Kellow: We set it up earlier this year in response to the Judicial Council on Cultural Diversity, which is a national body currently chaired by Chief Justice Martin from Western Australia. It has produced a number of reports. They were in draft form for some time but two key ones have now been put in final form. One of those relates to access to courts by people from Aboriginal and Torres Strait Islander background and from migrant backgrounds, or non-English speaking. I cannot remember the exact language they used in their—

THE CHAIR: Culturally and linguistically diverse communities?

Mr Kellow: I know; there are so many terms. I was trying to remember the actual name of the report. It was in draft for a long time but it was finalised this year. We had been working through—

THE CHAIR: Could any of that be provided to us, about the types of changes that you are in fact implementing? Or can you ask if there is any interest in sharing that?

Mr Kellow: Yes. The focus has been on Aboriginal and Torres Strait Islander, and the report and our committee's response will be public, as I have mentioned. The Supreme Court's response will be available on its website hopefully this week. One of the other two areas which the committee has been looking at is non-English-speaking access. It is early days yet. We have just been doing some background work for the committee to outline what was in the report around that. The most recent report they have just put out is around access to interpreters in courts and tribunals. We have been looking at that. That covers a whole range of issues around when they should be provided, how they are funded, accreditation issues and so on.

MR HANSON: I have been told I only get one question, so I will try—

MS LEE: Make it good.

MR HANSON: I could do multiple versions. Before I ask the question I was going to—

Mr Ramsay: Was that a question?

THE CHAIR: It is not a genie in a bottle, Mr Ramsay.

MR HANSON: I was going to ask a question of the Parliamentary Counsel's Office but I do not think I will have time, so I just want to commend them for the work that they are doing. In opposition it is very difficult to put legislation forward without the benefits of a department or the experts that you have access to, Attorney-General. But the PCO do a wonderful job and work very hard, and I—

Mr Ramsay: It is good to hear that. I cannot sing their praises loudly enough.

MR HANSON: They are excellent.

THE CHAIR: It is a quiet little service but we do appreciate it.

MR HANSON: I asked a question of the DPP this morning about the naming of individuals, particularly in sexual offence cases—this is prior to their being convicted—when there is a not guilty finding and, essentially, while not destroying their lives, certainly there has been a massive effect. The response from the DPP was that it was important that people are named because it invites other people who may have been victims to come forward. Do you have a view on this issue? John Hargreaves, I think, raised it publicly. It has been a matter of debate; we have seen recent cases where there have been trials, people named throughout the trial, they are found not guilty, and, in some cases, there have been issues with those trials. Those individuals have walked away with their reputations in tatters. Do you have a view or has the directorate looked at this?

Mr Ramsay: You are right; it is something that has been debated not only recently but over a number of years. It is something that, in one sense, goes to the philosophical heart of the tradition of justice. The default in our system in Australia is that justice is open unless there is a reason otherwise, rather than the other way around. That is one of the fundamental principles. Noting that there are complexities around particular cases—and you have named some of those—where we still sit at the moment is that the fundamental principle of open justice is the default option. That is the way in which not only this system but those of other jurisdictions around Australia continue to operate.

Ms Playford: I am not sure if you recall what was called LCCSC; the old SCAG is now called CAG. So the Council of Attorneys-General is the new ministerial council. It is meeting on 1 December. There was a senior officials meeting. From time to time over the years the issue of suppression orders has been the subject of consideration by the group of attorneys-general—probably not for at least five or six years. I note that in a draft agenda it was discussed at a recent senior officials meeting. Suppression orders will be an agenda item. I am not sure which jurisdiction has put it on the agenda. It is the commonwealth, I am informed. The meeting of attorneys-general is scheduled for 1 December, so there may be some further national consideration of this issue in the new year.

MR HANSON: It just strikes me that social media and the internet have changed things somewhat. You can never escape the past now, potentially, whereas it may not have had the same impact previously. It does strike me that a number of those cases did not appear to be the sorts of cases where there was going to be an expectation that there were multiple offences and many people coming forward. It did not seem to be of that nature. It is a complex and difficult debate.

Mr Ramsay: It is a complex but really important, fundamental principle, yes.

MR HANSON: We do not want to do harm, essentially, by trying to do good. As a supplementary to that, how is the court building going?

Mr Ramsay: The building in which these sorts of things will occur, yes.

THE CHAIR: You are lucky Mr Steel is not here today, Mr Hanson.

MR HANSON: I would get thrown out for sure.

Ms Playford: While Lloyd Esau, our project director, comes to the table, I would say it is going well but slowly.

MS LEE: So it will not be finished by the end of this year, or at least part of it? It was due to be finished at the end of this year, wasn't it?

Ms Playford: Yes. In fact stage 1 was technically due for completion last Friday. It is not complete. There have been considerable complexities in the building. The advantage, of course, of our arrangement in terms of this being a PPP is that there is no financial cost to the territory in relation to that delay.

We have had to make some contingencies for the court and its sitting periods in the first part of next year, in particular with the complexity that we have the Eastman trial on top of the normal work of the court. We have made some arrangements with the Queanbeyan court, which we have used in the past. In the past year we have tested those arrangements with Queanbeyan and have quite a mature relationship there. I am confident that we have business continuity plans that will address the delays. I might hand over to Lloyd.

Mr Esau: The contractual date that was originally envisaged for completion was this month, as Alison has said—technical completion at the beginning of the month and full completion and occupation at the end of this month. Where we are looking now is in the first half of next year, at a date around April, as the most likely completion date. But there are a myriad of problems, not least of which is that the eastern states of Australia are white-hot with construction and infrastructure activity at the moment, all of which has a bearing on the availability of labour and the subcontractor market as well.

MR HANSON: I guess we will wait for an update.

Ms Playford: Certainly, in terms of the quality of the building, in monitoring it, it will be a very grand building for this city and it is going well from that point of view.

MS LEE: Will that have an impact on the figure shown on page 291? The infrastructure reconciliation schedule gives a figure “less: net movement—rollovers, savings and reprofiling” of \$15,774,000.

Ms Playford: I think that refers to the capital money which was around starting this process. As we have moved into the PPP stage, there will be some re-profiling of some of the funds from capital to recurrent, because our project oversight needs to continue for a longer period of time than we had originally anticipated.

Mr Esau: Just to correct that, it is from recurrent to capital.

Ms Playford: Sorry, recurrent to capital.

Mr Esau: Because we do not start paying for the building until it is fully complete and fit for us to use for its intended purpose, there is a budgeted recurrent expense that

will not occur from 24 November this year. Some of that will need to be re-profiled into capital expenditure to cover our additional costs of project management risks et cetera. We have analysed this and, including the cost of Queanbeyan and the other associated costs of the delay, the net position to government, across both capital and recurrent, is that there is no additional cost to the budget through the delays, largely as a product of its being a PPP contract structure.

MR HANSON: Could you give me an update on progress for the drug and alcohol court?

Ms Playford: Certainly. The drug and alcohol court was a commitment of the government but it will need to be delivered by the court. Justice Burns has been leading a group of key stakeholders which includes the DPP, Legal Aid, Health and corrections in terms of developing a model. That working group that Justice Burns has convened has put out an options paper and various submissions from stakeholders have been received by Justice Burns's working group, putting together a model which will be considered by government. Obviously, the resourcing in relation to what the models might be will be considered through the budget process.

We very much look to both New South Wales and Victoria. There are examples of drug and alcohol courts around the world and we have looked at a range of the literature. Justice Burns's working group visited New South Wales and we brought somebody from the Victorian court here. I suspect our model will be an amalgam of elements of both of those models; something that will be more suitable for the ACT.

A key stage that we have also been progressing is work with the drug and alcohol sector in terms of the service provision that would be needed in order to appropriately support people who might be subject to the drug and alcohol court. Karen might have some more details.

Ms Greenland: The only thing I would add is that, in addition to the work that is being done with the Supreme Court and a paper that has been issued, the University of New South Wales has also been engaged to develop an evaluation framework to help focus the group that is doing the development work around the target groups and identify broader system issues that need to be addressed in the design of the court.

MR HANSON: Will this sit within the Supreme Court as opposed to the Magistrates Court?

Mr Ramsay: That is one of the questions. In exploring the model, effectively what we have in New South Wales is a model that sits within the District Court, and in Victoria it sits primarily in the Magistrates Court. They are now looking to see, "Does New South Wales grow theirs down? Does Victoria grow theirs up?"

MR HANSON: I imagine some of the matters would be—

Ms Playford: There are a number of options.

Mr Ramsay: Yes, that is right.

Ms Playford: There is a question for the government around how this work will fit with the work that the Chief Magistrate has been leading in terms of the therapeutic jurisprudence in the Children's Court, which has many elements which are similar to a drug and alcohol court. We are looking at how it might all fit together. There will be some questions for government about what is the best model for the ACT. There will be questions around resourcing and all those sorts of issues that go with these sorts of trials.

MR HANSON: Will this be a matter of basically listing and then having a single magistrate or a single judge?

Ms Playford: Yes, a drug and alcohol court—

MR HANSON: Will there be an additional magistrate or judge?

Ms Playford: That is one of the decisions that needs to be made. It is unlikely, given the size of our jurisdiction. We are looking at relatively small numbers, at least initially, who would probably be suitable. One of the key things that the group has been looking at is what the eligibility criteria should be: whether certain types of offences should be excluded, at what stage in the process people would be referred et cetera. It is premised on intensive case management by a judicial officer, with that being a key component of what engages a person. We are looking, at least initially, at a person appearing before a judicial officer at least twice a week. But it would probably be a relatively small cohort that we would be looking at. One of the things we are exploring with the service sector is exactly what the size would be. Certainly in other jurisdictions they have capped the numbers going through their drug and alcohol court. So that is a key question that needs to be decided.

MR HANSON: I assume that broadly the intent is to keep people out of the criminal justice system and divert towards therapy and a therapeutic solution?

Ms Playford: Yes.

MR HANSON: Does that require legislative change? If someone is brought before a court for an offence which, if they were found guilty, would normally carry some sort of custodial term, a fine or something like that, to then say, "No, we're going to put you into therapy," or something like that—

THE CHAIR: Or the new community boards.

Ms Playford: Yes, so not all—

MR HANSON: Is there a legislative change required?

Ms Playford: New South Wales have operated their drug and alcohol court and they did not specifically legislate. Other jurisdictions have. We are envisaging that we probably would tweak some of our legislation in the ACT. We have certainly been considering, in our time lines, the need for legislation as part of the process. We are probably looking at a point in terms of the model. This is all options. The working group has been looking at what is the point. There is a question as to whether you do

it at the point the person first comes before the court or whether the matter is actually heard and it is at the point of sentencing in replacement of what would otherwise be a custodial sentence.

MR HANSON: That body of work is going to end up, I suppose, from the working group, in submissions to government and so on.

Ms Playford: Yes.

MR HANSON: Will that be a public report or is that going to be something that will be subject to cabinet in confidence? Do you have a view on that, Attorney-General? Will it be public so that others can have a look at it and look at the models?

Mr Ramsay: I would anticipate that there will be broader consultation on it, but before the report is produced, it is hard to say whether it is going to be a report that brings specific recommendations and then carries cabinet confidentiality or at what stage it is. It is really hard to say before the report actually exists.

MS CODY: Certainly. Speaking of drug and alcohol issues, I was wondering in relation to the liquor reforms if you can tell me what businesses have been saying in regard to the new liquor reforms.

Ms Greenland: The feedback would have been largely to Access Canberra, but the liquor reforms were intended to assist businesses in terms of reducing red tape, as the attorney outlined in his opening statement. Some of the changes that were made, for example, were moving away from annual licence renewals to perpetual licences so that there is no requirement to go through the process of applying every year.

Other changes were made to get rid of redundant requirements around signage and those sorts of things. I think we included, for example, amendment to change requirements around dishwashing, specifying the dishwashing equipment that needs to be used for glasses. There were quite a few fairly old provisions that people were required to comply with that have now been removed that really were not serving any purpose in terms of regulating the service of liquor.

David might be in a better position to comment because he deals with the licensees on a regular basis.

Mr Snowden: In relation to the feedback that we have, it has been overwhelmingly positive. There has been a marked reduction in relation to administrative effort. It is all based on a risk and harm profile. Many of the burdens that were placed through legislation were constructed in the 1980s and 1990s and were no longer relevant to current market conditions.

In terms of our low risk venues—those make up the predominant number of venues across the territory, including restaurants, cafes and the like—we have stripped away a lot of the requirements in relation to RAMP provisions. Overwhelmingly, the feedback is that that is a welcome relief in terms of the administrative burden. Those types of venues—restaurants and the like—are very low risk.

MS CODY: When you say RAMPs, do you mean access?

Ms Greenland: Regulatory assessment mechanisms. They are plans specifically for those venues in relation to how they are going to set up their venues in terms of risk assessment for alcohol, occupancy loading and movement of patrons in and out.

MS CODY: So they have been removed now?

Ms Greenland: For low risk venues, yes.

MS CODY: That is positive.

Ms Greenland: Similarly, things like the requirement to maintain a register of incidents has been replaced by a requirement to report incidents rather than hold a register, that sort of thing.

THE CHAIR: Report to WorkSafe or to the police?

Mr Snowden: No, report to Access Canberra. These are incidents relating to alcohol, not work safety matters. They would be reported through RiskMan to the work safety regulator.

MS CODY: And in response to alcohol, can you just expand on that?

Mr Snowden: Alcohol-related events; for instance, if they had to remove an intoxicated patron, there would be a requirement for them to record that incident and report it to us.

THE CHAIR: So you know where the hotspots are and what is going on?

Mr Snowden: Yes, indeed, so that we can build up some sort of evidence basis around that. But, importantly, it covers them as well. They have a responsibility in relation to looking after their patrons.

THE CHAIR: Just out of curiosity, when that information is reported, is that done in electronic form or do they have to phone up?

Mr Snowden: They can, but we are building a smart form for them to report it electronically.

THE CHAIR: I am glad to hear it.

Mr Snowden: It can potentially be a bit hard to reach us at 11 o'clock on a Saturday evening.

THE CHAIR: Indeed.

MS CODY: Moving away from liquor reforms, I want to go to the new Judicial Council. I was wondering how that changes the way people can complain about judges and magistrates if there is a need to.

Mr Costello: I should preface any comments by saying that the Judicial Council is an independent body. The changes referred to are really about having a new entity to consider complaints involving judicial officers at first instance; then the council can make a range of recommendations around what happens after that.

It is a relatively new scheme; the annual report was tabled in the most recent sitting of the Assembly. I think there were three complaints, from memory; it is very early days. Obviously, it does offer a process for those lower level matters; then they can be escalated, if need be, through the council to, for example, a judicial commission; referred back to a head of jurisdiction; or dismissed if they are found to be without merit.

MS CODY: Were the three incidents that have been recorded, tabled, of a serious systemic nature or relatively minor?

Mr Costello: The annual report notes, I think, that one was referred back to the head of jurisdiction and the other two were largely dismissed.

MS CODY: I did read that, but I was not sure if I was reading it correctly. Thanks.

MS LEE: In relation to the ACAT jurisdiction, I understand it has been almost a year now since they had their civil matter jurisdiction lifted. I was wondering how that was going in terms of workload.

Mr Kellow: I do not have figures—we are still learning the mysteries of expecting data from the ICMS—but in broad terms there has been an increase in civil matters coming to the tribunal, as one would expect with that jurisdiction. The introduction of the jurisdiction brought with it some changes to how the tribunal manages those cases, which have included greater use of conferencing in all civil matters, different tiers of conferencing and referral to a member depending on the value of the dispute. Those procedures are working very well and have been very well received by those coming to the tribunal, including practitioners who act for their clients. There are also debt collectors and others who make a great deal of use of the tribunal.

I think those things will evolve. We are monitoring. The plan is that at the end of a full year, which is really the end of this year, so it will be early next year, we will be looking at doing a bit of a review to see what has worked well that we can build on and what has not worked so well that we need to try to pick up.

MS LEE: Are we seeing more instances of people engaging lawyers now for ACAT matters in that higher jurisdiction, upper limit?

Mr Kellow: I am not sure. I would need to take that on notice and I would also need to check whether we capture that information or whether it may be a more anecdotal response. My own sense—and I am a bit removed from the day-to-day running of the tribunal—is that there are more people coming to the tribunal who need representation, but I think it reflects that they would have been legally represented had it been in the Magistrates Court. I do not think there has been a big change there.

We are certainly working hard to make the procedures fairly streamlined. The conferencing is intended to help parties identify exactly what the issues are, what evidence they need and, if possible, whether they can resolve it without having to go to a hearing of some kind.

MS LEE: It has been a while since I have been to the ACAT as a practising lawyer, but is it still generally a no-costs jurisdiction?

Mr Kellow: Yes.

MS LEE: That will be the difference, I suppose. If they were in the Magistrates Court, at least they would get costs.

Mr Kellow: That is right.

MR HANSON: On page 321, referring to ACT Government Solicitor counsel fees, there are a number which seem quite significant. There is one amount of \$489,420 and another for \$305,000.

Mr Garrison: It reflects that there is a handful of very large and complex cases, particularly medical negligence cases, in which we act on behalf of Canberra Hospital and doctors. Not only are some of those cases of great duration in terms of trial, but the preparation work is incredibly intense. Over the course of a 12-month period, if you have, for example, without naming the counsel in the record, two or three counsel who have significant fees, it does not take long for that to accrue in one of those large matters. Occasionally, for example, my senior lawyers travel overseas to gather expert evidence. That tends to be the nature of some of the more complex litigation that is conducted not only on behalf of the territory but on behalf of other parties as well.

As to other aspects, for example, there is one counsel who has received significant fees because he has a significant amount of repeat work in a particular jurisdiction.

But the work is spread. There was approximately \$3.5 million spent on counsel fees last year amongst, I think 50 to 60 counsel. We have endeavoured to spread the fees and the work as broadly as possible. We are committed to gender equality briefing. For example, 24 per cent of the work goes to female counsel, and 27 per cent of the fees, which reflects that they are doing some of the more complex work where the fees are a bit higher. The Law Council's target is 30 per cent by 2018, so we are well on the way to achieving that target already.

MR HANSON: Are you able to provide on notice more of a detailed breakdown of what process the moneys have gone to? You have got the names there. If it is feasible—

Mr Garrison: We could. It depends on what your interest is, Mr Hanson. We run, in any one year, several hundred cases. The—

MR HANSON: I suppose just those really big ones. We are resisting naming who the counsel are. They are listed in the annual report. They are big sums. To be honest, whenever I see big sums of money being paid for a body of work, I am curious about

what that is and why it is that we, as a jurisdiction, have spent that much money on something. I am not suggesting it is not entirely legitimate; let me be very clear. There is no suggestion of that. It is just that it sparks my—

THE CHAIR: Can you take that on notice, Mr Garrison?

Mr Garrison: Certainly I can take it on notice. In terms of the claims, some of the claims have a potential of \$15 million or more in their potential quantum and therefore warrant a significant investment to ensure that the territory's interests are as well protected as they can be.

Mr Ramsay: Noting the breadth of the potential question on notice, I suggest that if you refined the specifics of the question it would be easier for us to address that.

MR HANSON: I will have a look at that one. I do not want to burden you with unnecessary work either.

MS LEE: It is quite an extensive list. Obviously the Canberra legal profession is quite small, so I understand that there will be times when there will be conflicts of interest, in which case you might not be able to brief local counsel. But does the ACT Government Solicitor have a policy about trying to brief local counsel as much as you can, or it is just based on expertise or—

Mr Garrison: We do have preference to try to brief local counsel, philosophically but also practically. It is much handier having a counsel two blocks away instead of two hours.

The management of the legal services of course is not just in relation to counsel. It is also in relation to the use of private law firms. Last year we spent \$3.5 million on private law firms in quite a broad range of projects. Taking up my discussion with Mr Hanson, for example, there are law firms that are doing residential conveyancing work, and that is \$800 or \$900 a go. There are some law firms, however, who do single projects where their fees might well be over \$1 million because it is a large commercial project requiring a great deal of expertise.

Again, our preference is to use the local firms when we can in relation to that work, so that the mix of legal services for the territory—and obviously my office does a large share of it—is what I would regard as a very healthy mix of use of the private profession where needed to supplement or where on a cost or a value for money basis it is a sensible way of proceeding.

MS CODY: I might have just answered my own question. I was looking at the table that talks about total counsel fees and then total female counsel fees and going, “What?” Then I read the next page, where it talks about the fact that we have a target of 30 per cent female counsel fees.

Mr Garrison: That additional line was introduced several years ago to provide the sort of transparency that I regard as important.

MS LEE: I actually raised this last year. It could be that it is just not as articulated in

the report, but I am wondering how the legislation website, the register, is going. It seemed to be the same type of update.

Ms Playford: It was always a long-term project that was being delivered over five years. I think it is 2019.

Ms Toohey: The register project is continuing. I know you were particularly interested in the website and when we would be at the stage of deploying the new website. It is running a bit late, perhaps a bit like the other project that was talked about. Delays are inevitable, it seems to me, in the IT area. We are looking at perhaps in April or May next year being able to deploy. But we are developing and coming along, and we will have new functionality at that time too. In the meantime we are operating with the existing register and all that sort of functionality. We are maintaining that as best we can. I think it is just a delay for technical reasons.

THE CHAIR: Thank you, Ms Toohey.

Short suspension.

THE CHAIR: On behalf of the committee I would like to again welcome Minister Ramsay and officials from the Justice and Community Safety Directorate and the Chief Minister, Treasury and Economic Development Directorate and the ACT Gambling and Racing Commission and thank them for appearing today. As noted earlier, for the next 30 minutes the committee will consider the Attorney-General's portfolio as it concerns the relevant parts of the 2016-17 Justice and Community Safety Directorate annual report relating to gaming policy and the regulatory services portfolio as it concerns the annual report of the Gambling and Racing Commission. Minister, are you comfortable examining the two portfolios concurrently?

Mr Ramsay: Indeed.

THE CHAIR: Before we begin, as I did this morning, can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink privilege statement on the table. Can you all please acknowledge that you understand the implications?

Mr Ramsay: Yes.

THE CHAIR: Before we proceed to questions, Mr Ramsay do you have a brief word to say?

Mr Ramsay: I have a few brief words. It is not an opening statement but I do wish to note for the committee and for the record that there have been two causes of action or two legal cases that have been commenced against the ACT government in relation to Canberra greyhound racing. One is in relation to the track at Symonston and one is in relation to various matters that they say would arise in the event that the Legislative Assembly passes bills, noting that obviously with the principles of sub judice there may be some questions that we will be unable to answer. I do have counsel with me and at that stage I will be able to confer on matters in relation to sub judice principles.

MS LEE: Commenced, as in have been filed and served?

Mr Ramsay: Have been filed and have been served, yes. We received one on 16 October and one on 2 November.

THE CHAIR: Minister, just to clarify, has that affected your ability to discuss these matters in the chamber or only here in the committee?

Mr Ramsay: At this stage there has been nothing that has been raised. It would affect matters in the chamber. At this stage there have been no matters that have been raised with me in the chamber that have been sub judice but there could well have been—

THE CHAIR: Obviously there are some things in this area that you can discuss?

Mr Ramsay: There are potentially, yes, that is right. It is looking at the matter of questions.

THE CHAIR: It is not a blanket.

Mr Ramsay: Not necessarily, that is right.

MS CODY: I am going to start with compliance inspections of racing and wagering licensees. You have undertaken 122 inspections of racing and wagering providers in the territory for compliance matters. What was the outcome of that?

Ms Snowden: We have a high degree of compliance across the sector. We have a proactive compliance program which is undertaken through our integrated program with Access Canberra and it is programmed over the course of 12 months. We risk-assess particular events and we deploy our resources based on the risk that we anticipate for particular sectors.

Over the course of the year we paid particular interest to the thoroughbred, harness and greyhound activities and we found that there was some element of non-compliance but it was a low level. We factor in that the basis of the optimal level of compliance is self-compliance. We try to educate industry and individuals to become self-compliant. And really that is the philosophical basis for how we approach those activities.

MS CODY: With the 122 inspections, how many providers do we have?

Mr Snowden: In terms of gaming?

MS CODY: Racing and wagering providers.

Ms Snowden: How many racing and gaming providers exactly? I will probably have to take that on notice exactly but in terms—

MS CODY: I am happy with an average.

Mr Snowden: That includes on-course bookmaking, totalisators, when we go to each of the TABs and the like. We check for a range of strict liability requirements whether it is under the gaming or racing bookmaking act or whether it is under the code of practice.

In terms of recording those activities, we will look for a suite of things that each of the agents or the bookies or whoever it is needs to comply with. In terms of the thoroughbreds, harness racing and greyhounds, we did pay a lot of visits over the past year and that is reflected in those statistics.

MS CODY: And that obviously does not include, or maybe it does include, lotteries?

Mr Snowden: In terms of lotteries, we would only be looking at venues that sold tickets. They are very low risk. I am not sure that we actually did a lot of lottery inspections over the course of the year.

THE CHAIR: Not checking the meat trays?

Mr Snowden: No.

MS CODY: That is a good question, though. I know that there are a lot of clubs that do meat and other forms of raffles. They are not included in that?

Mr Snowden: No.

THE CHAIR: There were some changes recently.

Mr Snowden: There were. There were some red tape reduction changes. There was a requirement for permits for some of those activities, believe it or not, but they were stripped away last year. For low-risk lotteries under \$3,000 there is no requirement for a permit. They are very low.

MR PARTON: I am going to start and see how far we get in the greyhound space. On the Canberra Greyhound Racing Club inspections, I understand that there were three racing event inspections in 2015-16 and in 2016-17 that spiked to 30. I just want to ask what caused the spike in inspections.

Mr Snowden: Thank you for the question. As I mentioned previously, we reassessed our program across the board. Whether it was greyhounds, whether it was thoroughbreds or whether it was harness racing we had an increased presence at each one of those particular venues and at each one of those particular meetings. In relation to where the gaming and racing commission plays, there are consumer protection, harm minimisation and racing integrity issues that we need to be comfortable with. We wanted to get a very good baseline measure over the last year about how all three of those industry sectors were meeting their obligations around those principles.

MR PARTON: From three to 30 still seems like an amazing increase in inspections.

Mr Snowden: On a proportionate basis we increased our inspections quite significantly. There were well over 100 inspections across all those three areas. On a proportionate basis it worked out the same.

THE CHAIR: Just a supplementary there, can you perhaps take on notice the exact number of inspections at other venues and the proportionate increase compared to the year before.

Mr Snowden: We can do that.

MR PARTON: I wonder if it would be considered appropriate to hold inspections on a weekly basis of a particular club or a particular licensed venue and I am thinking it probably would not be seen as appropriate. I just do not understand why it seems appropriate to do it in this space.

Mr Snowden: We pay particular interest to the greyhound club. I think you were out there one day when our inspectors actually went through and I think you saw first-hand what they were doing out there on that day. The integrity issue in and around horse racing, trotting or greyhounds was something that the commission was very mindful of in terms of getting a base setting in terms of the level of compliance.

In the past we did not have a great deal of data around that across all the activities that were required, and that included consumer protection mechanisms, the harm minimisation and the integrity issues. You would have also seen on that day, when our inspectors go out there they do not just focus only on the issues around the regulation applying to greyhounds, they also look at liquor activities, they look at the bookmaking activities on course, they also look at the provision of RSA certificates in relation to responsible service of alcohol, they ensure that people have responsible gaming qualifications and they also look at the legislative requirements in relation to smoking.

MR PARTON: Can I ask: what have been the additional operating costs of those increased inspections?

Mr Snowden: I would have to take that on notice but they are built into our proactive compliance program. They would be taken as a BAU process in any event. We would be funded to undertake—

THE CHAIR: What is a BAU?

Mr Snowden: Business as usual process for the course of our year. We structure our compliance programs around a risk program and we deploy our staff in relation to those programs.

MS LEE: On page 35 you talk about some breaches that touch on the exclusion register. Can you explain how the exclusion register is managed and enforced?

Mr Snowden: Ms Lee, are you referring to “two related to the failure to look at the exclusion register within three consecutive trading days”?

MS LEE: Yes, and the next one.

Mr Snowden: “Two related to the failure to ensure that a person who accesses the exclusion register is authorised”.

MS LEE: Yes. The question is a bit broader, in terms of how that is managed and enforced.

Mr Snowden: It is an obligation on each of the licensed venues to have an exclusion register where they are providing gaming services. The key point in relation to these two matters is that there is an obligation on the staff to ensure that people who are excluded from those particular premises do not get access. The issue in relation to the second matter was that the person was not authorised to get access to the register. They were not trained in relation to exclusion provisions. In that particular matter they were not trained in the responsible gaming activity. In relation to the earlier issue, I believe this is a strict liability requirement. I do not have the individual details about the two failures but I am happy to take it on notice and provide you with some more detail around that.

MS LEE: That would be great; thank you.

Mr Ramsay: One of the things to note is that, as you would be aware, we had a harm minimisation roundtable that looked at a broad range of matters. There were representatives of clubs, representatives of the industry, representatives of people with lived experience and academics.

We looked at a number of ways of improving harm minimisation matters in relation to gambling in clubs. One that was looked at was in relation to the exclusion register and how it may be able to be developed, to see whether there may be a best practice model that is being used in one group or club that we may be able to expand. Certainly, there is some policy thinking happening at the moment in relation to the exclusion register for the future, looking at potential ways of maybe changing it. That was one of the suggestions that came through from the clubs at that roundtable.

MS LEE: Arising out of that roundtable are there some potential changes coming?

Mr Ramsay: With respect to the three areas that the roundtable has said would be areas in which to begin some of the work, one is in relation to the exclusion register; one is in relation to staff training in relation to the responsible gambling provision; and one is in relation to warning, and warning messages at venues. They were some of the initial ones that came out of that roundtable. Obviously, they are not necessarily the only ones, but they were ones about which different clubs, different club groups and different members of the roundtable expressed some keenness to be able to take to the next step.

MR PARTON: Minister, this government commissioned research back in April with Orima Research to get a gauge on community perceptions around the greyhound industry. We know through an FOI request that this is the case. We can see the email trail that led to the formulation of the question. The part of the FOI request that was redacted is, of course, the part which reveals results of the polling. I sat in this room earlier in the week and I specifically asked Anita Perkins in annual reports hearings whether, if we requested just the polling results through FOI, it would be granted. She indicated it would be most likely rejected as cabinet-in-confidence. I can tell you, minister, that we did send an FOI request for that polling information yesterday, and, when it is rejected, I dare say we will take it to ACAT. Based on previous cases involving such requests, there is a high likelihood that we would win.

Minister, why can you not save us all the time, money and trouble and just give us the results of the polling? I do not understand what we have to hide, if we have based this entire policy on this polling, which does not belong to cabinet; it belongs to the people of Canberra because they paid for it. I do not understand what it is that you are trying to hide and why you cannot just release it.

Mr Ramsay: Thanks, Mr Parton, for a particularly loaded question with a number of assumptions in there. The ultimate answer is that it is a matter of cabinet-in-confidence. A fundamental principle of good government, in this jurisdiction and in jurisdictions around Australia, is that matters that are prepared for and are for deliberation by cabinet are held as cabinet-in-confidence.

I am aware of the conversation that happened earlier in the week in another hearing.

My position is the same: that there is a strong reason, for the purposes of good government, that documents before cabinet are held as cabinet-in-confidence. The reason for this particular one is the same reason as for all other documents that are cabinet-in-confidence are held as being in confidence, because they are cabinet-in-confidence documents.

MR PARTON: The perception from the general public, as I am sure you can understand, is that the polling must not have suited the government's purposes. If, indeed, we are going down what is an extreme policy line, surely it would be beneficial for the public conversation to release that data.

Mr Ramsay: Again, it is a loaded question with a particular assumption in there. I can assure you that the assumption that you should have is that this government holds documents that are cabinet-in-confidence for the reason that they are cabinet-in-confidence. No other conclusion should be drawn, because they are simply matters of cabinet-in-confidence. The government will hold those, and will continue to hold those.

MS CODY: Minister, can you tell me what sorts of things are supported by the problem gambling assistance fund?

Mr Snowden: Thank you for the question, Ms Cody. The PGAF funds a number of activities, including research. Most importantly, it funds the ACT Gambling Counselling and Support Service. There is a longstanding contract with the Gambling Counselling and Support Service. Over the course of last year, the Gambling Counselling and Support Service conducted 570 counselling appointments, saw 63 family members and friends in relation to gambling-related activities and also made 761 financial counselling appointments for individuals who sought their assistance.

In addition to that funding that the PGAF provides, it also provided funds for the community sector to undertake training of community sector workers in relation to trying to identify harm in terms of individuals who may be involved in gambling. It also provided some funding to increase the capacity of the Gambling and Racing Commission exclusion database. And it funded a number of research projects, which included a report on young people and gambling, so that we have much better research and contemporary data in relation to how young people are being induced into gambling-type activity.

We also helped fund the gambling help online service, provided some additional funding through the Capital Health Network and provided some funding for gambling contact officers to increase their level of recognition in clubs and other venues.

MS CODY: For how long has the fund been operational? I cannot quite remember when it was set up.

Mr Snowden: It has been a few years: 2011.

MS CODY: I thought it had been a while. Are there any plans to expand some of the services that are currently funded?

Mr Snowden: Applications can be made through the commission in relation to funding activity through the PGAF. The commission has just restructured its advisory committee in relation to the problem gambling assistance fund. It will have a keen interest in issues in relation to prevention and intervention mechanisms around gambling harm. So there is wide scope for a whole range of activities to be funded out of the problem gambling assistance fund.

Mr Ramsay: Of course, there has been an increase in the amount of money put into the PGAF this year, up from 0.6 to 0.75 per cent. That has meant an increase of around an additional \$250,000 per year from that change that was made during the past 12 months.

MS CODY: Does that come from all forms of gambling or just from poker machines?

Mr Snowden: It comes from venues that have electronic gaming machines. Also the casino and Tabcorp provide funding in the PGAF.

MR PARTON: Given the recent passage of legislation through the Assembly regarding poker machines in the casino, can you outline the process for the commission to approve authorisations to the casino licensee, whoever that may be. I do not know who that is appropriate for.

Mr Snowden: Just clarifying your question, if applications are made for—

MR PARTON: Specifically, what are the guidelines for the licensee to convert the restricted authorisations? We understand that the initial process of acquiring the authorisations will be relatively simple, but what are the guidelines regarding the licensee's responsibilities to hold a development application?

Ms Greenland: The requirements under the legislation that passed are that the casino has to apply for an authorisation to operate a maximum number of gaming machines and/or fully automatic table game authorisations. That sets the total number of those types of machines or games that it can have. To get that, it will need to undertake a social impact assessment of having that maximum number of those types of gaming products. That is the first stage in the process. That would be once the legislation has commenced. At that point, the commission would consider whether or not it was appropriate for the casino to have that maximum number applied for, taking into account the outcome of the social impact assessment. That is the first stage that that would go through.

Once it has those certificates authorising those maximum numbers, the casino can commence to acquire authorisations from existing operators, owners or holders of authorisations up to those maximum numbers. It cannot convert those authorisations into operating machines, to have actual machines operating on the floor, until it is able to demonstrate that it has met the requisite stages of the development to justify the conversion of those authorisations.

MR PARTON: What are those requisite stages?

Ms Greenland: Those will be defined by regulation. The planning authority will have to certify in writing that whatever the specific requirement that has been set in a regulation is for the conversion of that number of authorisations has been met.

MR PARTON: When we say “set in regulation”, obviously that is going to come from direction from the minister or from—

Ms Greenland: That would be part of the negotiation that would occur with a proponent of a casino redevelopment proposal, not necessarily the one that we are aware has been put forward to the government. This is, if you like, proponent-neutral legislation. Any future casino licence holder, or the current one, which puts forward a development proposal would need to, as part of the negotiation with the government, indicate what would be delivered for the community in order for it to be able to convert the authorisations into gaming machines.

MR PARTON: Under that scenario, in that conversation, the government and the proponent would decide what level was needed?

Ms Greenland: There would be a commercial negotiation.

MR PARTON: Okay.

THE CHAIR: With regard to those regulations, do we mean a notifiable instrument?

Ms Greenland: There would be regulations in the normal way which are disallowable.

THE CHAIR: A final question, Ms Lee, the final question of the day.

MS LEE: Attorney, you started off this session talking about some of the limitations that would be placed on you. I am talking about some of the issues which are sub judice, the two matters that are before the courts at the moment in the greyhound industry, one being about the lease, as I understand it, and the second being in relation to the issues surrounding the ending of the industry. Is that correct?

Mr Ramsay: Yes.

MS LEE: Given that there is a bill before the Assembly which is going to be debated soon, are you satisfied that you are going to be able to have a robust debate on that bill, given the restrictions that you have just told the committee that you see?

Mr Garrison: Ms Lee, there are two proceedings, one in the Supreme Court and one in the Federal Court.

THE CHAIR: Can you speak up a little, Mr Garrison?

Mr Garrison: Sorry. There are two proceedings: one in the Supreme Court, which involves an argument about the renewal of the lease that greyhound racing holds; and a second in the Federal Court that is a very long claim that covers a range of different arguments. There should be no reason why the basic facts cannot continue to be explored within the Assembly. To the extent that there are issues that are perhaps

argumentative, we might have to reflect on that. The Federal Court proceedings have only just started, so work on identifying what the real issues are and how we manage it is still in train.

MS LEE: A defence has not been filed yet? Is that right?

Mr Garrison: No. As I said, the proceedings were only served last Thursday. There is a directions hearing in the Federal Court in December. The attorney should generally be at liberty to discuss most of the things that are important in terms of the bill—a lot of the information is already out there in the public arena—without ventilating or expressing a view about some of the matters that are in issue in the legal proceedings.

In relation to the challenge to the legislation, in many ways it is a technical legal argument about whether the legislation affects an acquisition of property or not. That is unlikely to be something that would need to be the subject of debate in the parliament.

MS LEE: Thank you very much for jumping in and very chivalrously answering the question, but my question actually was to the attorney in his capacity as a legislator, as somebody who is making policy decisions and putting forward for public debate something that is clearly within the community. It is an issue, and it is a contentious issue. I suppose my direct question—and I framed in that way specifically—is: are you satisfied that you are going to be in a position to robustly debate a contentious piece of legislation that has come before the public domain? Even now, when I asked that question, you spent quite a bit of time on it. That is fair enough. You have the Solicitor-General there, and why would you not rely on his expertise? But he did speak on your behalf. You are not going to have that available to you in the chamber. How can you satisfy the other members of the chamber, as well as the broader community, that you are going to be able to have a robust debate, which is what the Canberra public expects of its elected members, especially a minister who is pushing forward with this policy? I guess that is where I am asking for your—

Mr Ramsay: And noting the advice that has been mentioned here today as well, but I do have full confidence that the debate that will be in the Assembly, when it is brought on for debate, will be able to robustly consider matters that are relevant to the legislation itself.

MS LEE: Whilst at the same time not impinging on any sub judice issues?

Mr Ramsay: That is right.

THE CHAIR: Would it be simpler for the bill to be dealt with after these matters are concluded in the courts?

Mr Ramsay: It is my view that we will be able to have the debate in the Assembly.

THE CHAIR: Before closing the hearing, I have a few administrative matters. On behalf of the committee, I thank all witnesses who have 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. 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 office within 10 business days after the uncorrected proof *Hansard* has been supplied, day one being the first business day after the supply of that *Hansard* by the committee office.

All non-executive members may lodge questions on notice additionally, which will be received by the committee office five business days after the uncorrected proof of the *Hansard* is circulated, day one being the first business day after the proof *Hansard* is sent to ministers by the committee office.

Responses to questions on notice should be provided to the committee within 10 business days of receipt of the question, day one being the first business day after the questions are sent to ministers by the committee office.

It is noted, in case you are appearing before other committees in the annual report hearing process, that that time frame is our time frame. Another committee may have chosen a separate time frame; if they do not match up, that is why. We are king of our own court, so to speak.

The committee adjourned at 5.44 pm.