



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON JUSTICE  
AND COMMUNITY SAFETY**

(Reference: [Annual and financial reports 2017-2018](#))

**Members:**

**MRS G JONES (Chair)  
MS B CODY (Deputy Chair)  
MR M PETTERSSON**

**PROOF TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 14 NOVEMBER 2018**

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**Secretary to the committee:  
Mr A Snedden (Ph: 620 50199)**

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

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

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## **Privilege statement**

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*Amended 20 May 2013*

**The committee met at 9.30 am.**

Appearances:

ACT Human Rights Commission

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

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

Yates, Ms Heidi, Victims of Crime Commissioner, Victim Support ACT

**THE CHAIR:** Good morning, everyone, and welcome. I declare open today's session of public hearings of the Standing Committee on Justice and Community Safety, inquiring into the 2017-18 annual reports. On behalf of the committee, in advance of their appearance, I thank Ministers Rattenbury and Gentleman for attending today's hearings. Ministers will appear with officials at later sessions today. The initial discussions today will be with statutory office holders coming under the JACS committee, including the ACT Human Rights Commission, the Victims of Crime Commissioner, the Public Advocate of the ACT, the Legal Aid Commission, the Public Trustee and Guardian, and the Inspector of Correctional Services.

The committee will then examine the JACS Directorate annual report justice services and protection of rights programs as follows: fair trading; justice reinvestment; human rights; civil unions; prostitution; births, deaths and marriages; transport regulation and safety; reducing recidivism; restorative justice; and road safety and consumer affairs. That will be followed by programs under the community safety area, Corrective Services and the Sentence Administration Board. After lunch the committee will examine the JACS Directorate annual report regarding community safety, including Emergency Services and ACT Policing. The final annual report dealt with today will be the ACT Electoral Commission.

I remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live.

I now call on the ACT Human Rights Commission, as the first agency today. Before we begin committee questions, I remind witnesses of the protections and obligations entailed by parliamentary privilege. I draw your attention to the pink privilege statement which is on the table in front of you. Could you please confirm for the record, when you have had a look at that, that you understand the privilege implications of the statement.

**Ms Toohy:** Yes.

**Ms Yates:** Yes.

**Dr Watchirs:** Thank you.

**THE CHAIR:** We can now proceed to questions from the committee. We will go to Mr Hanson for the first question.

**MR HANSON:** Dr Watchirs, you are aware of the problems at the moment in the community with outlaw motorcycle gangs and organised crime, and the response that we have seen across the country in terms of consorting laws and other legislation. They have not been progressed in the ACT as a result of what has been described as human rights concerns. How do we balance the need to look after the human rights and safety of the broader community as against the human rights of outlaw motorcycle gangs?

**Dr Watchirs:** A review might be warranted of the current situation in the ACT and how those laws are being exercised in other jurisdictions, to compare what is happening and see whether new legislation looking at anti-fortification, proposed laws about unexplained wealth, is sufficient. I would be in favour of looking at whether more could be done.

**MR HANSON:** There is a broader issue of where that balance is, whether it has been achieved and are the—

**Dr Watchirs:** Looking at the effectiveness of laws in other jurisdictions and the effectiveness of amendments that have occurred in the ACT.

**MR HANSON:** Who would you see as the appropriate person to do a review like that?

**Dr Watchirs:** Probably an independent expert—someone specialising in criminal law.

**MS CODY:** Dr Watchirs, on page 42 of your annual report you talk about travel insurance and mental illness. We heard through the banking royal commission that a whole bunch of issues has been revealed about this sort of thing. What are we doing in the ACT to capture that and how are we helping to minimise the effects?

**Dr Watchirs:** I will hand over to the discrimination commissioner.

**Ms Toohey:** We have had a number of complaints looking at that issue. There is also work being done, certainly in Victoria. There have been a number of successful cases run down there by Victoria Legal Aid. Certainly, across the various human rights commissions, there is a move to work with insurance and superannuation to ensure that people are not being discriminated against in the provision of travel insurance or any other type of insurance. There has been a lot of work done over the last 20 years, since the Disability Discrimination Act came in. As a small jurisdiction, it is not something that we can take on ourselves individually, but it is something that we work with the other commissions on.

**MS CODY:** So we are working with other jurisdictions to ensure that what we do in the ACT meets that across the board?

**Ms Toohey:** Yes. For example, as a result of a couple of complaints that we have had, we know there are a number of large insurance companies that are, on a rolling basis, looking at their policies and renewing those provisions. We do not have a formal monitoring role but we certainly have a report-back role with respect to those.

**MR PETTERSSON:** Ms Yates, since the victims of crime financial assistance scheme was set up, how many more victims are accessing financial assistance?

**Ms Yates:** You will see in our report that there has been a significant increase in applications in the second year of the scheme. When the scheme first commenced, from 1 July 2016, for the first year the new scheme and the old court-based scheme were working side by side and across both those. In that first 12 months there were a total of 101 applications made. Since 1 July 2017 all applications have come through the new scheme and in that 12-month period we saw a significant increase to 392 applications, which is a 116 per cent increase in the total number of applications that were received across both schemes in that first year.

**MR PETTERSSON:** What is it, do you think, that makes this system more accessible?

**Ms Yates:** It was the government's clear intention to make this scheme more accessible to a broader range of victims. One of the key elements relates to the fact that it is an administrative scheme. Applicants are no longer required to lodge their applications in the court and go through a court-based process.

The other key element relates to the fact that the scheme is administered using a case management model. In fact, our team are assisting people to find the best possible evidence to support their applications, rather than an adversarial approach where, say, the Government Solicitor is putting the burden on the applicant to go in search of that application. What that means in particular is that people are better placed to make applications without legal assistance. Whilst they have the right to seek legal advice—and we encourage them to do so if they wish—it is much more accessible from that perspective.

**THE CHAIR:** Just as a supplementary to that, are the funds enough at the moment for that scheme?

**Ms Yates:** The team have done a fantastic job in looking at administering the increase in applications with existing staff resources. We say we will need an increasing number of team members to make sure we are providing the ACT community—

**THE CHAIR:** But the funds in the actual scheme? As opposed to the staffing, are the funds for payments sufficient?

**Ms Yates:** Certainly. The cost, yes. Our office provides updates on projected costs on a monthly basis to JACS and at present there is a budget bid in to ensure that that scheme is covered into the future.

**MS LE COUTEUR:** In 2017-18 there were 14 awards made for sexual assault, for a total of \$655,000, but in the year before, 2016-17, there were 31 awards made and the total value was about \$1.5 million. Why has there been so much of a change? Are there fewer cases and applications in sexual assault matters? It sounded from your explanation before as though the number should not have been going down; it should have been going up.

**Ms Yates:** Certainly and, yes, over time in the community these numbers go up and down. We are expecting to see an increase in this current financial year, particularly with community awareness around the royal commission and the redress scheme attached to that. What we would recognise is that, importantly, people who have experienced sexual assault before 1 July 2016 are not disadvantaged under the new scheme in terms of being able to access the higher cap of payments that were available under the old scheme. This goes to making sure that people are not disadvantaged under the new scheme, which provides a lower amount of recognition payment.

**MS LE COUTEUR:** It is not just that the amount of money was less, which makes sense, but there were only 14 awards versus 31.

**THE CHAIR:** Only in that category, though; that is correct?

**MS LE COUTEUR:** In that category, yes. I am specifically asking about sexual assault because half of them were sexual assault complaints.

**THE CHAIR:** I think we have heard here—and tell me if it is correct, Ms Yates—in the committee many times that this area is quite lumpy because of the increased awareness in the community. You have got a whole lot of claims going in early on and that is now tailing off. Is it just a bit lumpy or what is it?

**Ms Yates:** Yes, I think it is a bit lumpy. I would speak to a number of reasons why that might be. Part of it is around community awareness campaigns or, for example, the media that has occurred in relation to the royal commission and the redress scheme. We think it is incredibly important that everyone in the community knows that support is available through the financial assistance scheme when they have experienced sexual assault.

**MS CODY:** You note on page 62 that you do a lot of volunteer training. What sort of training do you actually undertake for your volunteers? Obviously, listening to some of those stories of victims could be very difficult for volunteers.

**Ms Yates:** Indeed. We are required under the Victims of Crime Act to operate a volunteer program, and we are very careful that when we are seeking volunteers we are very clear about the type of work that it may involve. We are also able to tailor the engagement that particular volunteers have in terms of the types of matters that they assist in.

What we do is an extensive training program which includes briefing in relation to the roles of the different criminal justice players, the content of many of the matters and the ways, for example, that a sexual assault victim may be called on to give evidence, including the special measures that are available to them. Our volunteers are often sitting in that remote witness room with people when they are giving evidence.

What we think is really important is that our volunteers also have access to appropriate debriefing. We do that in house. We check in after someone has been in court with someone for the day and we also do regular group debriefings just to check

in on how people are travelling, which goes along with access to our EAP if people are finding that work difficult. We are very conscious of the incredible contribution that those volunteers make, and it is very important that we provide them with the support that they need to be able to continue doing the work.

**MR HANSON:** Do you know where the victims charter of rights sits at the moment, and what interaction have you had in terms of consultation and interaction with government on that?

**Ms Yates:** Certainly. You would be aware that my predecessor, John Hinchey, did a comprehensive report prior to the opening of the public consultations which inform that discussion paper. At the Human Rights Commission we made quite a lengthy submission in relation to a large number of matters. Extensive public consultation closed. I have been advised by JACS that they received over 1,000 contacts in relation to the consultation, which is a much higher level than government is often able to receive, which is outstanding. The conversations I have had since then have been about JACS trying to work their way through all the feedback that they received.

They would be best placed perhaps to talk about time frames and other things, but I have been pleased to see them in active conversations about looking at issues, including the possible use of intermediaries in the ACT, which is one of the issues we have been talking about.

**MR HANSON:** The draft was put together by Mr Hinchey, it went on to government and they have received in the order of 1,000 submissions. Have they come back to you with a draft or an amendment, any sort of suggestion about what direction they are taking, whether it is going to stay broadly within the framework that Mr Hinchey proposed? Is it moving from there, or are we just waiting to hear back?

**Ms Yates:** They have come back to me with key themes that are coming out of the consultations, which are those, I guess, that we discussed the year before in terms of information flow, consistent support for victims throughout the system, and victims having timely advice regarding court outcomes, which is an ongoing issue.

The question about how the charter might be structured from a legislative perspective is still open. We think it is really important that it fit well with the existing Human Rights Act. We are talking about rights in the territory. We need to have a coherent discussion about that, which is not about having a charter of rights over here and a Human Rights Act over here that are not clearly linked. We need to make sure whatever happens is coherent.

**MR HANSON:** And the issue of delays in the courts remains a concern, does it, for victims?

**Ms Yates:** It does remain a concern. It is somewhat ameliorated by the special measures that are available to some victims of crime; for example, childhood victims of sexual assault who are able to give their evidence early. I am pleased to see that with the implementation of the royal commission recommendations those special measures will be able to be used by a broader range of victims. Nonetheless, we are still very much hearing from community that delays can contribute to ongoing trauma



for victims.

**MR HANSON:** And is that delay in the time frame between there being an arrest and the whole process or is it a particular part of the court system that seems to be the problem?

**Ms Yates:** There are times when victims are frustrated by the delays associated with investigation but, more often than not, from my perspective, that is simply a function of the police having to do their job and gather information from various sources. I think the more consistent feedback regarding delay is about the court timetables, particularly looking at the more serious matters.

**MR HANSON:** And is that the Magistrates Court, the Supreme Court or both?

**Ms Yates:** Both, but the Supreme Court, I guess, is dealing with the higher end matters where there can be significant delays.

**THE CHAIR:** Thank you all very much for appearing today. We will have a quick changeover to the Legal Aid Commission.

Appearances:

Legal Aid Commission (ACT)

Boersig, Dr John, Chief Executive Officer

Monger, Mr Brett, Chief Finance Officer

**THE CHAIR:** Thank you for appearing. We will go immediately to questions.

**MS LE COUTEUR:** Continuing on sexual assaults, how many times is assistance provided in matters related to sexual offences? When we do provide assistance, how many times are you providing assistance to complainants versus defendants? And how many times does the case proceed to trial or otherwise?

**Dr Boersig:** I would like to take that question on notice in terms of the actual numbers. Broadly speaking, we provide a balanced service across the spectrum. We have a conflict information barrier between our domestic violence services and our criminal services. That has allowed us to act for a lot more primary victims than we otherwise would have done in the past. You will see in our stats the growth in both those areas. We do provide the key criminal defence service in the ACT, certainly by volume, and that is an integral part of our role. In terms of the actual numbers for that last question—which I will make clear in *Hansard* when I get it—whether we can provide information on how many were settled will depend on whether it was a criminal charge or a domestic violence related matter. There is an overlap in your question between the civil side of things, where we pick up these issues in family law, in the domestic violence area and in the criminal sphere.

**MS LE COUTEUR:** I am interested in both.

**Dr Boersig:** Yes.

**MS LE COUTEUR:** Can your clients, whichever side they are on, get assistance anonymously, or do they need to—

**Dr Boersig:** Confidentiality is required under our act. Once someone has made an application for legal aid, I am estopped by that act from disclosing to anyone that they have a grant of legal aid. It is also part of our stock in trade as well, confidentiality.

**MR HANSON:** The annual report, on page 41, says, “Limited public funding can have dire implications for our ability to provide access to justice.” You talked about this during the estimates hearings. How are you going with resources? Where are the critical risks, and what are you doing about them?

**Dr Boersig:** One of the benefits of the way the commission is funded is that we have a relationship with both the commonwealth and the territory, and with the Law Society as well. We have moved at a territory level, in relation to commonwealth matters, to dealing directly with the commonwealth on their responsibilities to Aboriginals and Torres Strait Islanders, on family law in particular. That has been done on a national scale. The commonwealth attorney has been very involved in that.

Other areas we have been engaging on are with the Department of Social Security in relation to NDIS, where there is a significant amount of work now coming our way around social security issues. We currently receive some funding from Social Security to appear in review or appellate type matters in relation to that. We are seeing that as a really growing area.

**MR HANSON:** That is coming to you, is it?

**Dr Boersig:** It is, yes, and to all other legal aid commissions. There is a contract between us and the Department of Social Security to deliver—

**THE CHAIR:** Is that the people who are asking questions about their package?

**Dr Boersig:** That is correct, and also who want to challenge the determination by the government in relation to that package.

**MR HANSON:** Have you brought on additional people? I imagine that you would have to have some expertise in that area.

**Dr Boersig:** We do. We have an ex senior staffer from NDIS. We have been very lucky to—

**MR HANSON:** That is handy, is it not?

**Dr Boersig:** Yes. He retired from them and came to us. We are building our internal expertise. It is administrative law and we do administrative law, so it is really expanding on that. At the heart of your question is the role of any organisation that is asked to find opportunities for government to invest in. We do it in a range of ways. The small business clinic is a good example. We partner with the University of Canberra to provide particular services to a section of the community that simply would not have access to straightforward legal advice.

**THE CHAIR:** Sorry to interrupt. But, to get to the point, how are you going with your funding at the moment? Is the same pressure there that you mentioned in the annual reports hearings, or is it somewhat relieved?

**Dr Boersig:** It is, in particular with the loss of the statutory interest account money from the Law Society. Five years ago we got \$1.4 million. This past year it was—

**Mr Monger:** It was \$1.4 million only three or four years ago. Funding is now down to \$600,000 in 2017-18.

**THE CHAIR:** That is money from the Law Society?

**Mr Monger:** Yes.

**THE CHAIR:** And how is ACT government funding going at the moment for you?

**Mr Monger:** The funding has gone up. Part of that money is to cover the Eastman retrial.

**THE CHAIR:** Which is a discrete business, yes.

**Mr Monger:** It is. That is included in our numbers.

**THE CHAIR:** Across the board, though, other than for the Eastman trial, has your funding from the ACT government gone up?

**Mr Monger:** Slightly.

**MR HANSON:** What does that mean in practical terms? You have a growth in demand. What are you doing in terms of triaging? Are you able to assist fewer people, or are you prioritising certain cases over others?

**Dr Boersig:** Triage is exactly the right word. Across Australia, governments are specifically funding commissions to build their triage work up. We are seeing that around duty work in the Family Court, duty work in the Magistrates Court and early intervention in family dispute resolution. The commonwealth government is really pushing solutions that essentially give people the capacity to make their way through the legal system. As you will know, ex Deputy Chief Justice Faulks is involved in a review of the family law system at the moment. We expect those kinds of results to arise out of it.

Yes, litigation funding is getting harder to get, and core funding is getting harder to get, but that is an international trend as well. Governments are looking to us, saying, “Look, we need this job of work done. Can you do it for us?” More of our work is around that kind of assistance, which is directly linked to what the government, whether it is territory or commonwealth, is asking to have delivered for particular pockets of people: veterans and so forth.

**MS CODY:** I was lucky enough to take part in the women takeover parliament program this year, so some of my questions have come from lovely Edie, who worked in my office. She was interested to know about this: on page 37 you give a breakdown of grants assistance, duty lawyer service and information referrals for our Aboriginal and Torres Strait Islander people. Do you have a breakdown for refugees, immigrants, migrants or culturally and linguistically diverse?

**THE CHAIR:** Or any other group that is struggling.

**Dr Boersig:** We do have proxies for that.

**Mr Monger:** We do not publicise them. We do have the information.

**THE CHAIR:** Are you able to take it on notice and provide us with something?

**Dr Boersig:** Yes.

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

**MR PETTERSSON:** I note throughout your report that in numerous different ways

you talk about increasing demands on your services. Why do you think that is so?

**Dr Boersig:** A variety of reasons. One is that the more visible we are, the more people are recognising that they need assistance. We have seen that particularly in relation to family violence. The whole trend for the past few years has been to acknowledge and recognise this as a scourge in the community. The result of the publication of that has been that more people have contacted us, and we have seen an increase in that regard. We have developed a range of services like the *Law Handbook*, which is now electronic and online. There are nearly 40 chapters there. People are being advised of their work. Also, we are doing a lot more community legal education.

**THE CHAIR:** The early intervention that you talked about.

**Dr Boersig:** The early intervention, and partnering with the hospitals, working with women's legal centres and working with Canberra community legal centres. Everyone is getting the message out that there are services available. My message to everyone is: ring us on the helpline before you make that decision, not afterwards. There were over 15,000 calls to the helpline last year. We want to encourage that. People make better decisions when they are better informed.

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

**Mr Monger:** With the community legal education that Dr Boersig talked about, this year we had 315 sessions, which is an increase over every year. In 2013-14 we did 122 sessions. At those sessions in 2013-14 there were 1½ thousand attendees. In 2017-18 there were over 7,100. So there is very much that up-front messaging.

**THE CHAIR:** But getting it out early in the piece for people is a positive.

**MS CODY:** On your referral program, do you follow up with the people that you do end up referring to other services when you are unable to assist?

**Dr Boersig:** We have key partners in that context. The short answer is yes. It is ad hoc and different, depending on the nature of the service, whether it is a migrant or refugee service or Companion House, or whether it is, say, the Women's Legal Centre. Yes, we have strong ties there.

**MR HANSON:** You have raised before the issue of your IT systems requiring an urgent upgrade. Can you give me an update on that, please?

**Mr Monger:** We have put forward a proposal to government for the budget review. It has not been considered in that context yet. We have sought funding to cover the IT upgrade. We are also looking at other options as to what we can do. But we are not in a timing position to find out about the budget funding yet.

**MR HANSON:** We will follow it up in estimates to see how you went.

**Mr Monger:** Yes.

**THE CHAIR:** Is there anything else that you want to add? There are a couple of minutes remaining.

PROOF

**Dr Boersig:** Just publicly to acknowledge Jon White and to thank him publicly for the role he played over the last 10 years. On a personal basis, we have been good colleagues and had a lot in common, particularly in relation to issues around family violence. I would just like to acknowledge that.

**MR HANSON:** Hear, hear!

**THE CHAIR:** Thank you, Dr Boersig and Mr Monger. Hear, hear indeed.

Appearances:

Public Trustee and Guardian

Taylor, Mr Andrew, Public Trustee and Guardian

Thompson, Ms Joanne, Director, Finance Unit

**THE CHAIR:** Thank you very much, Mr Taylor and Ms Thompson, for appearing before us today. We will get straight into questions. As I am sure you are aware, we have a short time.

**MR HANSON:** I note that there is public reporting and stuff in your annual report about the amount of unclaimed money, which could amount to as much as \$50 million. That seems to be quite an increase. Can you explain what that unclaimed money is and what you are doing to address that as an issue? Are you publicising that?

**Mr Taylor:** Sure. The amount reported as \$50 million is not the amount of money that is held by the Public Trustee and Guardian. I think that would include amounts of money that are held by treasury in a different unclaimed money scheme. With unclaimed money, for example, in relation to residential rental bonds, whilst we manage the residential rental bonds trust account we do not manage the claims for unclaimed money.

In relation to the unclaimed money trust account that we manage, essentially the funding is sourced from liquidators, agents, legal practitioners, certain cooperative societies and deposits with and securities by companies. It may include some bank deposits. In fact, the bank deposits have been the largest in the last several years.

**MR HANSON:** And that money is invested, is it?

**Mr Taylor:** Yes.

**MR HANSON:** And does the interest on that money go into consolidated revenue or does that interest go back into the pool of unclaimed moneys so that it maintains—

**Mr Taylor:** Interest is paid to the territory.

**Ms Thompson:** We make an annual payment to treasury for the net interest that that fund actually earns.

**MR HANSON:** Unclaimed money does not go up with the CPI?

**Ms Thompson:** No.

**THE CHAIR:** It stays at the figure that—

**Ms Thompson:** Yes, the capital value just sits there for people to claim.

**MR HANSON:** And what efforts are you making to identify who has a claim on that money and to notify them that they have got money in that pool?

**Mr Taylor:** We have put in place an IT system through our website. People can claim through an agent. They can claim in person. But by and large the bigger claims of money come online. Surprisingly, most of the money claimed is not from ACT people. It is from people outside the ACT. There are very few in the ACT. I do not know why.

Very often when somebody lodges a claim we are able to say, “We have identified that we might have half a dozen or so amounts of money that identify with your details that you have provided us.” But it is largely through a website. We do not have a specific role to go out into the community and look for people who might be the rightful owner of those moneys.

**THE CHAIR:** As a supplementary to that, generally how would someone know if they were owed money? Obviously there are a thousand different options, but if someone was listening today how would they know?

**Mr Taylor:** The bulk of people that come to us do so in relation to bank moneys. When the bank hands money across to us in one lump sum it usually advises the client or makes an attempt to advise the client. And very soon after it comes to us there is a claim.

There is also another industry developing called money finders. These people seem to have some kind of access to certain government databases. What they do is trawl those databases and try to identify people with people in those databases and then make contact and take a commission. But we will not take a claim from people like that unless the person consents.

**MS CODY:** I was wondering: do you use an ethical investment model for the money that you hold in trust?

**Mr Taylor:** Yes. We have a statutory investment board. We have an assets market consultant in PricewaterhouseCoopers in Melbourne. PricewaterhouseCoopers acts as an asset markets consultant to three or four other public trustees and is well aware of what our business model is. We also invest our funds largely through the ACT treasury contract. We source a fund manager, Vanguard at the moment, and we are able to access the lower rate that Vanguard charges treasury. Ordinarily we would not be able to access that rate. It is about four basis points, compared to about 45 on the market. But because we lump our account with treasury we can access the lower rate and pass that on to clients.

We reviewed our investment strategy in the last 12 or 18 months and we finished, in the last six months, implementing that strategy, which now has taken the total number of common funds, aside from the cash common fund, down to three, which are effectively bundles in a McDonald’s kind of combo. There will be about seven behind the scenes but bundled down to three common funds.

**MS CODY:** And how many did you have before the review?

**Ms Thompson:** Four. We had—



**Mr Taylor:** But we had a cash common fund and—

**Ms Thompson:** Yes, we had the cash common fund and four others.

**MS CODY:** This will mean that this will be better for your clients in the long run?

**Mr Taylor:** It is easier to manage, lower cost. Generally speaking, people very easily fit into those categories for investment. Did you want to make any comment?

**Ms Thompson:** Yes. Basically each client is assessed depending on age and the value of what they have got. Each client is reviewed annually and they are deemed to go into a particular pool, depending on what their needs are. Some obviously have high income needs. Some just want a capital growth-type investment. Each one is assessed individually and then they are pooled into those funds accordingly.

**THE CHAIR:** Who is the decision-maker on which they go into?

**Ms Thompson:** We have an investment team, and we have studied and—

**THE CHAIR:** Rather than the individual on whose behalf you are investing, it is the actual office that makes the decision?

**Mr Taylor:** Yes.

**Ms Thompson:** Yes, it is. Obviously their needs are taken into account. When we take on a new trust the family is interviewed to discuss what needs their child might have in the future. In relation to big trusts especially, we put funds into super and then the balance of some of those funds would go into our common funds. But, again, we discuss with the family the needs, housing, education, carers and so on so that there is enough funding there for their requirements.

**MS CODY:** Are the team that make the decisions with the family employees? Is it a board with external advisers? What is the make-up of that?

**Ms Thompson:** They are employees of our organisation. Obviously the smaller funds we do in house, just in the investment team, but when it comes to the larger funds it goes to our senior leadership group, who are the managers of the organisation, to sign off on those, based on the information that is provided by family and the trust officer that has dealt with the family as well.

**THE CHAIR:** Is there a management tool that you use for that decision-making process or is it just the best practice that you have been able to come up with?

**Ms Thompson:** No, we have rules and guidelines around what has to go where and how long—

**THE CHAIR:** Would you be able to table some of that on notice?

**Mr Taylor:** Yes.

**Ms Thompson:** Yes.

**Mr Taylor:** With investment policy—

**THE CHAIR:** So that we can clearly see how those decisions are made.

**Ms Thompson:** Yes, depending on how long they are going to be with us. We look at age, how long, how much and so forth.

**Mr Taylor:** I was going to say: did you have a question about the make-up of the board?

**MS CODY:** I did.

**THE CHAIR:** Did you want to tell us now?

**Mr Taylor:** The act provides for two members, plus me as senior member. We have a minimum of two. We currently have four members. One is generally an ACT treasury rep, which has a very strong synergy with what we do; a recent appointment also was a representative of the ACT Long Service Leave Authority, who again has a very, very, similar investment strategy; a superannuation guy; and a financial planner.

**THE CHAIR:** And perhaps on notice you can note who those people are?

**Mr Taylor:** Yes, I can certainly provide the names of those people.

**MR PETTERSSON:** I have a couple of questions about some of the potential new initiatives you outlined in the report. Why are you thinking about creating a central territory will bank?

**Mr Taylor:** It is not my idea; it is an idea that has been implemented by a number of other states. We think that in a small place like the ACT there are issues around small practitioners going out of business and not knowing what to do with their wills. At the present moment, there is a provision in legislation for the Supreme Court to take those wills. It is not really done on an organised basis. Essentially, we already had a will bank of our own. We are the only organisation in the ACT that can evidence the will from an electronic record before court. It is a small step to extend that to the private sector to allow everybody to deposit their wills with us. It makes it easier for executors and others looking for copies of wills.

**THE CHAIR:** Would you encourage that?

**Mr Taylor:** Would we encourage that?

**THE CHAIR:** As in people across the board putting their wills in with you.

**Mr Taylor:** We have spoken to the ACT Law Society and we have strong support for that, yes.

**MR PETTERSSON:** In other jurisdictions, do they normally charge a fee to use a

service like this?

**Mr Taylor:** Yes. The Public Trustee and Guardian is self-funding apart from a small amount of appropriation to provide guardianship services and the official visitor scheme. We certainly would be charging a fee to do that, because we would need to develop some IT routines through our website to allow that to happen. We would envisage a fee to deposit a will, to search the register, and to take a copy.

**MR PETTERSSON:** Are you aware of small local legal firms going out of business and their wills not getting passed on to the Supreme Court?

**Mr Taylor:** Yes.

**MR PETTERSSON:** Is that common?

**Mr Taylor:** Not significant, no, but we are aware of that. And it is quite possible for a will never to be found, even though the will may exist. That is quite common.

**MS CODY:** What happens with their estate?

**Mr Taylor:** It would be treated as an intestate estate. Or if an earlier will had been found—

**MS CODY:** It is based on the earlier will. So it would probably encourage more people to do them.

**Mr Taylor:** It is a probate process in court.

**MR PETTERSSON:** It sounds like a good idea.

**THE CHAIR:** Yes, it does.

**MR HANSON:** In your report, you look at your objectives and they include implementing the requirements of the Public Trustee and Guardian Act, which notes “as completed”. You are awaiting an enterprise agreement. Can you give me an update on where you are at with that?

**Mr Taylor:** Sorry, I did not catch the second part of your question.

**MR HANSON:** It says you are awaiting an enterprise agreement.

**Mr Taylor:** Yes.

**MR HANSON:** Which I assume is salary, EBA negotiations.

**Mr Taylor:** Yes.

**MR HANSON:** Can you advise me where you are up to in that process? Is it complete? If not, what has happened?

**Mr Taylor:** We have reached tentative agreement with the CPSU and the staff around the changes to the classification. Essentially, because we are now a public trustee and guardian, we have a trustee classification and an ASO classification that did not fit. People were being disadvantaged in moving into and out of and within the Public Trustee and Guardian. Effectively, the scheme that set up the trust officer classification was not really working in the way it was originally designed to work.

We have made an agreement with the unions that, in between the time the enterprise agreement is agreed upon and the time Fair Work ratifies the agreement, we will review the classifications further to see whether or not there are some gaps created by the change. We will also look at the adequacy of numbers of staff across the organisation, given that there were some issues about high workloads.

**MR HANSON:** You had a review done, didn't you, on the merger?

**Mr Taylor:** Yes.

**MR HANSON:** Was this identified as part of that review?

**Mr Taylor:** Yes, it was. The original review, which was a review of the structure of the organisation, was conducted by Yellow Edge. Then we had a further review conducted by Mercer. Mercer specifically looked at the fit between the trust officer and the ASO, and what relevant ASO classification it should be. We are now about to engage a further organisation to look at the third stage of the process. There are highly different skill sets offered by these different organisations.

**MR HANSON:** Are the Yellow Edge and Mercer reviews publically available?

**Mr Taylor:** I can provide all of those, although the Yellow Edge review was a number of reviews, if you like, in different parts.

**THE CHAIR:** I ask you to provide that on notice.

**MR HANSON:** I assume that those reviews made recommendations?

**Mr Taylor:** Yes.

**THE CHAIR:** And the Mercer review.

**MR HANSON:** Where are you at in terms of implementing the recommendations from the Yellow Edge and Mercer reviews?

**Mr Taylor:** All of the Yellow Edge recommendations have been implemented. The Mercer recommendations are going to be implemented in total through the EA, the enterprise agreement. The one that is about to commence is about the way in which they will be implemented.

**MR HANSON:** Who is doing the next review? Have you got someone identified?

**Mr Taylor:** We are out to quotes at the moment. We have interviewed a number of

suppliers.

**MS CODY:** Following on from Mr Pettersson's line of questioning about wills, is there a similar option for enduring power of attorney? Can people lodge their enduring power of attorney with the Public Trustee and Guardian?

**Mr Taylor:** This is a gap that has been identified by the federal government and by all states and territories that have undertaken guardianship reviews. There is no national register of enduring powers of attorney. There are state and territory registers but they only hold powers of attorney where people want to deal with property. You only need to register when you are dealing with property.

So the federal government has engaged the Australian Guardianship and Administration Council, of which I am a director, and we have been tasked with advising the federal government on the establishment of a national register. The idea is that it would be a 24/7 accessible register largely, I guess, for professionals: medical, finance and all those kind of things. It is not necessarily going to be a general power of attorney register, an enduring power of attorney register.

Certainly we do not have a register of powers of attorney; we only have a register of those where the Public Trustee and Guardian is appointed. We would have a number of powers of attorney in our will bank. Generally people make a will and a power of attorney at the same time. We do not register those unless the situation arises where we are required to deal with their property, which may happen or may never happen.

**MS CODY:** We have been doing a lot of talking about and looking at end of life care choices in another committee. Some of the stuff we have been looking at is people making end of life choices not necessarily on the euthanasia side but end of life care choices in general: how much intervention they want at their end of life stage. There has been some evidence given that also lacking is a general place to hold those. Is that something you also talk about in your role as the commonwealth—

**Mr Taylor:** No, we are not looking at those in the particular task that AGAC has. We did make a submission to the end of life choices committee. But our role is purely as a decision-maker, when appointed by somebody as an attorney, or as a guardian or manager by AGAC. A guardian does not have a role in making an end of life decision. I think that was tested only once in court.

**THE CHAIR:** Do you think it would be possible, were documents on that to be produced on a mass scale in the community, for them to be lodged on the electronic register alongside other documents so that we would have in the ACT one place to go to for those types of documents?

**Mr Taylor:** I guess there would be significant issues around privacy in those kinds of documents. Totally different considerations would apply—

**THE CHAIR:** To a will.

**Mr Taylor:** than to a power of attorney. A power of attorney can be a public document if you want to register it. I do not think it will be compulsory. But an end of

life choice decision, I think, would be something many people would not even want their family to know about.

**MS CODY:** I am only talking about intervention; I am not talking about the more extreme side of end of life care choices. I am talking about whether, say, if you have a massive heart attack you want lifesaving efforts to—

**Mr Taylor:** Generally, at present you have those conversations with your doctor. That is nothing to do with—

**MS CODY:** But people are or are not having those conversations. I was trying to see whether there was another place to do that. Do you see many cases of elder abuse?

**Mr Taylor:** We do not see many cases of elder abuse, but we are aware that it is a difficult question because one of the problems with elder abuse is that it is significant but it is often not reported. It is not reported for a lot of reasons. People are concerned about hanging their dirty washing on the line or fear of reprisal. For a whole range of reasons, people do not want to do that. For example, people may be depending upon the person who is abusing them.

Some of the issues that we come up against—there was one just in the last week. We know that somebody has taken advantage of deeming rules with Centrelink to be able to pass a parent's wealth down to a child. Once that happens and the parent is in the nursing home then the debt keeps building up, there is no capacity to pay and the person risks being evicted. There are a lot of issues like that, but we are not a reporting body. If we do come across something that is blatant elder abuse we do and we are required to report.

**THE CHAIR:** Where do you report that?

**Mr Taylor:** There is an agency in the ACT government with the acronym APRIL.

**MS CODY:** We spoke to APRIL the other day.

**THE CHAIR:** Mr Taylor, are there any other matters you want to raise in this hearing?

**Mr Taylor:** No, but I have often been asked about audit issues in the past and we have been unable to satisfy a lot of the issues in the audit. We have been cleared by the Auditor-General on all of the issues that we have been carrying forward for a number of years. So this year is a clean slate in many ways for us.

**THE CHAIR:** We see Mr Taylor breathe a sigh of relief.

**MR HANSON:** You were tempting fate, Mr Taylor. The intent of the amalgamation, in part, was to create efficiencies whereby there were a few more front-line staff and fewer executives. Has that been externally audited to confirm that that has occurred, so that you can demonstrate objectively that we now have more salaries going to the front-line doers rather than the back office doers? I am not saying the back office are not doers but—

**Mr Taylor:** No, that has not specifically been audited. But—you mentioned guardianship—we have made a budget bid for two extra guardians. The reason we have done that is that the influence of the NDIS has been so significant that we just cannot keep up with everyday guardianship.

**MR HANSON:** I accept that there is new work coming and emerging. That is always going to be the case. But what I am looking for is validation that the intent of the amalgamation has been realised. How do we know that it has?

**Mr Taylor:** I can certainly say that the guardians that are doing the work now are doing pure guardianship work, because all of the administrative overheads that they normally would have had are provided by the Public Trustee and Guardian as a larger agency. We have a common finance personnel, right down to vehicles. They all self-managed those things before, but now they are managed by the agency as a whole, which is already an overhead of the Public Trustee and Guardian and has not come as an extra expense.

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

Appearances:

Office of the Inspector of Correctional Services

McAllister, Mr Neil, Inspector of Correctional Services

**THE CHAIR:** Thank you, Mr McAllister, for appearing. I believe this is your first appearance since the establishment of your office.

**Mr McAllister:** Yes, at this committee, but we talked at estimates.

**THE CHAIR:** Yes, of course. I was on leave at that time. Thank you very much for coming along today. I have a question, to kick off. I am interested in your view, Mr McAllister, given your extensive background in corrections, on the current state of accommodation at the AMC. We find ourselves yet again in a situation where capacity is an issue at the AMC. There has been advertising by government for some work associated with expanding, yet again, the prison, two years after the previous work was completed or undertaken. It has been stated that this growth in population could not have been predicted, but the national and international trends show continued growth in prison populations. What are your thoughts?

**Mr McAllister:** Firstly, concerning the current accommodation at AMC, it is clearly not the best environment. Basically, we have two people living in a nine-square-metre cell that was designed for one person. It is as simple as that. There are some what they call double cells, which were purpose-designed for two people. But putting a double bunk into a single cell is not effective design capacity. The design capacity is still for one person. Clearly, people are living in cramped accommodation. I was in a unit the other day that had 14 single cells, and there were 28 men in the unit. That is widespread, apart from the unit that the women are accommodated in, which is a bit more spacious.

In terms of the trends, I have been involved for a number of years with various forums looking at the prediction of prisoner numbers. I have worked with John Walker. You may know John Walker, formerly with the Australian Institute of Criminology, who spent many years developing a prison prediction model. I also worked extensively with Dr Angela Gorta in New South Wales, who was the head of their research division. They spent a considerable amount of effort trying to develop a prison projection model. Certainly, in Australia, they have not worked. I do not think they have worked particularly well internationally, either, because there are so many variables that you cannot factor in to the model.

Back in 2005, when the AMC design brief was eventually put together under the stewardship of Dr John Paget, who is a colleague of mine, treasury at that time predicted that the 200-and-something cells would serve the ACT for 30 years. With the value of hindsight, it served the ACT for about four years. I do not know who made those predictions back then. It is just quoted as “treasury”. But you could not have got it much more wrong than that. It is a very difficult task because of those unknown variables that you just cannot factor in.

**THE CHAIR:** Mr McAllister, my understanding is that the daily average prisoner



population has gone up, say from 2009-10, every year. We have had 111, 136, 168, 179, 240, 240, 271, 281 and 302. It is a fairly steady trajectory upwards.

**Mr McAllister:** It is. At the moment—I have not checked in the last few days—it has been running in the high 400s, and sometimes peaking a bit higher. It is not unique to the ACT.

**THE CHAIR:** No; that is right.

**Mr McAllister:** It is happening in every jurisdiction in the country. There is no such thing anymore as an empty prison or a part-empty prison. New South Wales cannot seem to build them fast enough. Recently, I went to Ravenhall Correctional Centre in Victoria, which is a brand-new facility—and an amazing facility, I should say. It was designed for a thousand remandees. There are sentenced prisoners there as well, so there are a thousand males. It can accommodate 1,300 and their expectation is that even though it only opened in late 2017—

**THE CHAIR:** It will be full.

**Mr McAllister:** if it is not full already, it will be next month or the month after. The other factor that is causing concern for all jurisdictions is the incredibly rapid increase in remand numbers. That is being seen here in the ACT but it is also being seen in every jurisdiction, to the extent that in jurisdictions that only have remand prisons, they have now had to provide remand beds in other centres because they just cannot cope. For example, Arthur Gorrie Correctional Centre in Brisbane is a 1,000-bed remand prison, so it is twice the size of AMC. It is full. It is always full. They have now had to place remandees in what used to be for sentenced prisoners only. That is particularly in regional areas—

**THE CHAIR:** The distance.

**Mr McAllister:** around Rockhampton and places like that. It is the same in Victoria and in New South Wales. They are having to create remand beds in places that were not designed for remandees. The expansion in the ACT has been significant since 2014-15. I do not know why. If the remand population keeps increasing at the rate that it has been—and, by the way, this has nothing to do with ACT Corrective Services. They just—

**THE CHAIR:** No; they just take what they are given.

**Mr McAllister:** As my former colleagues, they are just at the end of the justice conveyor belt. They do not have any choice about who comes off the truck. It is not a reflection on them at all. It is just a fact that remand rates are increasing around the country, for reasons that are not entirely clear.

**THE CHAIR:** Just to finish up on that topic, Mr McAllister, a recently released person mentioned to me that, for example, we have cottages in the AMC and they are designed for, I think, five adults. There is one toilet, for example, for the five. If we go ahead with double-bunking and end up with 10 people, is this actually a tenable solution to our problem?

**Mr McAllister:** I cannot speak specifically about that example because I would need to know which cottage it was. One of the issues with expanding prison numbers—again, it is not unique to the ACT—is that there is always a lag in infrastructure.

To take one example: the visit centre at AMC, when it opened in 2009, was designed to cater for a population of around 200-and-something. It now has 400 or 500, but the visit centre is still the way it was in 2009. That tends to be reflected across the system nationally. I recall that one Victorian prison got expanded so rapidly beyond its capacity that it shut down the sewerage system and they had to have a roster for flushing toilets. I am not joking; that happened.

**THE CHAIR:** There have been some works done on the prison sewerage system, I believe, here.

**Mr McAllister:** It also applies to the electrical systems. They have so much load; then you start adding in more things. There is always a lag, particularly when you have rapid numbers, and the infrastructure has to try to catch up, just to cope with those day-to-day housekeeping things, to some extent. You would be quite right: the one toilet—

**THE CHAIR:** For 10 people.

**Mr McAllister:** that you designed for five people is not going to work very well for 10 people.

**THE CHAIR:** No, especially if they are not getting on well to start with.

**Mr McAllister:** They may only have one telephone in a unit that was meant to be shared by five people. It is just one of those realities, unfortunately.

**THE CHAIR:** The same person mentioned to me that he or she had been accommodated on a roll-out bed. What is your understanding of the use of roll-out beds in the facility?

**Mr McAllister:** I am not aware of any use of roll-out beds at AMC.

**THE CHAIR:** I have been told that they are being used. I do not know whether that is incorrect information. It has certainly been presented to me by a former inmate that he or she was in fact on a roll-out bed.

**Mr McAllister:** I cannot comment, other than to say I am not aware of it. I have never seen one when I have been there. Certainly, as I said, they are double-bunked and whatever.

**THE CHAIR:** I might put that to the minister.

**MS CODY:** You have just started; things are going well. What have you got planned?

**Mr McAllister:** Things are going well. We have completed a review of a critical

incident and we lodged that with the Speaker yesterday. That will be tabled shortly. We are quite a long way through the writing of a report on the care and management of remandees at AMC. Under our legislation we have to provide a draft to Minister Rattenbury and to Director-General Playford and we are quite close to doing that.

At the moment we are also just embarking on a review of another critical incident at the AMC. The Inspector of Correctional Services Act designates certain things that are critical incidents that have to be reviewed by the inspector's office. And we are planning a whole-of-centre review next year which will use the healthy prison model but framed with a human rights perspective via OPCAT and the ACT Human Rights Act. We are planning to do that mid-ish next year. Next year at the latest, I think it is 8 December, the inspectorate takes on an oversight role with Bimberi as well.

**THE CHAIR:** When does that happen, sorry?

**Mr McAllister:** I think 8 December 2019 is the last day, but it could be brought on earlier. It says "no later than one year from the enactment of the Inspector of Correctional Services Act"—sometime on or before 9 December, I think, but I will stand corrected if I have got that date wrong.

**MS CODY:** You have been doing lots of critical incident plans. Does that mean you will do a review of the prison to meet the healthy prisons model? Is that correct?

**Mr McAllister:** Yes. It is the healthy prison framework that is used, certainly in the UK and Australia. It is, I guess, a statement of principles about what constitutes a healthy prison. It originated in the UK. It is widely used around Australia and other jurisdictions internationally. It has basic headings. I would be happy to provide you with some information on that if you wanted it.

**MS CODY:** If it is not too much trouble that would be wonderful. Thank you.

**Mr McAllister:** No, not at all. I will do that.

**MS CODY:** And what changes have you been enacting, enabling, working towards since you have taken over the role?

**Mr McAllister:** Part of the task initially—the role is new; there have been inspectorates in other jurisdictions, in Western Australia originally, followed by New South Wales then Tasmania—I guess has been a process of seeing where we fit. We have done a lot of consultation with the oversight agencies, the Human Rights Commission and the Ombudsman in particular. We have different roles but we need to be part of the same envelope. We have good working relationships with them. We understand who does what.

We have informal mechanisms in place for referring things. For example, the inspectorate cannot take complaints. If a detainee comes to us complaining about this, that or the other, as in fact one did yesterday, we would advise them to either talk to the official visitor or to raise it with the Ombudsman or, if it is a human rights-type matter, to raise it with the Human Rights Commission.

We have been working with JACS and ACT Corrective Services to establish our place. We have developed a memorandum of understanding with ACT Corrective Services about critical incidents—who does what—and, in fact, that memorandum of understanding is appended to the report that is with the Assembly now. You will be able to see our respective roles. We felt that was important because ACT Corrective Services has to do certain things in the event of a critical incident. The whole world does not stop because the inspector might walk in. We just wanted to be clear about who does what, where the lines are and that sort of thing. You will be able to read that in the report and it will be uploaded to our website and so on.

**MS CODY:** And it definitely makes things clearer if you know who does what at what times.

**Mr McAllister:** Yes. I talked to ACT Policing about whether we needed an MOU with them. I do not think we do at the moment, but that is something for another day if we do. I have worked in this field for a long time. I have a very clear idea about where police sit and where we sit. We are not criminal investigators; we are not there to solve crimes. But sometimes we will need to do things that are concurrent with ACT Policing. We cannot, necessarily, wait eight months for them to close an investigation into something. I am happy with that. I had a long discussion with Mark Walters about our respective roles. I am good with that.

**MR PETTERSSON:** I was wondering if you would comment on the timeliness of repairs and maintenance at AMC. Are there lengthy delays?

**Mr McAllister:** The simple answer is: I do not know. It is an issue that has come to our attention informally. I think there was some talk in the *Canberra Times* last week about leaking taps and something or other. But it is not something I have looked at. When we do the healthy prison review, because it is all encompassing, we will be looking at issues such as that. Obviously it can impact on detainees if things are not working properly. But I have not looked at that specifically at the moment.

**THE CHAIR:** Mr McAllister, I wonder if you could give us your thoughts about the separation of remandees and whether that is ideal.

**Mr McAllister:** International best practice and international human rights conventions are fairly consistent in the view that convicted and unconvicted people should be kept separate in their accommodation. There is a bit of a caveat to that, because—

**THE CHAIR:** As in within one facility? It could be in two different places, potentially?

**Mr McAllister:** In one facility—other than a strict remand prison, and there are some of those in Australia. There are correctional centres in Australia and overseas where you have a remand population, as you do at Ravenhall Correctional Centre in Victoria, and you have a sentenced population. Best practice suggests that it is not a good idea to try to keep them separate out of their accommodation, because that can impact badly on the remandees if they want to attend programs, education and a whole bunch of other things.

**THE CHAIR:** But within their accommodation they would be separate?

**Mr McAllister:** Preferably they have their own separate accommodation and they are not sharing with convicted persons; there is that caveat that it is not essential that they be kept separate all the time, because that creates a whole range of problems for a correctional centre in terms of how people go to visit, how they go to the health centre, and—

**THE CHAIR:** And you double up everything.

**Mr McAllister:** And, because the remandees would tend to be the minority in those places, they could actually be adversely affected because the bulk of the population could take priority. With that caveat, my personal view is that wherever possible they should be kept separate.

**THE CHAIR:** The women in the AMC have now been housed in a single-cell accommodation unit rather than the cottages that were designed for them.

**Mr McAllister:** Correct.

**THE CHAIR:** What are your thoughts on that situation?

**Mr McAllister:** Personally, I am not happy about it. The reason for saying that is that when the AMC was designed—the design brief was mentioned back in 2005, when that was published—there was quite a lot of effort put into designing the accommodation specifically for the needs of women. That translated into the cottage accommodation, which was to accommodate women of all security classifications. It had at least one remand cottage in there as well. It was designed recognising the specific differences with women.

I will not bore you with all the literature, but there are quite significant differences between the experience of women in custody and the experience of men. That was the purpose of the cottages—the women’s community centre, I think it was called—which had 25 beds, if I recall correctly. The numbers of women in custody increased to the point—this was before my time, so I am not reciting direct knowledge—where a decision was taken that they could no longer be accommodated in the cottages because of the increase in numbers, so they were moved to what was called the special care centre, SCC.

**THE CHAIR:** We went through that a lot in this committee, in another process.

**Mr McAllister:** That is a relatively new unit; it was part of that more recent build. It was designed specifically for males, as evidenced by the very large exercise equipment out on the concrete pad, which I can I can tell you the women do not use.

**THE CHAIR:** And no grass.

**Mr McAllister:** There are some issues around that. I understand anecdotally why it happened, but I think the women have been disadvantaged by that accommodation.

**THE CHAIR:** Now or at the time?

**Mr McAllister:** Sorry?

**THE CHAIR:** Now they are being disadvantaged, or at the time they were, when they were in those—

**Mr McAllister:** They have been disadvantaged in that they have been put into a high security male block rather than the minimum security cottage accommodation, which has now been taken over by males.

**THE CHAIR:** So it is a disadvantage to them.

**Mr McAllister:** Yes.

**THE CHAIR:** Finally, you mentioned the visitor centre earlier. Can you elaborate on what a modern visitor centre would be like?

**Mr McAllister:** I do not have any issue with the visitor centre in terms of a place in a prison. It is family friendly; it is attractive. I went and sat in on a visitor session one Sunday, just to see how it went. I was very impressed with the staff. They were very dedicated to making the visitors' experience good for the families. There was a barista there making coffee for the families. It is a pleasant place. It has a good play area for children; it is visually attractive; it has some nice artwork and stuff. It is as friendly as you could expect in a jail. The problem is that it is just too small for a population of 500 people.

**THE CHAIR:** Yes; got it.

**Mr McAllister:** That has led to fairly complicated visit scheduling to allow everybody to have a couple of visits a week. Apart from people in the management unit, and they have a separate regime, the general population are all able to have two one-hour visits a week. But it is quite rigid, because of the need to get everybody in. In other jurisdictions, you would be able to visit seven days a week; you would just ring up and say, "I want to come in on Tuesday at 2 o'clock." They would say, "You cannot come in at 2 o'clock, but you can come at 3 o'clock." But the way that AMC has gone—

**THE CHAIR:** It is very much rostered.

**Mr McAllister:** You are allocated two hours, a one-hour slot on Thursday and another one on Sunday. If your kids are in school on Thursday, tough luck. Again, that is a reflection of the population pressure there: they just do not have the flexibility to allow that more informal visit booking process.

**THE CHAIR:** An organisation came to talk to me not long ago, Shine.

**Mr McAllister:** Shine for Kids?

**THE CHAIR:** They said some of the programs they run in other prisons involved being there for the whole day with dad or mum who is on the inside: they can have games and, rather than this intensive one hour of sitting and staring at each other, there are some led activities. Do you think that the scheduling makes that more difficult as well?

**Mr McAllister:** It would. I have had a brief discussion with Shine. I know Shine do things out there. There are no visits at AMC on Mondays or Tuesdays. Mondays are reserved for professional visits and on Tuesdays they have staff training in the afternoon. I am not quite sure why Tuesday morning and Tuesday evening are not used, but they are not.

**THE CHAIR:** Maybe they could be.

**Mr McAllister:** The visits are Wednesday and Sunday, so they have to fit all 500 prisoners in that five-day period. And within that, they have to manage the various cohorts. For example, you have protection detainees, Comancheros and all sorts of people who cannot be together. And of course, there are the women. I was going to say the women cannot be in there with men, but up until about 2016 they were; they used to visit with male detainees. I think I read that in one of the HRC reports on women. So that has changed, but, again, I think it is all to do with just the pressure of numbers.

**THE CHAIR:** And staff.

**Mr McAllister:** As to your question, I do not entirely know why Mondays and Tuesdays are not being utilised for family visits. The lawyers have professional visit rooms; they do not need to be where the families are.

**THE CHAIR:** We will wrap up there. Thank you, Mr McAllister, for being here.

**Mr McAllister:** Ms Cody, I will get that healthy prison framework, too.

**MS CODY:** Thank you.

**THE CHAIR:** Mr McAllister took one question on notice, which he just said he would get to.

Appearances:

ACT Official Visitor Scheme

Durkin, Ms Mary, Official Visitor for Disability Services

**THE CHAIR:** I welcome Ms Durkin, the official visitor for disability services.

**Ms Durkin:** I am one of two official visitors.

**THE CHAIR:** I wonder if you have anything you would like to say to the committee. We do have a fairly short time.

**Ms Durkin:** I did not have a statement prepared.

**THE CHAIR:** Perhaps you could just let us know how your role is going and if there are any particular things that you think are not being properly addressed at this point in time.

**Ms Durkin:** We visit around 144 places a year between the two of us. We have raised in the official visitor review that there might be a possibility of looking at the number of official visitors dedicated to each area. I think there are four mental health official visitors for four or five facilities, whereas we visit 144 places. There are probably more now since the annual report. It is a big workload for two people.

In terms of the standard of care that is being provided to people in the community, it is generally very good; we have very few complaints. When we deal with complaints, we just deal with them on the ground and, hopefully, resolve them at the time. If they are more complex, we refer them to other authorities like the disability services commissioner or the Public Advocate. There is nothing major that we have of concern, but we noted in our annual report some areas of systemic concern.

**THE CHAIR:** Do you want to go through those briefly?

**Ms Durkin:** Yes. One is that organisations are not currently required by legislation to let the human services registrar or the department know that they have a new house with new residents, so there is no updating of the number of places that we have to visit. We find out about them by word of mouth in general. We have recommended to government that there be a legislative amendment to provide for mandatory reporting to the human services registrar so that the registry is kept up to date. It is the same for aged-care facilities when they have people under 65; we do not get told about those, so there are a lot of people in aged-care facilities who we may not be visiting.

One of the other legislative amendments that we have recommended is about the fact that the legislation provides that we must give 24 hours written notice prior to organising a visit. That does not apply to any other official visitor; it only applies in the disability area. It makes it very problematic to organise visits, because we usually have to ring and say, "When are the residents going to be home?" You have to negotiate when you might be there. We have recommended that that provision be removed, just to make it all work a lot better.



Another thing is that we do not have a right, like most independent statutory authorities, to view documents; we have to get consent to see records within a particular house. That is problematic because you cannot track whether what has been funded for people is being met by the organisation. A lot of people that we deal with have communication difficulties, so we cannot get consent from them on the ground at the time; we have to then try to track down guardians. It just does not work. We think that that provision should be removed to provide us with the opportunity to better do our jobs.

**THE CHAIR:** To be implemented that you have right, a positive right, to view documents.

**Ms Durkin:** To see records, yes. Obviously, we are appointed—

**THE CHAIR:** Is that generally in homes.

**Ms Durkin:** Pardon?

**THE CHAIR:** Does that generally come up in visiting people who are in homes or is it in their own houses or both?

**Ms Durkin:** Yes, in group homes and in their own houses. With people who are getting 24/7 support in their own home or in group houses there are generally records on the ground.

One of the other things that we mentioned was that we have been doing a round of visits to the CEOs of organisations, service providers. We occasionally hear them say, “We got rid of that person because they were no good.” But they do not feel as though they have the capacity to report to the working with vulnerable people scheme, the Commissioner for Fair Trading.

**THE CHAIR:** As in staff that they have got rid of?

**Ms Durkin:** Yes. So people might be moving between services and working again.

**THE CHAIR:** That is quite important.

**Ms Durkin:** We have recommended that that be looked at to see whether there can be a right to report without any repercussions for breaching privacy or whatever. That is a body of work that might need a bit of thought, but we think it needs to be resolved so that you do not have inappropriate people working in houses with people with disabilities.

**MS CODY:** You visit people with disabilities in all situations, including in the AMC?

**Ms Durkin:** No. The legislation says that we visit people who live in long-term residential accommodation and respite services. We can go to the AMC to visit people with disabilities at the invitation of another official visitor from the jail, but we do not have a right to just go into the jail.

PROOF

**MS CODY:** The official visitor for Corrective Services?

**Ms Durkin:** Yes. They could ask us to come in if a person would like to speak to a disability official visitor.

**THE CHAIR:** Thank you, Ms Durkin. I am sorry it was quick, but we got down a lot of what you had to say. You are very concise and very good.

**Ms Durkin:** Thank you.

**THE CHAIR:** We will now have a short break.

**Hearing suspended from 10.55 to 11.10 am.**

Appearances:

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

Justice and Community Safety Directorate

Playford, Ms Alison, Director-General

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

Ng, Mr Daniel, Acting Deputy Executive Director, Legislation, Policy and Programs

Hosking, Dr Kim, Director, Road Safety and Transport Regulation, Legislation, Policy and Programs

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

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

Inkpen, Dr Nova, Acting Director, Justice Reinvestment Unit, Legislation, Policy and Programs

Peach, Mr Jon, Executive Director, ACT Corrective Services

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

Ponniah, Mr Ashan, General Manager, Community Corrections and Release Planning, ACT Corrective Services

Goodman, Ms Therese, Director, Corporate Services, ACT Corrective Services

Chief Minister, Treasury and Economic Development Directorate

Snowden, Mr David, Chief Operating Officer, Access Canberra

**THE CHAIR:** I declare open this morning's second session of public hearings of the Standing Committee on Justice and Community Safety on the 2017-18 annual reports. On behalf of the committee, I would like to now welcome Mr Rattenbury MLA, as Minister for Justice, Consumer Affairs and Road Safety, and accompanying officials from the JACS Directorate to deal with matters shown on the program.

Before we begin, can I also remind witnesses of the protections and obligations entailed by parliamentary privilege and draw your attention to the pink privilege statements which are set out on the table. These are important. Can I confirm that you all understand the privilege implications of this statement?

**Mr Rattenbury:** Yes, I think the team here are quite familiar with them.

**THE CHAIR:** Yes, I am sure they are. We will start by going to questions.

**MR PARTON:** I would like to focus initially on the justice reinvestment area and the high density housing safety and security program, and I know that the minister is aware of the interest that I have in this program. The report states that the directorate is supporting justice reinvestment initiatives by expanding the high density housing community and safety program at public housing sites in the ACT. Can I get an

outline of how the high density housing community and safety program works and where it currently operates?

**Mr Rattenbury:** You can. Let me start by saying that, as you particularly know, because I read it somewhere, it has traditionally been operating on Ainslie Avenue. There has been a full evaluation of that, which has shown an excellent return in every sense of the word—both socially and financially in terms of reducing demand on police resources at the site et cetera. This year in the budget we expanded the high density housing program to also take in Illawarra Court, which is in Belconnen.

**MR PARTON:** On what model is it working? I know Ainslie Avenue is—

**Mr Rattenbury:** At Illawarra Court, you mean?

**MR PARTON:** Yes. Ainslie Avenue is essentially run by Reclink?

**Mr Rattenbury:** Yes.

**MR PARTON:** What about Illawarra Court?

**Dr Inkpen:** Illawarra Court is using the same service facilitation model as the Ainslie Avenue site and the Reclink model of using both structured and unstructured programs, working with residents and helping to understand what their service needs are and how to set up the site. It needs to be done in the same way as the Ainslie Avenue program has been developed. It is working with the residents at those communities, firstly building their trust, building the rapport, and then working out the kinds of activities that are going to best build community engagement and work on reducing antisocial behaviour and any crime issues that are there. Reclink is working with us to build the high density housing community program there.

**MR PARTON:** When some people on our floor were going through some numbers in this annual report, and they specifically got to this high density housing safety and security program—

**Mr Rattenbury:** Which page?

**MR PARTON:** This is page 44. A number of them popped into my office and said, “These numbers look too good. What is going on here? How is it that they can reduce the occurrence of violent crime by 50 per cent and property crime by 60 per cent?” They are good results. When I was asked specifically why the results were so good, my initial response was to refer to the key personnel, that specifically when it comes to Ainslie Avenue Mark Ransom is a bit of a gem, is he not?

**Mr Rattenbury:** He is. I think it reflects two things. One is the person. Not anybody could do that job. Right across the community sector there are some amazing people. We were at Oaks Estate last week, where St Vincent de Paul run a similar kind of program. Again, the staff on the ground there are doing an amazing job.

The other side of it is the very premise of justice reinvestment. Instead of spending money picking up the pieces at the end, you put the money in up-front and you build

trust, get people focused on other things, teach them skills, teach them alternative pathways to deal with problems—all those sorts of things which actually avoid getting into the criminal justice bit of the spectrum. Prevention is the best word, I suppose, for all that.

**MR PARTON:** Would it be safe to say that, because we have got agencies that are doing this that are at arm's length to government, on occasions they are able to adopt some unorthodox approaches to things that perhaps government agencies just could not?

**Mr Rattenbury:** I think that is true. I think there is a flexibility offered to non-government organisations that if government did something like that—say, it has been weeks answering questions from question time or responding to the *Canberra Times* or similar—there is a beauty in the capability of NGOs to do things a little differently.

**MR PARTON:** And where is the rollout at when it comes to Belconnen? How far forward are we there?

**Dr Inkpen:** We are in our early stages. We are really trying to understand the profile of residents that are there, to make sure we are tailoring the program to their needs. We need to understand the profile of the residents, what parts of government, including ACT Policing, are engaging with that site and over what types of issues. Is it about looking at some crime prevention through environmental designs and adaptations there that might support people feeling safe? There are a range of different questions we are asking around what will help to make that site produce the same kinds of benefits that we have been able to produce on Ainslie Avenue.

**MS CODY:** I would like to talk about phase 3 of restorative justice.

**Mr Rattenbury:** Go for your life.

**MS CODY:** I am just wondering how that is going and where it is up to.

**Mr Rattenbury:** Yes, certainly. As you know, phase 3 brings in the sexually violent offences. There has been a very significant development phase for that, making sure we get it right. It is a sensitive and potentially difficult area but also one that I strongly believe offers real potential for some victims. It will not be suitable for all victims or for every case, and that is very clear both in the government's policy direction and in the way the team operates.

Having gone through an extensive period over the last 12 or 18 months of working with a range of community stakeholders, ranging from the DPP through to police and various community groups like the Rape Crisis Centre, Victims of Crime Commissioner and a range of others, the team has built up a set of operating guidelines, and they have been tested a number of times in workshops, one-on-one meetings and the like. Having got to the point where both the team and I are satisfied that that is now at the right level of preparation to start, we have got the right training, I formally signed the instrument that enabled phase 3 to commence from 1 November. That is now available. I am told that we have already had the first couple of referrals

from the court to the restorative justice team for the phase 3-type offences.

**MS CODY:** I was just going to ask quickly: obviously it is very, very early days—14 November, two weeks in and you have had a couple of cases referred—but have the team seen those cases yet?

**Ms Lutz:** We have actually had four referrals for family violence since 1 November. Three of those are from the court at pre-sentence. One of those is an AFP diversionary matter. All of them involve adult children with victims being the parents. That has been an interesting development.

**THE CHAIR:** Yes, a new area. On page 39 the report talks about compliance with agreements that have been reached during RJ processes. It says that, of 117 agreements formed, only 60 were fully complied with, if I understand correctly. It says that 30 conferences held satisfied victims' needs. How does "satisfied victims' needs" compare to "complied with"? What is the difference there?

**Ms Lutz:** When a conference has satisfied the victim's needs, it is considered that they are agreed that the matter has been dealt with without requiring a formal agreement, which might involve tasks for an offender to complete at a later date.

**THE CHAIR:** They are, effectively, like the "complied with" numbers?

**Ms Lutz:** Yes.

**THE CHAIR:** Okay; that looks a lot better. With the seven being monitored, what does that look like?

**Ms Lutz:** That means there is a written agreement, there are tasks that are awaiting completion and—

**THE CHAIR:** But they have not necessarily gone over their time frame?

**Ms Lutz:** That is right. The convenor monitors those and makes sure that compliance is achieved. If it is not—and indeed if it is—a compliance report goes back to the referring entity.

**MS CODY:** I want to follow up my initial line of questioning about stage 3. What sort of training was undertaken by the team to help them get ready for this? This is a very delicate issue and one that I am very passionate about.

**Ms Lutz:** Training started as soon as we had the awareness that we would be moving into phases 2 and 3. As the minister said, we held back. Project Restore came from New Zealand to provide three days of very intensive training on responding to family violence and sexual offences committed by adults. Queensland trainers came down to spend an equal amount of time giving us an understanding of how they respond to juvenile sexual offending—quite often intrafamilial matters. Their model and the Project Restore model have in common extra supports and extra commitments, especially by the people who have done the harm, to accept support, whether that is at an educational level or at a more therapeutic level, to really address their offending

behaviour.

**MS CODY:** Is stage 3 only looking at adult children and—

**Ms Lutz:** No.

**MS CODY:** minorities, looking at DV?

**Ms Lutz:** Phase 3 is the umbrella. In every matter that we look at, we are now in phase 3, so everything we are doing is in phase 3. But entering that meant we can now accept referrals for family violence and sexual offences.

**THE CHAIR:** Have we had any?

**MS CODY:** Only just the children and parent—

**Mr Rattenbury:** The four that Ms Lutz referred to earlier. There has been a particular type so far. But there is no reason for that other than that is what has come forward.

**MS CODY:** And it has only been two weeks.

**Ms Lutz:** Yes, early days.

**THE CHAIR:** Maybe at the next hearings we will hear about some more.

**MR HANSON:** There were 16 orders not complied with. In those cases, what happens?

**THE CHAIR:** What are the consequences?

**Ms Lutz:** In those cases, as I said, we send a compliance report back to the referring entity. If that is the police, they are likely to send that through the courts so that the normal course of the criminal justice system takes place.

**MR HANSON:** In each of those cases, it goes back to square one, does it? Having regard to whatever stage of the system they were in, they then swap back to where they were prior to the order being given for restorative justice.

**Ms Lutz:** That is right. If it is police, they have discretion around what they do, but quite often it will travel through to the next stage, to prosecution.

**MR HANSON:** What is the reason for non-compliance, normally? Is that normally the offender or the victim that is—

**Ms Lutz:** It is always the offender. We only ever put tasks on an agreement for an offender to complete, and they are around reparation, getting some counselling or finding ways to address their behaviour. It is non-prescriptive and it is anything that the group or conference—

**THE CHAIR:** Agrees to.

**Ms Lutz:** participants have come up with.

**MR HANSON:** I have spoken to someone who engaged in this process and did not find it good; in actual fact, it stressed them out and did not have the result that you would be hoping for. In that case there has been no benefit for the victim, but the offender probably gets diverted from perhaps a custodial sentence or something like that. How do you measure the effectiveness of this program if victims have engaged in the process and do not actually come out better off? How do we make sure that there is some value coming out of it?

**Ms Lutz:** It is really hard to comment on any individual case. Quite often we hear feedback from people who believe they have been part of a process; possibly it was a victim impact statement at court, the sentence was not what they wanted and they did not engage with us. Sometimes there is a little bit of a misunderstanding.

We do not have a 100 per cent satisfaction rate. We have a very high satisfaction rate of 97 per cent, as an average. The aims of the restorative justice act are victim-centric. So we are aiming to hold their justice interests high, to make sure it is safe, to make sure that they are getting their needs met. All of the preparation that goes into planning for a conference is designed to reality-test the expectations of participants.

**MR HANSON:** How do you track recidivism rates? Given that you are capturing people at different stages of the justice system, how do we monitor that this is actually diverting people in the longer term?

**Mr Rattenbury:** Just before we come to that, the other point with your earlier question is that the assessing team will not send every matter to a conference. One of their key things is that if they think the offender is not open to engaging in the process and being contrite then they will be deemed unsuitable. That has been particularly important with the phase 3 areas around sexual offences, in particular, and family violence, where we need also to be very cognisant of the potential for manipulation by the offenders of the victim. That is particularly relevant in terms of your question, Mr Hanson, about some people not being satisfied.

**THE CHAIR:** Or do further damage, in fact.

**Mr Rattenbury:** It should only get to a conference if there is a pretty good expectation from the facilitators that the offender is open to participating properly.

**THE CHAIR:** If I understand correctly, all of those involved as well, in a sense, because they all have to agree to be a part of the conference.

**Mr Rattenbury:** Yes, they do. You are right. Now we can go to your question.

**MR HANSON:** Moving on to recidivism, are you looking to see whether it has had any impact? It may be that you do not have enough cases that have come forward.

**Ms Lutz:** There has been a study of phase one of the program that the ANU and the Australian Institute of Criminology jointly undertook. I am not sure if that has been



released at this stage. One of the findings from that study is that young people who engaged in an RJ process took a lot longer before their next offence than others. As a component of a system that needs to be integrated, it can be a real accelerator of empathy and accountability. There also need to be other things, either in the community or in the suite of corrections programs available, to be more of a dedicated rehabilitation offender program.

**THE CHAIR:** Are we finding that those things exist now or not?

**Ms Lutz:** Those things do exist. It is a matter of whether they occur in the right sequence. I think that the systems working well together, understanding what those needs are and sharing information well means that those things are more likely to come into play.

**THE CHAIR:** Could you take on notice for that report, if it is available, to be provided to us, and also any ideas that you have about the sequence of events for the people you deal with and whether there are things that could be improved in that area of their other programs?

**MR HANSON:** Phase 3 is the incorporation of sexual and family violence. Is there going to be monitoring of this? Is there a year or two to sit back and have a look and say whether we continue or whether it works?

**Mr Rattenbury:** Yes. We must evaluate it. Because it is such a sensitive area, we do need to keep an eye on it.

**MR HANSON:** Is there a formal process for that, though, other than just saying, “We’re going to keep an eye on it”? Is there a formal review mechanism?

**Ms Lutz:** We keep data in the unit and we are set up so that we can separate our data for family violence and sexual offences. When we amass enough cases through the process that we can get some generalised results from, we will likely put in a bid to engage ANU and perhaps the AIC again to conduct another study.

**MR HANSON:** You have now got to phase 3. Without announcing the policy, is there further scope to expand this, potentially, to other areas, not just in a volume sense but in terms of the nature of criminal activities? Or does phase 3 represent that basically you have everything you can capture?

**Mr Rattenbury:** It is more of the latter. Pretty much every offence is capable of being sent to restorative justice now. Phase 1 was juveniles. Phase 2 is adults, less serious offences. And now phase 3 is—

**THE CHAIR:** Adult, serious.

**MR HANSON:** So that basically is—

**Mr Rattenbury:** Except for murder, of course.

**Ms Lutz:** No, murder is in.

**Mr Rattenbury:** Murder is in as well?

**Ms Lutz:** Absolutely.

**Mr Rattenbury:** I thought it was out. I have been given two bits of advice, one in each ear.

**THE CHAIR:** Would you like to take that one on notice?

**Mr Rattenbury:** I am informed by Amanda's knowledge of the legislation. She knows it better than anybody.

**THE CHAIR:** Okay. That is interesting.

**MR HANSON:** An interesting conference with the victim.

**MR PETTERSSON:** This is a slight change of pace. Could you update the committee on changes to gift cards?

**Mr Rattenbury:** The short version is that, through a national consumer affairs process, we have now changed the rules around gift cards. They will now be required to have a three-year expiry term on them. That expiry date has to be explicit on the gift cards. I am forgetting one other element. Mr Snowden might help me out.

**Mr Snowden:** Recently consumer affairs ministers met and agreed to a reform under the Australian Consumer Law. This was based on a number of concerns that consumers were not realising the value of gift cards around the country and there was considerable inconsistency in approaches by retailers. After some consultation with industry and a regulatory impact statement that was produced by the commonwealth, it was agreed that nationally the Australian Consumer Law would be amended and there would be expiry dates of three years mandated for gift cards across the country. The other thing ministers considered as a very important requirement was that any post-purchase charges that were associated with gift cards would be removed.

**MR PETTERSSON:** What are they?

**Mr Snowden:** What would happen is that if you had a gift card for a couple of hundred dollars and you only expended \$100 of it, then \$100 would sit on the gift card. Some retailers were actually applying administrative costs in relation to the holding of that \$100. Ministers considered that to be inequitable, and there was no real economic foundation for that to continue. That was a direct cost to consumers. So that was removed. The requirements will not come into effect nationally until November 2019. That is to allow industry to transition into that space.

**MR PETTERSSON:** At the time of this announcement, one of the statements that was put out was that Access Canberra had received about 100 general complaints or inquiries about gift cards. Did they all relate to the timing of expiration and the charges that you just mentioned or were there other things people were complaining about?

**Mr Snowden:** I do not have that detail. I will have to take it on notice to give the desegregated effect from the complaints data.

**MR PETERSSON:** That sounds good.

**THE CHAIR:** Is there any explanation as to how businesses are to account for three-year-long expenses? I presume point of sale will be accounted for in the year of sale, but if there are goods that are being sold using money that was received in a previous year, has any of that been covered in the discussions through COAG?

**Mr Snowden:** The regulations around it need to be finalised, in relation to those particular nuances.

**THE CHAIR:** From the perspective of a business, you could understand why people might have put a 12-month limit on it originally, but now that there is a change—

**Mr Snowden:** Where you were going—and correct me if I am wrong—is where you have high-value gift cards and people are making very minor transactions along the way.

**THE CHAIR:** Also, even if the transaction is two years later but the business has accounted for the finance—

**Mr Snowden:** In the first year.

**THE CHAIR:** in the first year and then has to account for the giving of the goods in the third year. I am curious as to whether there has been any decision made about that. Not that you know of?

**Mr Snowden:** No decision has been made.

**MR HANSON:** With the victims charter of rights, we heard from the commissioner earlier that that body of work is now with JACS. She mentioned something like a thousand submissions. I do not know if that is the case, but it seems like a—

**Mr Rattenbury:** That is what I have heard.

**MR HANSON:** I find that extraordinary. I am not being critical; I am just amazed that so many people would even be aware that that body of work was happening. My understanding is that the original body of work was from John Hinchey, and that came into JACS.

**Mr Rattenbury:** Yes, that is right. John did an initial report.

**MR HANSON:** An initial report; so that is with JACS. What is the process now? You have received a bunch of submissions. Where is that body of work and what is the next step?

**Mr McIntosh:** Mr Hanson, the consultation happened throughout June and August

this year. We received a large number of submissions across a number of different platforms, including from people with lived experience. About 11 people who have been victims themselves have provided submissions and talked directly with us about their experiences. At the moment we are putting together all of the information we have received across those different consultation platforms and providing some advice to government about the key themes and what a potential charter of rights could include.

**MR HANSON:** Can you give me a bit of a sense of what that is?

**Mr McIntosh:** Yes. Broadly, the victims of crime have been telling us that access to information—their rights in relation to access to information—throughout the justice process is a key thing that they are interested in; also, potential further involvement or greater involvement in the processes and engagement through different support systems. They are some of the high-level things that we are hearing about.

**MR HANSON:** Is the plan to make it legislation, as opposed to a statement of principles?

**Mr Rattenbury:** That is not decided at this time. Potentially; it depends on the proposals that come forward. Some things may not need legislation—maybe changes in practices. As Mr McIntosh highlighted, and certainly from the conversations I have been involved in with the working group and from discussions I have had with the victims advisory board, the provision of information is probably one of the key things. People get frustrated or they feel uncertain because it goes off into a criminal justice system which is complex, which they do not understand and which they probably have never dealt with before. They do not know what is happening to their matter, and that exacerbates their sense of injustice. Information provision is very important. It is probably the key thing. Whether we need legislative change around that or practice and cultural change, and perhaps some resourcing, is the discussion to be worked out from here.

**MR HANSON:** So it may be legislation, but it may be other things as well?

**Mr Rattenbury:** Yes.

**MR HANSON:** Have you got a time frame on—

**Mr Rattenbury:** No. I am expecting to get a brief from—

**Ms Playford:** I might note that I chair the victims advisory board, which is a group that provides advice to the minister, made up of a range of different government bodies as well as a number of people who are community members. There is a meeting of that group at the end of November. Our process is that we are intending to go to that group with all of the feedback that we have received and the proposed approach that we might be taking to government. We will not go to government until after that meeting, when we are able to be informed of the views of that particular board. The advice to government will probably be received in early December, I suspect.

**MR HANSON:** You mentioned that 11 people who were victims of crime submitted, which made me wonder who the other 989 were.

**THE CHAIR:** People who have strong views.

**Mr McIntosh:** The figure of 1,000 is not quite right. What we are doing is preparing, in the information that will go to the minister very shortly, a summary of what all the consultation was and how many people did consult. That will go out in the listening report on the your say website. Certainly, there were over 1,000 opportunities for people to engage.

**MR HANSON:** That is a very different thing.

**Mr McIntosh:** Absolutely. I can run you through some quick, high-level numbers, if you like. There have been 17 community meetings. We received 157 responses to our surveys. There were 15 written submissions from a range of people. One hundred people who have been victims of crime—people who have been victims of crime themselves—were given the opportunity to participate as well.

**MR HANSON:** Given the opportunity, but did they?

**Mr McIntosh:** Eleven of those have then said to us, “Look, we want to engage, have a conversation or put a submission in personally.” Some of those were written submissions; some of those were face-to-face meetings. Certainly, the legal sector was involved as well. I think we had 35 stakeholder participations there as well.

**MR HANSON:** In actual fact, what we are talking about in terms of the number of people that participated in the process is 157; then it may be 15 and 11 on top of that, or they may be part of that 157?

**Mr McIntosh:** More than that, if you include the 17 forums that we have held as well.

**THE CHAIR:** Who was involved in those?

**Mr McIntosh:** There were multiple people within them as well.

**THE CHAIR:** Was data collected from people’s feedback at those forums or were they just information sessions?

**Mr McIntosh:** We were listening, and taking in and informing what we might include within the discussion paper, then going back out with the discussion paper as well.

**THE CHAIR:** What was the format of data collection at those meetings?

**Mr McIntosh:** Certainly, our team have recorded those in house and they have produced those—

**THE CHAIR:** There was note-taking during the meetings?

**Mr McIntosh:** Yes. They have been recorded in the system and aggregated into

categories, basically.

**THE CHAIR:** With those 17 sessions, do you have a list of what they were, where they were and how many people attended?

**Mr McIntosh:** I could take the detail on notice.

**THE CHAIR:** Thank you.

**Mr McIntosh:** We do have that information.

**MR HANSON:** Just as an aside, it might be useful to make sure that the language is clear. A thousand opportunities to participate is very different from receiving 1,000 submissions.

**THE CHAIR:** I am sure the point is taken, Mr Hanson. In what time frame do you expect that to turn into the victims charter?

**Mr Rattenbury:** I do not have a time frame on that. I have not been briefed yet, so I do not know.

**THE CHAIR:** Does anyone here have any information about that?

**Ms Playford:** That is really a matter for government. As the minister said, there are likely to be a range of proposals. Some of those proposals might take a bit longer or need to be considered through a budget process et cetera.

**THE CHAIR:** The commissioner sat here earlier this morning without a real view of what the time frame is for that work to be completed. I accept that there will be a range of outcomes getting requests from government. But from the meetings to the list of things we are going to do and then eventually a charter of rights—you have no time frame on that?

**Mr Rattenbury:** I have not been briefed on the community feedback.

**THE CHAIR:** So then you will set a time frame.

**Mr Rattenbury:** I will make an announcement once I have read that.

**MR HANSON:** I have noticed some media reports with regard to prostitution. There are a number of offences and I think some fines were given out the other day. Can you give me an update on the monitoring of the prostitution laws in the ACT and maybe on the issues that led to the fines and what we are doing to make sure that the industry is being properly regulated?

**Mr Rattenbury:** My part of the government is responsible for the policy side, which is why you saw the recent legislative change come forward from my area. The actual enforcement is done by ACT Policing: the going out and the laying of offences.

**MR HANSON:** So you just develop the policy and that is it? There is no feedback

loop? You have not received any updates from ACT Policing? You have not inquired whether there are any gaps here, any loopholes? The regime is working fine, is it?

**Mr Rattenbury:** As you know we have just made some legislative changes. We had an extensive engagement process in the lead-up to that. We have had quite some conversations with ACT Policing and various other agencies in recent times, including non-government organisations. We have only just made those changes. We are not in a position to evaluate them yet.

**MR HANSON:** Will it be a process of evaluation in any formal sense?

**Mr Rattenbury:** I think it will be one of those situations where we have regular contact with those agencies and if there are concerns they will be drawn to our attention. People are usually pretty quick on those things.

**THE CHAIR:** You hope so.

**MS CODY:** You mentioned that there were some changes. They were relatively substantial changes to the legislation to help protect sex workers, what they have to do and how they have to deal with it, and also from a health perspective. Can you give us an update on that stuff?

**THE CHAIR:** As in how it is rolling out?

**MS CODY:** Yes.

**Mr Ng:** As you have noted, Ms Cody, a bill passed in the Assembly earlier this year, the Prostitution Amendment Bill, which amended what is now the Sex Work Act. That included a variety of different amendments to the regulatory framework that applies to sex work and the sex work industry in the ACT. Those amendments arose largely out of the review of the Prostitution Act that occurred under, I think, the last Assembly. That bill implemented the government's response to a lot of those recommendations.

In relation to substantive changes in it, a change that might not seem so substantive but that I think will bring an important thing to the industry is a change in the nomenclature used in the description of the industry. As you are aware, the previous act was the Prostitution Act 1992. That has now been amended to the Sex Work Act. That is an important response to feedback from the industry that reflected the stigmatisation attached to that previous use of language. I think your question was in relation to the specific—

**MS CODY:** Some substantive health-related matters were amended in the bill.

**Mr Rattenbury:** It made very clear the expectations from a work health and safety point of view, if we can describe it that way, by mandating that brothel owners must provide personal protective equipment and that it must be provided free of charge. These are very important in terms of both the safety of the workers and the safety of the clients.

**MS CODY:** That is great. Have we started to roll those out? How are the brothel owners going with that? It is very important to protect the workers.

**Mr Rattenbury:** There has been direct communication with the brothel owners. I actually signed letters to each of them in the ACT. It was quite educational to find out just how many there were. You never know these things until you have to sign all the letters.

**MR HANSON:** How many are there?

**THE CHAIR:** Some of us know these things quite well, actually. I think there are about 17, are there not?

**Mr Rattenbury:** I sent about 20 letters, if I remember rightly.

**MS CODY:** I thought there were about 20 too.

**THE CHAIR:** 17 or 20, yes.

**Mr Rattenbury:** That is the order of magnitude. There was a direct letter from me saying, “These new laws are in place. Here’s the overall thing. Please go to this website if you want more information,” and giving contact details in the agency if somebody wanted to ring and ask more detail from some of the public servants.

**THE CHAIR:** Do you know if you had any clarification requested or—

**Mr Ng:** Not that I am aware of. The important thing in the introduction of the new offence that was introduced in relation to the provision of protective equipment is that it sits alongside existing work health and safety obligations, so Access Canberra enforces the work health and safety side of it.

In terms of specific feedback we have heard on that, I do not think there has been any that we are aware of. It is also important to keep in mind that the existing work health and safety obligations to maintain a safe workplace might have dealt with those issues already. It may be the case that brothel owners were already doing things in that space, but certainly the introduction of this offence made things very clear.

**MS CODY:** I am sure that, as in all workplaces, there were some that were and some that were not.

**Mr Rattenbury:** That is the reason for mandating a minimum standard. While you might expect that, we want to be explicit.

**THE CHAIR:** Have you had any feedback from work health and safety as to whether they have inspected any venues since the legislation was passed or previous to the legislation being passed, over the 12 months before that?

**Mr Snowden:** My understanding is that they have undertaken some inspections. I do not have that data with me.



**THE CHAIR:** Are you able to take that on notice?

**Mr Snowden:** Yes.

**THE CHAIR:** Inspections in the year before the legislation and inspections since—that would be great.

**Mr Snowden:** They have done some recent inspections. I will need to clarify the number in 2017-18.

**THE CHAIR:** And if you have been notified of how many issues were raised, their nature and whether they have been resolved.

**Mr Snowden:** Sure.

**MS CODY:** I want to talk about the motorbike lane filtering. Will I give you a moment to get different officials up?

**THE CHAIR:** Just go ahead. Start asking.

**Mr Rattenbury:** Start asking and I will keep listening.

**MS CODY:** The trial lasted for—

**Mr Rattenbury:** Twenty-four months.

**MS CODY:** I could not remember if it was 18 or 24. We have had some results come up and obviously now we have implemented lane filtering.

**Mr Rattenbury:** Yes, we have made it permanent. Just a couple of weeks ago we formalised that, yes. We formalised the permanent introduction of that rule a couple of weeks ago—three or four weeks.

**MS CODY:** What were the results? Obviously they were positive, but what were the results? What was your feedback from the trial?

**Dr Hosking:** I actually do not have that in front of me, but I am happy to take that on notice.

**MS CODY:** It is handy to have. I would be interested, as a keen motorcyclist.

**Mr Rattenbury:** Certainly the anecdotal feedback from motorcyclists is very positive. They see it as essentially a safety issue. It means you can get forward into what is loosely called the start box. You are in front of the vehicles rather than behind them. Obviously motorbikes get away quicker at the lights and it just clears them out of the traffic. That is the key policy rationale for doing it in the first place. The anecdotal feedback—and we will provide the actual feedback—has been positive about that.

From a motorist's point of view, largely it has been well received. I imagine you might have seen that video that was circulating on Facebook last week where

PROOF

someone seemingly deliberately sought to knock over a motorcyclist. It is deeply concerning at every level that somebody would even bother to do that, let alone the potential risks involved in doing something like that.

**MR HANSON:** Do you know if ACT Policing have identified who that was?

**Mr Rattenbury:** The video footage is very clear. I can see the number plate in the footage.

**MR HANSON:** It had a number plate, yes.

**Mr Rattenbury:** I imagine there has been a follow-up on that one.

**Dr Hosking:** I understand they are investigating. I talked to them just recently.

**MS CODY:** Just one very quick follow-up from a motorcycle perspective. I note there are changes to P-plate legislation for car drivers. Are there any current thoughts about looking at L and P-plate laws for motorcyclists?

**Mr Rattenbury:** It has come up very loosely in the sense of the internal work plan discussion. We have said that once we have finished it for car drivers we may need to think about it for motorbikes, but there is no specific plan at this point. It is on that longer term to-do list at the moment.

**MR HANSON:** Driving uphill along Cotter Road the day before yesterday an electric pushbike came past me. The person had a full-face helmet on. What are we doing in terms of regulation and laws to make sure that, as that technology improves and develops, the safety measures that we take are commensurate with motorbikes? In traffic we have now got a situation with a motorbike where you have got to have a certain safety standard—gear, registered bike and you have got to go through a licensing process—whereas anyone can get on a—

**MS CODY:** Australian standard helmets.

**MR HANSON:** That is right. Anyone can get on a pushbike, which seemingly, certainly in traffic conditions, can go at the same speed—maybe not on the open road but this one was really moving. Are you looking at that as an issue?

**Mr Rattenbury:** Yes.

**MR HANSON:** I am pro this. I think it is an excellent vehicle.

**Mr Rattenbury:** Yes, there is a safety issue.

**MR HANSON:** But what do we do to make sure people stay safe?

**Mr Rattenbury:** We have had one fatality in the ACT from somebody who had jemmied up their own electric bicycle. You may recall—it was probably 12 or 18 months ago now; I do not know if it was legislative or regulatory change—we put a limitation in place to limit electric bicycles to 200 watts of power, which is the

European standard. The bike shop owners should only be selling those to a certain limit, and with many of the bikes that come out actually the electric meters cut out at 25 kilometres an hour, because it is supposed to be an assistance mode, not create a de facto motorbike. However, as you can well imagine, there are plenty of people capable of doing various things in their garage at home, and that is an issue for us.

In terms of safety equipment, you can do 70 kilometres an hour on a bicycle without a motor down the right hills. In the broad sense that issue exists irrespective of the electric motors. You are right, though, that it is an evolving area that we are going to need to monitor. Certainly the initial restriction of putting that control on them should deal with most cases, but there will be individuals who will illegally modify them.

**MR HANSON:** It is easy to do.

**Mr Rattenbury:** I believe so.

**MR HANSON:** I imagine it will happen, will it not, and I imagine it is quite difficult to check? Short of taking the bike away and putting it on a testing mechanism of some sort, how do you know?

**Mr Rattenbury:** Yes, there is a bit of that.

**MR PETTERSSON:** I was wondering if you could update the committee on how you think the survey process for the P-plate changes went.

**Mr Rattenbury:** I am happy to give a frank answer on that. There has been a reasonable amount of criticism of it. We set off on that process to undertake a genuine community consultation. We took the nationally recommended standards and put them out there to the community to see what people thought. As you and others are well aware, the community was not willing to accept some of those proposals that had been adopted as the national best practice.

There has been criticism of the survey: that the way it was designed did not give people the freedom to answer in the way they wanted to. That is something that we need to reflect on in designing future surveys. That critique has been taken on board. Nonetheless, the views of the public were well and truly heard. As you know, we have made some adjustments, and I will be confirming those publicly soon. But despite some of those critiques, people were able to get their views across very well.

**MR PETTERSSON:** Were you surprised by the number of respondents to the survey?

**Mr Rattenbury:** Not really. I always anticipated that this would be a thing that would really engage people. Australians' attachment to our freedom with a motor vehicle is strong. It is that fine line between, as the state, making sure we provide a sensible graduated drivers licence system—so that we do not sort of crack down on our young people but deal with the fact that they are inexperienced and therefore do not have some of the skills, and we need to take them through that in a safe way—and allowing them to have their freedoms. That became the nub of the conversation, and that is where we have made that adjustment. As I have indicated, instead of going for the full

curfew, we are going to take an approach of peer restrictions between 11 pm and 5 am, trying to target that real problem area.

The positive was that we had a very high uptake rate from young people in that 16 to 24 age group; more than half the respondents were in that age group. Hopefully, out of this they see a positive: that if they do engage in these processes, government does listen to them. We have changed the policy to reflect community sentiment, and hopefully they feel empowered by that.

**THE CHAIR:** You talk about peer restrictions. What does that mean?

**Mr Rattenbury:** The way the rules will work is that between 11 pm and 5 am you will only be able to carry one peer-aged passenger. What we are trying to target there is essentially the problem of having a group of mates in the car, friends, who are using social media, who have been drinking, who are either distracting the driver or, in some extreme cases, encouraging them to do dangerous things: go faster and all those sorts of things which probably most of us experienced in our younger years when you have those peer pressure moments that might overcome your better judgement.

**THE CHAIR:** Some people are more susceptible to peer pressure than others, Mr Rattenbury.

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

**THE CHAIR:** Just to go back to my supplementary from earlier, what were the issues with the survey process that have been identified? What could you say you would do differently next time?

**Mr Rattenbury:** People felt that perhaps there were not enough options on some of the questions. And there were a few places where the critique was that they would like to have had free text commentary and there was not free text commentary. Again, it is about trying to find that balance and giving a reasonably simple survey to people who feel they can take the time to do it. As it was, the survey took between 12 and 15 minutes to complete. Again, I was quite impressed at one level: given the number of young people that participated, you cannot say they did not care.

**THE CHAIR:** No; they definitely care.

**Mr Rattenbury:** Because most of them made it the whole way through.

**THE CHAIR:** Getting your licence is a big deal.

**Mr Rattenbury:** Yes, and people will not always take the time to fill in these surveys. Actually, people went right thought it. So we got pretty comprehensive information, even if perhaps it could have been designed a little better.

**MR PETTERSSON:** Quite common in the debate were the statistics about young people involved in crashes and fatalities. Did any of those involve high-powered vehicles?

**Mr Rattenbury:** I would have to take the specifics of that on notice, but as we explicitly stated in the discussion paper, there is extremely minimal evidence of the correlation between high-powered vehicles and fatalities. I cannot remember the exact number, but it is publicly available in the discussion paper we put out.

**THE CHAIR:** Are you happy to take that on notice?

**Mr Rattenbury:** Yes. The New South Wales measure was shown to produce a very small, really minimal, reduction in the accident statistics. Therefore, thinking about the measures we should put in place, we sought to prioritise the ones that had a more substantive impact. That is where things such as more driving training, mobile phone restrictions and peer passenger restrictions are seen to be much more effective. I am also conscious that for some people that is the family car; the parents may own a high-powered vehicle. If we preclude those from being able to be used—

**THE CHAIR:** That is right, or an eight-seater.

**Mr Rattenbury:** We have no real evidence base to do that. That became an imposition on people. It simply had no reason to back it up.

**MS CODY:** We have a power to weight ratio for motorbikes. Do we have them for cars as well?

**Mr Rattenbury:** I might have to take that one on notice.

**MS CODY:** Those little motorbikes that are really light go really fast, and they are quite dangerous, which is why the ACT brought in the power to weight ratio for motorcycles.

**THE CHAIR:** You would be thrown around the road.

**MS CODY:** Yes.

**Mr Rattenbury:** Let us check the detail on that one for you.

**THE CHAIR:** It might in some cases be safer in a bigger vehicle because they are harder to throw around the road in a sense.

**MR PETTERSSON:** What are the penalties or fines for breaking the late night passenger restrictions for P1?

**Dr Hosking:** We have not finalised that, but we are proposing similar to New South Wales: financial penalty and three demerit points.

**MR PETTERSSON:** And they have four demerit points at P1?

**Mr Rattenbury:** Yes.

**THE CHAIR:** So it would only just leave them with their licence.

**Mr Rattenbury:** Yes.

**THE CHAIR:** I thank people from the JACS portfolio, protection of rights, justice services area. We will now move to community safety, including Corrective Services and the Sentence Administration Board. We might do Corrective Services first.

**Short suspension.**

**THE CHAIR:** We might get underway with the JACS portfolio, community safety, and Corrective Services. Thank you, minister, for being here. I might start with a question on the possible relationships between staff and inmates.

**Mr Rattenbury:** Sure.

**THE CHAIR:** As per JACS page 95—I believe that is the reference—what standards or codes of conduct must corrections staff adhere to as they relate to having relationships with inmates currently detained in the AMC?

**Mr Peach:** I acknowledge the privilege statement. First and foremost, obviously we have to abide by the public sector management arrangements anyway. We are bound by the same code of discipline as all public servants. Further to that, we have specific integrity policy and procedures that relate to conflicts of interest, and staff are required to declare any conflicts of interest that they are aware of where they relate to themselves or where they potentially know detainees.

Obviously Canberra is a very small place; we do have a number of people that come into custody that know our staff personally. Staff have to declare that. That is recorded on our intelligence databases, so we are aware of those. Where there is the potential for reporting, obviously our staff are well briefed on the fact that they have to report any suspicion or suspected activity that relates to—

**THE CHAIR:** That is mandatory for staff?

**Mr Peach:** It is mandatory for our staff to do that, and that has been communicated to them.

**THE CHAIR:** Does that change for a former detainee, or the family member or known associate of an inmate?

**Mr Peach:** We will still expect them to report it. If it is a detainee that has left our custody and they no longer have contact with Corrective Services, there is not the responsibility for them to report that unless they are still in contact with us as part of Corrective Services community corrections or if they are in front of the courts. Obviously, people go out from custody and are at liberty, as they would be.

**THE CHAIR:** Have we had any known instances of a sexual relationship between corrections staff and inmates?

**Mr Peach:** We have had allegations, but we have had nothing where it has actually been established and confirmed that a relationship has happened while we have had

people in the AMC. We have had allegations, and they have been looked at and thoroughly investigated accordingly.

**THE CHAIR:** What is the process for investigating them?

**Mr Peach:** If it comes in while somebody is still within our employ, that will be referred, through our people workforce strategy, to CMTEEDD's professional standards unit. That would be a proper investigation. If it is after the event, obviously we have no ability to investigate, because they are no longer employed by the public sector.

**THE CHAIR:** After the event as in they have left your employment?

**Mr Peach:** Yes, absolutely.

**THE CHAIR:** But if it is after the event, and they are still in your employment?

**Mr Peach:** We would do the same. We will still refer it. It will still be investigated.

**THE CHAIR:** There are no instances that you can give us, reports on this having occurred and been substantiated in any way?

**Mr Peach:** We had an instance whereby there was an allegation existing that there was a relationship in place, but that was only discovered after the person had left our employ.

**THE CHAIR:** I assume that sexual activity between inmates and corrections staff is not allowed on the premises?

**Mr Peach:** Absolutely not.

**Mr Pryce:** Mrs Jones, could I just add that New South Wales is doing some work on this. They have a Taskforce Themis that is specifically looking into appropriate relationships between Corrective Services staff in New South Wales and offenders. They have written to us and all other states and territories.

**THE CHAIR:** To seek input.

**Mr Pryce:** We are closely monitoring that work and any lessons learned from that process.

**THE CHAIR:** When do we expect that process to be completed? Do we have any idea?

**Mr Peach:** I spoke with Taskforce Themis about three weeks ago. They are doing a whole review of the incidents that happened in New South Wales and also looking at best practice to add to our better ways to combat this, including legislative change. From the conversation I had with Taskforce Themis, it was very clear that they are not yet in a position where they are able to provide a report. And even when they are in that position, they are not sure whether they will be able to disclose it beyond New

South Wales because of the nature of the report.

**THE CHAIR:** Perhaps if it gets made public.

**Mr Peach:** Yes. It depends on the disclosure they have. I have spoken to the lead on that investigation and asked that we get any lessons learned from all the states, but whether we will get a copy of the report is still to be known.

**THE CHAIR:** Is there any scope, Mr Rattenbury, for this to be discussed at a COAG level or something so that if there is best practice found somewhere in Australia we can roll it out?

**Mr Rattenbury:** Yes. We have an annual corrective services ministers conference, and there is an officials meeting before that. These are the sorts of topics that come up at those meetings. Given that this has come up in New South Wales, I would anticipate that New South Wales would probably present on it next year.

**THE CHAIR:** That would be for follow-up, no doubt, in future hearings.

**MS CODY:** I have a couple of follow-on questions. Does the employment of women correctional officers help women leaving prison? Does it help reduce recidivism rates? Do you have evidence on that?

**Mr Peach:** Whether the evidence would support that it increases the likelihood of people not reoffending I am unsure. Certainly the employment of female prison officers, particularly with our female detainees, does offer prosocial modelling and the opportunity for prosocial modelling.

Also, significant research has been done prior, in terms of female officers working with male detainees as well. Obviously, there are pros and cons with all of them, but the honest answer is that we tend to find that female officers are able to deal with some of the more emotional issues that men face in prisons better than sometimes our male staff can. It is a very personal thing. Going back 20 or 30 years when you were only allowed the same gender in prison, it was certainly not prosocial. As with all our personnel, we all have different skills, and our female staff certainly have different skills from those of male staff that are very beneficial.

**THE CHAIR:** Can you briefly mention what you mean by prosocial?

**Mr Peach:** Prosocial means to role model behaviours that would be more acceptable for detainees to exhibit on the external.

**THE CHAIR:** By watching?

**Mr Peach:** Absolutely.

**MS CODY:** I guess it is the same with Aboriginal and Torres Strait Islander corrections officers?

**Mr Peach:** Absolutely the same again, but the cultural element of that is also more



beneficial. There is a different conversation related to having Aboriginal staff working with Aboriginal detainees as well.

**MS CODY:** How is the bakery going?

**THE CHAIR:** I was going to ask about that.

**Mr Peach:** Very well. The bakery is one of our biggest success stories of the last 12 months in particular. We now have all female detainees and male detainees working there at separate times. The bakery works six days a week. Three days we have female detainees in there; three days, male.

We are actually at a point now where we are producing a whole range of goods. We are not quite at the point where we can outdo Tip Top and put them out of business, but certainly for our self-sustainability within the jail we are at the point where we are providing a majority of the bread for the jail. When you couple that with the actual benefits the detainees are getting in working towards qualifications and, obviously, the sense of confidence and pride they are getting in having what is almost full-time employ, it is a really positive story.

**Mr Rattenbury:** When Mr Peach said they are in the bakery three days a week, then they spend two other days—

**THE CHAIR:** In education or something?

**Mr Rattenbury:** actually in training specific to working in the bakery, which is towards getting a formal certificate.

**THE CHAIR:** Yes, just like CIT.

**Mr Rattenbury:** They are coming out with a qualification as well.

**MS CODY:** That was going to be my next question.

**THE CHAIR:** I was going to ask: the bakery is obviously up and running, and I am glad to hear detainees of both sexes are able to have an opportunity to do that. How have we gone with motor trades training?

**Mr Peach:** I am going to defer to Mr Bartlett. Mark has been working in that space.

**THE CHAIR:** Hopefully he is expecting this question, then.

**MS CODY:** And while we are talking about education programs, the hairdressing program and any other educational and training programs that the AMC is undertaking would be great.

**THE CHAIR:** Let us start in motor trades.

**Mr Peach:** I will sign it off to you, Mark.

**Mr Bartlett:** If you could just restate your question again for me, please?

**THE CHAIR:** My question was: where are we at with the option of motor trade training for detainees?

**Mr Bartlett:** We have met with representatives from the Motor Trades Association ACT on a couple of occasions. They have also put us in touch with the business manager for the automotive section at the CIT at Reid, where they are collocated. And we have had some discussions there about some of our transitional release centre detainees being actually able to come out and utilise that particular facility.

**THE CHAIR:** Only the transitional release centre detainees?

**Mr Bartlett:** Yes, for those ones that would be eligible because they are minimum security. We have also had some discussions about a metal fabrication workshop within the AMC. We had the Motor Trades Association come out. We did a tour around. We had a look at what the available facilities were—

**THE CHAIR:** Space?

**Mr Bartlett:** and what sort of machinery would be required. They kind of agreed that it would not really be feasible to set up a proper workshop there. It would be easier for the detainees to actually move to somewhere like the CIT at Fyshwick.

**THE CHAIR:** I understand that there is a possibility of the CIT not being used by other people for the period that detainees go there. Why is it that only those in the transitional release centre would be able to go there?

**Mr Bartlett:** That is just around security classifications.

**Mr Peach:** The realities for that to happen—one is just a staffing issue in terms of moving people there. Also it would require a risk assessment of all the detainees to get there.

**THE CHAIR:** Yes, of each individual; that is right.

**Mr Peach:** Yes. Again it would come down to, I suppose, the number of detainees that actually make the cost beneficial for one to move them there.

**THE CHAIR:** If I am correct, the time spent in this transitional release centre may not be long.

**Mr Peach:** Generally it can be 12 months.

**Mr Bartlett:** Twelve months.

**THE CHAIR:** If you are going to do a qualification, it is not very long.

**Mr Bartlett:** Just to add to that, we have also had conversations with Skills Canberra about an opportunity for traineeships and whether we can actually run some

traineeships from within the facility, which of course are commonwealth funded. That is something that Skills Canberra at the moment are very interested in, and they are just looking at which model we could possibly use. One of the things with the traineeships is that people need to be employed on the standard award wage and, of course, while people are incarcerated and they are participating in new employment programs they really receive a gratuity payment, as opposed to a normal award wage.

**THE CHAIR:** Would that mean there is a federal legislative change required or that that money could be stockpiled for them for when they get out?

**Mr Bartlett:** No, they think that they could actually do that within the existing legislation. That is what they are just looking at.

**THE CHAIR:** To pay the lower rate?

**Mr Bartlett:** Just to get the advice. The Western Australian model is the one in particular that we think would be most suitable here. Where somebody is employed in a traineeship, what we do is actually then offset the costs the territory are already paying in full-time accommodation, full-time health care, all your food and your electricity, your utilities. That is taken into consideration and that goes against that. They still receive a gratuity payment for employment, but it is a gratuity payment at a level that can measure up with everyone else.

**THE CHAIR:** That might fit in with—

**Mr Bartlett:** And the key thing for that is that they could basically complete a pre-apprenticeship whilst they are actually in custody and then just have a final year to do outside.

**THE CHAIR:** What trades are you looking at having that for?

**Mr Bartlett:** That will depend on what we are able to actually have funded. It will be in the skills shortage areas in particular.

**THE CHAIR:** Do you have a list of the skills shortage areas?

**Mr Bartlett:** I do not, currently. Skills Canberra publish that every year and that does vary.

**MS CODY:** It is available on their website.

**THE CHAIR:** Yes.

**Mr Bartlett:** But typically it is a lot of trades.

**Mr Peach:** To add to that, we have graduates from the public sector program at the moment working on a project around innovative options for increasing employment opportunities from the AMC, and one of their pieces of work has been on the identification of the skills shortage in Canberra, to work into what they will finally present to us, I think in about two weeks time, allowing for that. That will give us a

better idea of what the shortages are as well.

**THE CHAIR:** I would like to see this area get a bit further ahead.

**MS CODY:** I have a follow-up question about hairdressing. I know there was a bit of a delay; there were some issues mentioned last time we spoke. Maybe I have got that wrong.

**THE CHAIR:** Or the program had been stopped or something.

**Mr Bartlett:** That is correct. Our education provider at the time, Campbell Page, used to employ a hairdresser and they would run accredited hairdresser training. Unfortunately, that person is no longer with that organisation, and they have struggled to recruit specifically to that particular position with that skill set somebody who is interested in coming into the prison. We have been able to do a non-accredited hairdressing course, which the men are still put through, but it left us without a hairdresser for the women. Thankfully, through ACT Health, we have been able to engage the hairdresser who goes out to Dhulwa, the secure mental health facility. They attend the AMC now, and they will do the hairdressing. We have not been able to progress that to training at this point; at this stage it is just the actual hairdressing itself.

**THE CHAIR:** It is JustCuts?

**Mr Bartlett:** We are having some discussions with them about whether they would be interested in providing some training through our education provider.

**MS CODY:** That hairdresser would have to bring their skills up to a training level before they could—

**THE CHAIR:** Or you would have to find someone else.

**Mr Bartlett:** Yes, or you are co-assessed with a supervisor.

**THE CHAIR:** With recognition of prior learning, you would think that even someone willing to train who may not be a qualified teacher can get people up to a certain standard and they can be assessed.

**Mr Bartlett:** Indeed, and they undertake whatever the new workplace trainer and assessor—

**THE CHAIR:** RPL.

**Mr Bartlett:** It is TAE.

**THE CHAIR:** They would have to do a cert V in training and assessment or something.

**Mr Bartlett:** Yes, that is right, the same as the TAFE teachers.

**THE CHAIR:** I would like to see some more outcomes in this area, if we can; it would be awesome.

**Mr Peach:** It is worth noting that in the past year we have also had a number of other issues around training. Now we have introduced our industrial cleaning qualification, all of our detainees who clean units, for want of a better word, are actually qualified in that space now. We have also recently set up a metal fabrication workshop, which again will give a skills outcome.

**THE CHAIR:** Is that training people yet?

**Mr Bartlett:** No, not yet.

**THE CHAIR:** When do you hope that will get going?

**Mr Bartlett:** In the next couple of months.

**THE CHAIR:** How many people will be involved there?

**Mr Bartlett:** At this stage it will probably provide employment for three to four detainees in the actual manufacture. In terms of what products are produced and installation, that might also include some others.

**THE CHAIR:** Minister, do you think we can ever get to the point where, of the 400 or 500 people in there, 200 or 300 of them are able to get up and go to work each day? A lot of these programs are quite expensive; I can see that. We are talking about five to 15 people in each program. Do you think we will ever get to the point where we can have a routine where as many people as possible can get up and go to work within the prison?

**Mr Peach:** We actually have work for people. Without having the exact figures in front of me, it is in the 300s already. That is for work that we actually employ people to do. That can be a range of things.

**THE CHAIR:** That is not necessarily five days a week, is it?

**Mr Peach:** A mixture of days. Some are full time; some are part time. In actual fact, when you put the part time in, it probably takes us to the top of the 300s, even early 400s, with regard to work available. But some of those jobs are part time. They could be cleaning jobs that are there for a couple of hours a day. We have quite a lot of employment opportunities. The challenge for us really is transferring those into real, meaningful, constructive qualification-type work.

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

**Mr Peach:** It is not as though we see regular reports about people sitting idle in the AMC. Yes, we do have that on occasion, and we do have that with some detainees, but we have put a significant effort into starting to deliver a structured day. For example, in the women's unit—

**THE CHAIR:** I was going to ask you about that separately.

**Mr Peach:** In the women's unit in particular, there is provision for all those who are eligible to work to be employed for five days and to do actual activities for five days.

**THE CHAIR:** Is that a policy commitment or is it something that you have told the women they can do?

**Mr Peach:** It is part of both. We have a structured day that is a timetable of events and activities they can do. It starts at 9 o'clock in the morning, with almost a therapeutic model where the detainees meet and discuss any issues; then there are structured activities for all of them through the day. Some of those are work in the bakery; some of them will be provisioned by NGOs around programs; some will be out on programs; some of that will be case management activities; some of it will be recreation. The intent is that from Monday to Friday they get up, go to work and have the opportunity to work or take part in activities like we would do. Obviously, weekends are slightly different. That is the model that we want to slowly introduce for the males.

**THE CHAIR:** It has not been done yet?

**Mr Peach:** Again, the enormity of actually managing that across the number of cohorts we have, as well as the fact that we are talking about 450 detainees, makes that challenging. We also need to find ways to intensify that, because we have a lot of detainees on remand who do not want to work, and there is no requirement for them to work.

**THE CHAIR:** Do you think that affects the culture of making others want to work?

**Mr Peach:** A number of things affect that culture. For example, with the women, we can provide courses but they still may not be the ones that they want to do. There has to be self-motivation in there as well, which is what we are working on.

**THE CHAIR:** You have mentioned before that the financial incentive is not always the best, either, because, having regard to the way this prison was set up in the first place, people can receive a relatively decent amount of money from outside the facility; so the incentivisation is harder.

**Mr Peach:** Absolutely. They are able to access a significant amount of money coming in each week from their families which they can spend. When we pay them, and the pay is not as high as that level is, the incentive goes. One of the things we are working on now is the development of the incentives and earned privileges scheme, which sets standards for prisoners and requirements for them to engage in that. Instead of giving them cash, they start to earn privileges. They may be able to access a higher level of visits; they may be able to access better accommodation. All of these things are being worked through. Of course, it is very complex in terms of what we can give them and what we cannot, how that fits with privileges, and how you progress and regress in that system. That is, again, a large piece of work.

**THE CHAIR:** It is what we do, frankly, with our families, to get higher motivation

for people to do what is required in the modern world.

**Mr Peach:** Absolutely.

**MS CODY:** I know you spoke about training, but what about educational opportunities: finishing year 12 certificates, or year 10 certificates in some cases? Are they are still on offer and still something taken up occasionally?

**Mr Peach:** The first point I make before I hand over to Mark is that we still have the highest rates of engagement with education under corrective services across the jurisdictions. But I will hand over to Mark in terms of—

**THE CHAIR:** I think it was set up as an education facility in the first place.

**Mr Bartlett:** Yes, it was. Since AMC was first commissioned, there has always been a really large focus on education, and education for anybody: whether it was people who were sentenced or people who were on remand, it was a very large focus. Seventy per cent of our detainees will participate in education every single month; that is twice the figure for the nearest jurisdiction or the other averages.

The courses are broken down. We still have a really strong focus on literacy and numeracy. We still have really high proportions of people who are functionally illiterate. A lot of our resources concentrate on foundation skills, and we try to underpin the literacy and numeracy training wherever we possibly can. For example, in our art classes, detainees have to roll the canvases out; they have to measure the canvases in order to cut them; they have to measure the paints out in terms of mils. We do the same thing for our horticultural programs. How much soil will fit into these pots? How many of these pots can we propagate out of these particular plants? Wherever possible, it is almost like education by stealth.

**THE CHAIR:** What about those who go into the facility tertiary educated already? Do they have the ability to do further studies online or something like that?

**Mr Bartlett:** Yes, they do. Most of our education resources are concentrated around literacy and numeracy, because that is where it takes the longest period of time for people to make measurable achievements in that area. That is really the life-changing component. If somebody comes into custody and they cannot read and cannot write, and they actually then learn that skill, that is a massive thing.

**THE CHAIR:** I get that that is life-changing.

**Mr Bartlett:** Then we have our vocational education and training. That is where people will be doing vocational training in hospitality, in horticulture, in asset maintenance.

**THE CHAIR:** Yes, I understand all that. I am just asking about those who already have a tertiary qualification and want to, say, do a masters while they are in for three or four years. The feedback I have had from some people who have finished their time was that they were told, “You have to do a basic program about literacy and numeracy first before you will be allowed to access anything tertiary.” If that is happening, what

can we do about that?

**Mr Bartlett:** That is not quite accurate.

**THE CHAIR:** Whether that was intended to be the information they were given, that was the information that they were given. I am just raising that.

**Mr Rattenbury:** That is what they told you they were given.

**THE CHAIR:** Okay, but I do not assume someone is telling me a fib in that regard.

**Mr Bartlett:** If I can just clarify—

**THE CHAIR:** I am not saying it is on purpose, but that is what they say they were told.

**Mr Bartlett:** If I can just clarify, the process is that if somebody wishes to engage in tertiary education—and we do that: we facilitate distance education with a range of different universities, and the University of Southern Queensland is the primary one; they specifically have a study for incarcerated students strategy, which is the only university in Australia that actually does—

**THE CHAIR:** Yes, because they can only have so many email addresses and so on to have access.

**Mr Bartlett:** In most jurisdictions they do not even get the email addresses like they do here, and that sort of access. We also have a lot of people, in terms of education, who would like to have a university degree. As part of that application process, they have to go through a literacy and numeracy assessment—

**THE CHAIR:** I see; it is an assessment.

**Mr Bartlett:** so we can see that they have the vocational capacity to undertake that. There is a lot of administration process that goes in. We have lots of people who will start. The tertiary preparation program, for example, that the University of Southern Queensland run, is excellent because it is introductory; it teaches them how to do essays and critical thinking.

**THE CHAIR:** But if someone already has a degree?

**Mr Bartlett:** If they already have a degree, they can apply directly to universities, so that becomes—

**THE CHAIR:** Without doing that program?

**Mr Bartlett:** Yes. That becomes a HECS place. We have had a number of detainees who have done that and have finished degrees.

**THE CHAIR:** Would you mind, on notice, getting the number of detainees who have been engaged in tertiary studies in the last financial year, that 12 months?



**Mr Bartlett:** That is in our annual report. There were five who had actually completed it.

**THE CHAIR:** Maybe you can just on notice send us to the right page.

**Mr Bartlett:** Page 86.

**MR PETTERSSON:** How many visits from family are detainees allowed per week? There are probably varied answers for that.

**Mr Peach:** The standard is one, but obviously we fit more in if we can. The reality is that we try our best to accommodate as many visits as we possibly can, but I believe the actual requirement is one. I am happy to check that.

**MR PETTERSSON:** How many days per week is AMC open for visits?

**Mr Peach:** It is open for domestic visits, family visits, on five days: Wednesday through to Sunday. For professional visits, it is open Monday to Friday.

**MR PETTERSSON:** Why is there no overlap between professional visits and the family visitors?

**THE CHAIR:** There is.

**Mr Peach:** There is overlap.

**THE CHAIR:** Why aren't there Monday and Tuesday family visits?

**Mr Peach:** Mondays traditionally never have visits at the AMC. I will come back to what we are doing. It has just been the way the jail has been set up since opening. In relation to Tuesdays, some years ago the decision was made to stop family visits on a Tuesday to allow for more staff training; we close the prison down. At that point in time, it was felt that the Wednesday to Sunday capacity was being used adequately. We are currently going through a roster review, given the growth of the prison, which means that we have had, over time, increased resources and increased demand on our visits. We will be looking to implement seven day a week visits.

**THE CHAIR:** In your hopes, what sort of time frame before you might be able to do that? Do you need a bigger visitor centre?

**Mr Peach:** The answer is that if we increase our visiting sessions, we do not necessarily need to increase the visiting centre. As with everything at the AMC, the prison was built for a much smaller capacity than it is at now; obviously the more space we have, the more options it gives us. If we increase our visit capacity, it may not necessarily be that we need to increase the size of the visits room.

I also would say that when we were talking about privileges earlier, one of the incentives for us, if we have people who are coming into prison and doing everything that is required of them in prison, is that one of the privileges is to give them more

visits, and access to greater family visits as well.

**THE CHAIR:** They can have more, yes.

**Mr Peach:** That is one of the strategies we have for that program.

**THE CHAIR:** I would like to go briefly to the detainee population. We keep breaking records for the number of people in the facility. The last number that I have was 507. Is that correct? Is that the maximum that we have had?

**Mr Rattenbury:** That is the maximum we have had, yes.

**THE CHAIR:** I know that it goes up and down day to day. We are just two years after a \$50 million expansion project. What options is the government currently considering or currently acting on to increase the size of the facility?

**Mr Rattenbury:** As you know, we commissioned a feasibility study to look at a range of infrastructure options. We have received that feasibility study now and we are currently reflecting on that. It would be fair to say that we are looking at a two-pronged strategy, in terms of physical infrastructure and also further investment in a justice reinvestment space, to seek to tackle recidivism along the lines we discussed earlier. We discussed justice reinvestment. Clearly it is a socially better outcome and an economically better outcome if we can keep people out of custody.

**THE CHAIR:** Sure.

**Mr Rattenbury:** So we are looking at a range of potential improvements in that space as well. We have seen some good examples of justice reinvestment. We spoke about the high density housing program before. We have a number of other programs running with the Aboriginal legal service on their bail support program. That means that if we can work with people who, through literacy or other reasons, have failed to fulfil their bail conditions in the past, to fulfil their bail conditions, they can stay out of custody. We had a program running in partnership with Winnunga called Yarrabi Bamirr, which targets families who are considered at risk of coming into the justice system. We have spoken about that one before. The evaluation of that is just being completed and I expect to be able to report back on that next time we meet.

There is also the driver training program. That one is right at the beginning of the system. It is trying to ensure that people are properly licensed so that they do not end up getting into that cycle of driving unlicensed, then not paying their fine, then being in more trouble, and ultimately ending up coming into the corrections system for a range of reasons.

**THE CHAIR:** On the topic, though, of number of beds, obviously, that is becoming a crunch time again. The Inspector of Correctional Services was here earlier today and he was quite open about the fact that he considers that double bunking in rooms that are not designed for it may not be appropriate, and that the design capacity of the prison matters, not just the actual capacity by continuing to add beds. Do you have a view of where you would like to get to and when we would build more space? Potentially, we could again have too many people for the number of beds within

months.

**Mr Rattenbury:** As I have reflected here before, this is an issue right across the country, and in some jurisdictions now they are triple bunking, which is certainly a place I do not want to get to.

**THE CHAIR:** No. As we said earlier, if a cottage that is designed for five people has 10 in it, and there is still only one toilet, I think everyone can see why that might not work.

**Mr Rattenbury:** Yes.

**THE CHAIR:** Will there be a 10 and 20-year plan, if the numbers continue to increase as they are, for building?

**Mr Rattenbury:** Yes, and I think that goes to the other side of the equation as well, the justice reinvestment side. That is the long-term work that will be part of a continuing plan. There is enough evidence to indicate that that can work. We need to be mindful of population growth. We have seen a substantial increase, since the AMC opened, in the ACT's jailing rate. This was certainly one of the fears at the beginning. We have gone from a—

**THE CHAIR:** Low-jailing jurisdiction.

**Mr Rattenbury:** Yes, we were 62 per 100,000; we are now at 162 per 100,000. Do not quote me on the exact numbers but it is of that order of magnitude; maybe 158 per 100,000. So we have gone up substantially.

**THE CHAIR:** And we are putting more people on remand than we were before.

**Mr Rattenbury:** Probably. Certainly, you see those social trends. At the moment people who are involved in a domestic violence incident are less likely to get bail than they have in the past because of the social discourse we are having. And there is population growth on top of that. All of those factors are impacting.

**THE CHAIR:** The question still remains: are you going to end up with a 10-year plan or a 20-year plan which is assuming that the trend continues? If it did continue, we know we would have to break ground at this point and do that part of the plan at this point, instead of continually hitting up against maximum numbers and then saying, "Oh God, what are we going to do now?"

**Mr Rattenbury:** If you track back through the modelling that has been provided to government, the original AMC build was perceived to last for much longer than it did. Based on the best modelling that was provided to government, the ministers of the day will have taken the best decision they could.

**THE CHAIR:** I am sure we could say that it was flawed or something, but we only know that in retrospect.

**Mr Rattenbury:** Similarly, in the expansion that has occurred in my time as the

minister, we got more modelling done. We arrived at a decision regarding how much to spend and how much capacity. The capacity that we built was modelled to last for longer than it has. We need to reflect on that modelling process.

**THE CHAIR:** Or do we just have a plan so that, as certain numbers tick over, we start the next phase, and we have a plan for building that thing three times the size it is, if that were ever needed?

**Mr Rattenbury:** The dilemma with that is that there is a school of thought out there that says if you keep building it bigger, they will just keep filling it up.

**THE CHAIR:** A bit of tension, you think, is a positive here, in a sense.

**Mr Rattenbury:** There is certainly an argument and a school of thought that say the more capacity you provide, the more comfort the justices have in sending people to jail—the judiciary. I do not mean to be critical of the judiciary in that. They have to weigh up all the factors. I also have feedback from the judiciary that they want options that are non-custodial.

**THE CHAIR:** Which we now have some of.

**Mr Rattenbury:** We do have some, and I would like to keep improving those. That is where that justice reinvestment part of the equation comes in. We need to have options in place so that the justices have confidence, if they give a non-custodial sentence—

**THE CHAIR:** It will actually result in something.

**Mr Rattenbury:** it will be effective.

**MS CODY:** With National Corrections Day, is there a plan to hold another one?

**Mr Peach:** Yes, absolutely. It is the third Friday in January. That is the standard day across the whole commonwealth. The plan this year is still being developed. We are in the process of finalising the details, but there will be an event at the AMC. We probably will not go as far as we did last year, in terms of opening up the jail for people to look around and staff to come in. We will be coupling that with our own internal corrections awards. We will also extend invitations to some of our key partners, such as ACT Health, Winnunga, Karralika and those core agencies that work with us.

For me, the important thing that we must always remember in this is that we need to focus on the whole department, not just operations. We have community corrections in there as well. It is always quite difficult to make sure that there is a celebration of the work that all of our staff do. Again a focus for us this year is to make sure that the efforts of all our staff are heavily recognised. We have nearly 450 staff that every day come in and do an absolutely fantastic job in the area of corrections that often is not recognised in the community.

**MS CODY:** This year was the first time we had held National Corrections Day; is

that correct?

**Mr Peach:** That is correct, yes.

**MS CODY:** Was it well received by staff?

**Mr Peach:** Yes, absolutely; bearing in mind that it was—I hate to say it—almost a last-minute arrangement, because the actual agreement to do it was not made until around October-November. We pulled it together quite quickly. We had a large attendance from staff and families. The day itself consisted of a barbecue—a family event—outside the AMC. It also allowed for our staff to take their families in, so that they could see where mum and dad work, obviously under strict security confines and with the detainees being away from the places they visited. It was very well received. From year to year we intend to build on that.

The key theme that has been agreed this year by the corrective services ministers council is “corrections working”. It is focusing on how we start empowering detainees, getting them work and working with our friends in the community to secure better opportunities. It is very much around celebrating the work that our staff do, without making it a day that is just a tokenistic affair.

**THE CHAIR:** It is hard work.

**Mr Peach:** Absolutely.

**MR PETTERSSON:** What is the timeliness of repairs and maintenance like at AMC?

**Mr Peach:** We have recently had some issues in terms of timeliness, but we do have standards in place. Our immediate risks and issues that are brought to our attention are generally assessed within four hours. Obviously, work is then progressed depending on the review. If we have a smashed window in a cell, for example, that could take us six weeks to repair, in terms of getting glass from a provider and having it fitted. Sometimes we are at the beck and call of the providers.

With general issues that are raised, there is a three-day intent to repair. Minor repairs, such as a dripping tap, potentially would be programmed for 15 days. The problem, of course, is that we do not have that capacity to class things as minor repairs anymore. If we have a dripping tap in a cell, we cannot just move somebody from one cell to another, because we are at capacity. Everything becomes a lot more urgent than it would be when we have spare capacity. That is part of the problem we have experienced.

We are increasing our ability for our maintenance teams. Our current process is that our maintenance team consists of one plumber-gasfitter, an electrician and a carpenter. We also have a generalist tradesperson there. We are in the process of recruiting a further generic tradesperson to add to that. We also use lots of contractors.

One of the issues that we are also considering at the moment—again this talks about qualifications and sustainability—is what we can do to use our own labour internally.

That, again, is a lengthier process and still requires resources to administer. With our time frames, we have targets. They do push out a little bit occasionally, but we are trying to bring those back into line with what we actually set for ourselves.

**Mr Pryce:** One of the other difficult challenges we have is that not all repairs and maintenance are just because things are run down; some are, unfortunately, caused because of detainee vandalism or deliberate intent. That just adds to the challenge.

**Mr Peach:** If I could give an example, we project that around nine per cent of our repairs are actually due to vandalism. But those repairs are not the normal fixing of a dripping tap; it could be that somebody has smashed a sink off the wall or something similar. That takes up 58 per cent of our time for repairs, so our repair allocation time is significant from those events.

**THE CHAIR:** Because they are more damaged than a normal repair would need?

**Mr Peach:** Yes, absolutely.

**THE CHAIR:** You have to repair a wall and stuff like that?

**Mr Peach:** Yes.

**MR PETTERSSON:** The recent media reports that a detainee did not have flowing drinking water in their cell for six months: was that in regard to the normal time lines you have for repairs?

**Mr Peach:** No. We have nothing to confirm that that is fact. We have done our own reviews of that and we cannot confirm that he was without water for six months. We did take a range of strategies; there were two instances I recall where he had reported not having water. They were both addressed. There was also some suggestion that the tap that was in the cell had been tampered with. We do not necessarily agree with the six-month point. What we can say is that when these things are brought to our attention, we address them.

**MR PETTERSSON:** You mentioned before that there are currently problems with moving detainees, in that you are currently full. Was there an offer to move this detainee to a different cell?

**Mr Peach:** There was on this occasion; absolutely. That was as it was reported. He was offered to move cells at the time, and at the time that it was brought to our attention he opted not to move cells.

**MR PETTERSSON:** Why was there an offer to move this detainee if you could not confirm if there was a problem with water?

**Mr Peach:** At the time he reported it, at the time that that incident came up, there was. What I am saying is that there was not any evidence to suggest it was for the six-month period. When we took the tap apart and investigated it, it was clear that some obstructions had been put in that tap.

**THE CHAIR:** I would like to go briefly to public information sessions. On page 95 of the report it states that ACTCS hosted an information evening for the public on 1 November 2018. I want to ask: how many public information sessions have been held since the opening of the AMC? Also how often do they generally occur?

**Mr Peach:** We would have to take it on notice and I am not even sure we would have that data about how many have actually taken place. These information sessions are linked to our recruitment campaigns, for example in this latest recruitment campaign, one of which was on the first and one of which was on the seventh of November. I think we have done two previously for the custodial training that happened back in about April. We have done that for a number of years. But whether we would actually have records to suggest how they are—

**THE CHAIR:** Can I also ask: what is the normal location and cost of the information sessions to the organisation?

**Ms Goodman:** We hold information recruitment sessions every time we do bulk recruitment for custodial officers particularly. We will hold one to two per, usually, year. This year it is particularly busy. We are having two lots. We will have them at sometimes one central location. Sometimes we have a north side and a south side. We will usually do them in what Canberra calls the clubs, the Hellenic Club, all those sorts of places that you can have a public forum in. It is about \$1,000 to hire the room.

**THE CHAIR:** And what is the selection process for the location? What is the determining factor?

**Ms Goodman:** Random selection, yes, where we can fit in, how many people are actually planning on attending, the size of the room we need.

**THE CHAIR:** I would like to understand a little better why the Labor Club was selected for that particular process.

**Ms Goodman:** It is a historical practice, nothing further. Under the government procurement, under a certain amount of money it is only one quote that we require.

**THE CHAIR:** The choice of venue is just about capacity?

**Ms Goodman:** Yes, and the appropriate facilities, room size, accessibility, car parking, the most where we can get people to attend.

**MS CODY:** And availability of dates, possibly?

**Ms Goodman:** Yes, availability of dates.

**MS CODY:** I want to move to the Sentence Administration Board. Is that possible?

**THE CHAIR:** Yes. Let us move to Sentence Administration Board.

**Mr Rattenbury:** Just so that I can be clear, I will leave now because the Sentence Administration Board is independent.

**THE CHAIR:** They are independent, yes.

**Mr Rattenbury:** Which is fine, but I just want to check that you understand that we will let them now take the floor and we will go.

**THE CHAIR:** That is like the statutory bodies that we spoke to this morning.

**Mr Rattenbury:** Yes. Is that all right? Are you comfortable with that?

**THE CHAIR:** Yes.

**MS CODY:** It is around ICOs. That is the Sentence Administration Board?

**Mr Rattenbury:** We do the policy for the ICOs. The Sentence Administration Board monitors them. Why do you not start with us?

**MS CODY:** Sure.

**THE CHAIR:** We are flexible.

**Mr Rattenbury:** That was why I thought I had better be clear. We are about to leave so that SAB is free to speak to you without us being here.

**THE CHAIR:** Yes.

**MS CODY:** We have had some changes to the ICOs.

**Mr Rattenbury:** Yes, there have been some legislative changes.

**MS CODY:** How will those proposed changes improve things? Is that a question for you?

**Mr Rattenbury:** That is us.

**MS CODY:** The policy?

**Mr Rattenbury:** Yes. Ashan, do you want to comment?

**Mr Ponniah:** The proposed changes made the order a more risk-based approach. We are servicing offenders in accordance with their risk rating. Corrective Services ACT uses a standardised risk assessment which is comparative to lots of other jurisdictions. What that risk assessment does is just predict the risk of recidivism in relation to the offender. But then it also allows us to allocate the service level that is going to be implemented towards that offender. We have made it more risk based and we are servicing clients in accordance with their risk.

**MS CODY:** How is the program working? Is that a question for administrative? Is it still you?



**Mr Rattenbury:** Yes, because we administer the ICOs. The community corrections officers are the supervisors for intensive corrections orders. The court orders it and then Mr Ponniah's team are the ones who supervise people and make sure that they are complying with the conditions and those sort of things. Yes, those questions should come to us.

**MS CODY:** Have the changes been implemented yet?

**Mr Ponniah:** Yes. It has been a slight implementation in relation to the stages. And what that has allowed us to do is just better allocate resources in relation to not overservicing clients, making it slightly better, and also just servicing people according to their risk. We are not labelling them or negatively impacting upon them; we are delivering the right level of intervention for their required needs.

**MS CODY:** The legislative changes are only recent. Under the old ICO system, how was the reoffending? Did we have numbers of how many reoffended? Do we have a way of tracking that?

**Mr Peach:** We would have to take that on notice.

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

**THE CHAIR:** Please do.

**MS CODY:** How do victims fit into the program of ICOs?

**Mr Ponniah:** If there is a relationship and the victim is involved in a relationship with the client, quite often the officer will try to contact the victim. We constantly refer to victim services and liaise with them as well. For instance, if the client is still living with the victim, there will be home visits conducted and there will be conversations had with the victim in relation to how things are: stability and their engagement with the service and things like that. But there is constant liaising with the police and victim services as well.

**THE CHAIR:** And for transcription purposes, ICOs is intensive correction orders.

**MS CODY:** The changes to the ICOs were obviously measured against human rights compatibility and—

**Mr Rattenbury:** Yes, they were, and the Human Rights Commission was involved in the legislative development process and had the opportunity to provide comments.

**THE CHAIR:** Thanks very much. We will now move to the Sentence Administration Board. I thank the minister for his attendance. No doubt we will see you again at a future opportunity.

**Short suspension.**

Appearances:

Sentence Administration Board of the Australian Capital Territory  
Beacroft, Ms Laura, Chair

**THE CHAIR:** We will now hear from Ms Beacroft from the Sentence Administration Board. Obviously, you have seen the pink privilege statement?

**Ms Beacroft:** Yes, thank you.

**THE CHAIR:** Do you want to have a look at it and acknowledge for the record that you understand the implications of that statement?

**Ms Beacroft:** Yes, I am familiar with it.

**THE CHAIR:** We will go directly to questions. I will start with a question on a recent case. My reference is pages 88 to 90 of the JACS report. I have read the recent case of *ZS v Sentence Administration Board* in which the Supreme Court found the Sentence Administration Board to have acted and/or appeared to have acted biasedly in its deliberations on an application for parole. Following this decision, what steps or improvements have been taken to ensure that procedural fairness is upheld by the Sentence Administration Board in all cases?

**Ms Beacroft:** First of all, yes, that case is a very important case for the board. Of course, the board accepts the decision of the court. The steps that we have taken started a while ago. The decisions being reviewed were three, but particularly one in October last year. I will go back before that. When I was appointed chair in May 2017, virtually the entire board was new. I had been an ordinary member but not the chair. It was an unusual circumstance where—

**THE CHAIR:** It was like a full changeover.

**Ms Beacroft:** Exactly. It sometimes happens. It was just one of those accidents of history. So we had virtually an entirely new board; I was the new chair. And it is well known that the board was maturing. It is a relatively new board because we have not had a prison for that long. There was no written conflict of interest and bias policy. There was no manual for the operation of the board.

**THE CHAIR:** Perhaps practices had evolved but had not been written down.

**Ms Beacroft:** Yes, exactly; that is right. Of course, numbers have been increasing. We are in a much more litigious environment; everybody, including the board, these days, which is quite right. What has happened is that the deputy chair, Don Malcolmson, and I have developed a conflict of interest and bias policy. We have joined the Council of Australasian Tribunals. That means that we have access to their manual, which is highly relevant, and that is all on our website now. Our website has had a modest upgrade. In particular, that policy is signed off; it has been approved by the various legal areas that look at these things. That all occurred—

**THE CHAIR:** But that is just conflict of interest, isn't it?

**Ms Beacroft:** And bias.

**THE CHAIR:** That is not necessarily the only issue that was at stake in that case.

**Ms Beacroft:** What was at issue in the ZS matter was bias, natural justice, and that policy that I just referred to covers conflict of interest and bias.

**THE CHAIR:** It does include that?

**Ms Beacroft:** As you would appreciate, they overlap a lot, conflict of interest and bias. That is up on our website.

**THE CHAIR:** What is being done to train the members of the board in the understanding of that policy?

**Ms Beacroft:** That training has ramped up over the past 12 months. In October last year we were in the middle of that training, but it has now been concluded. Having said that, because of the ZS matter, we are returning to that individual, plus board extra training, so to speak. You would appreciate that the board is made up of very diverse people. There are two judicial members who chair every meeting, but we have lay people, so to speak, on the board.

**THE CHAIR:** How many people are on the board?

**Ms Beacroft:** I think it is 10, including the police officer who gets appointed by virtue of their position.

**THE CHAIR:** How many of those people have to be available in order for the board to meet?

**Ms Beacroft:** Three. The board is always three when it makes decisions under the act.

**THE CHAIR:** It is set out in the act?

**Ms Beacroft:** Yes.

**THE CHAIR:** Some of those positions would be required for a meeting to occur, so there are some people who must—

**Ms Beacroft:** You have to have three people; otherwise it is not a board.

**THE CHAIR:** Any three people of the board?

**Ms Beacroft:** We have a roster system. The principles of natural justice would say that we cannot cherry-pick who is going to be on the board, so to speak, so we have a random roster, but then we have to have one of the judicial members, which is me or the deputy chair. I sit every second Tuesday. In fact, in the ZS matter, there were three decisions that were reviewed for the same person who was seeking parole. He was a—I am just saying what is in the decision—child pornography offender who was

seeking parole. I chaired the first meeting in June, my colleague chaired the second meeting in October, and then I chaired the third meeting in March. The first decision was found to be invalid because the report which is provided by ACT Corrective Services unfortunately had a material error in it to do with the risk rating, which was unknown to the board. So that decision was found to be—

**THE CHAIR:** In good faith you were using this material but it was not correct?

**Ms Beacroft:** It was not correct.

**THE CHAIR:** Does that happen from time to time or—

**Ms Beacroft:** Sometimes I am asked, “Why do you have hearings? Why don’t you do everything on paper?” There are a lot of reasons why we have hearings. It is good practice. It is well evidenced that there is a lot you can gain from it. But one reason is that you can test the evidence and find out if there are errors. However, if no-one at the hearing has any reason to think that there is an error, the board cannot work out where there is an error. The first decision, that I chaired in June, unfortunately for this offender, had this error. The board relied, in part, on that risk rating, obviously.

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

**Ms Beacroft:** There was a range of reasons why the offender did not get parole on that first occasion but that was one of them. The Supreme Court, when they reviewed the matter, said, “That decision’s invalid because of that. There was a material error.” And they said there was no bias. In the decision—

**THE CHAIR:** In the second decision—

**Ms Beacroft:** The offender then applied for parole again and came before the board again in October. It is that decision where the Supreme Court said there was either actual bias or apprehended bias.

**THE CHAIR:** And that was chaired by somebody else?

**Ms Beacroft:** It was chaired by the other judicial officer, Mr Malcolmson. The third decision was chaired by me, and the Supreme Court said there was no bias.

**THE CHAIR:** The judge stated that, the plaintiff having been substantially successful, the director-general was to pay the plaintiff’s legal costs, if any. How much did get paid in that case?

**Mr Beacroft:** I am not sure that it has been resolved yet but, if I am correct, at the end of that judgement there is a comment that there may not be many costs because he was self—

**THE CHAIR:** Would you like to take that on notice?

**Mr Beacroft:** I could take it on notice and pass it onto ACT Corrective Services. In the end it will not be the board that resolves the issue of costs. Would you like me to

do that?

**THE CHAIR:** Yes. Can you take it on notice?

**Ms Beacroft:** I can.

**THE CHAIR:** We will also send it through to Corrective Services as another question on notice.

**Ms Beacroft:** Yes.

**THE CHAIR:** Would you be able to, on notice, also provide the list of who is on the board currently?

**Ms Beacroft:** Yes.

**THE CHAIR:** And what their training has been since joining the board.

**Ms Beacroft:** Okay.

**MS CODY:** I have seen reports that some risk rating systems in the US have been criticised as amounting to racial or class profiling. How do we avoid that in our systems?

**Ms Beacroft:** The system which is used in the ACT is generally called the LSI-R. There are a lot of different risk tools, but if you look at the review that was done of the Victorian parole system after the tragic murder of Ms Meagher and a review that occurred more recently in Queensland after some tragic incidents up there, they all recommend using the LSI-R. The issues that you just raised were considered as well in many other aspects of what is the best risk tool, and it is seen as the best risk tool. The ACT has used it for a very long time, by the way, so those recommendations in Queensland and Victoria were not relevant to the ACT, because the tool was being used. Having said that, any risk tool is exactly that: a tool.

**THE CHAIR:** You still make decisions and choices.

**Ms Beacroft:** Yes, and it is all based on historical data. To take up the question of the racial profile, it is neutral in that respect. But, having said that, if it comes from a database where some of the nuances of historical data are not considered, the tool is impoverished in that way.

But it is still considered the best tool. You can look at all the literature. Those reviews confirm it. When the board makes its decisions, it is a very important piece of information but it is not the only piece of information. A tool like that is particularly limited where you have very specialised offenders who have done a very specific crime. The board is aware of that. I am afraid I cannot tell you specifically the literature on race profiling—

**MS CODY:** But it is always ensuring that we are taking into account some of those issues.

**Ms Beacroft:** It is the best tool available. When I was in the United States, they had done a lot of work on this. There is a lot of diversity, I know, but they are trying to universally lift the standard, where parole does exist; it does not exist everywhere. And the LSI-R is accepted too.

**THE CHAIR:** What other information do you rely on in making a decision in general terms?

**Ms Beacroft:** The board is not really restricted, but obviously there is only so much time and we have to look at things that are relevant; there has to be relevant evidence. We certainly look at a full report from the community corrections officer which canvases many things, including the risk tool. The report, for example, talks about custodial behaviours and disciplines. We get notification of any new charges or other matters that are in the court system. We have access to all the court records for the matter that they were sentenced for. That would include victim impact statements, the transcript from the trial, psychiatrist's reports and that sort of thing. There may be new psychiatry reports or there can be references. It would include any material that a victim wants to put through, because if they are registered, they are contacted.

**THE CHAIR:** That is the type of picture that you paint.

**Ms Beacroft:** Yes.

**MS CODY:** I note that you talk about community-based sentence transfer into the ACT from New South Wales. Are there any other jurisdictions that we do those transfers to or from?

**Ms Beacroft:** Just to explain that, the board—

**MS CODY:** The community-based centre transfers.

**Ms Beacroft:** Yes, that is right. The board is supported by a secretariat. The secretariat uses the powers that ACT Corrective Services give them, not our legislation, in doing that. But I can answer your question because, ultimately, if they are transferred in, they will come before the board. So yes, we do from time to time have people transferred into or out of all sorts of jurisdictions. Because of the closeness of the ACT to New South Wales, it is more common. It can just be that a person wants to live with their mum in Queanbeyan, or vice versa: that mum lives in Queanbeyan and so they are transferring into the ACT so mum can see them. That is why it is often New South Wales.

**THE CHAIR:** On interstate detainees, in relation to applications for parole for detainees from interstate who have been extradited to the AMC, do you have any statistics on the number of parole applications that have been granted as opposed to declined for that cohort?

**Ms Beacroft:** No, but I might be able to get them. Just to clarify the question, if someone is transferred into the ACT, what are the statistics for—

**THE CHAIR:** Their success rate of parole essentially.

**Ms Beacroft:** Success rate, success rate of parole?

**THE CHAIR:** Of being granted parole. I am not sure what the terminology you use is.

**Ms Beacroft:** That is right.

**THE CHAIR:** I just wonder how that compares to applications from detainees from within the ACT.

**Ms Beacroft:** The overall success rate, as you know—it is in the report—is 60 per cent. You are asking for a breakdown. You are asking if we could break it down between those who are transferred in and those who started their sentence in the ACT.

**THE CHAIR:** That is correct.

**Ms Beacroft:** I will see what I can do.

**THE CHAIR:** Very good. Before we conclude, is there anything else that you would like to raise or brief the committee on in the context of the reports?

**Ms Beacroft:** Could I just make a correction? In the annual report I have said that we are getting a new reporting and data system which is part of the ACT Corrective Services data rollout.

**THE CHAIR:** It is the ICMS, is it?

**Ms Beacroft:** Yes, that is right. Technically we are not part of that system; we have an add-on. I just thought I would clarify that. We are still getting a data system.

**THE CHAIR:** What is the timing that you are expecting for that? I have been on this committee for some years now and I have heard about this both from the ICMS end for the courts and so on and also from you. Are you held up by that system? Are you waiting for that to be implemented?

**Ms Beacroft:** Yes. It is in the annual report that there has been a hold-up. I do not know all the circumstances of the hold-up, but I do know that the report says that overall in the ACT Corrective Services that system in the ACT will be finished in mid-2019. What we are aiming to do is to have our add-on—

**THE CHAIR:** By the end or something?

**Ms Beacroft:** No. Starting to collect data on 1 January 2019 so that at least we have six months data. Ours is more qualitative, outcome-oriented data; it is not a processing system. The big system is a lot more complicated, obviously. We are hoping to have six months data at least for the next annual report. From then on, it might need some refinement, but at least we would have a baseline that we could start with.

PROOF

**THE CHAIR:** We are all looking forward to the implementation of ICMS, and we hope with everything in us that it happens on time. We will now adjourn for lunch. We thank Ms Beacroft for attending on behalf of the Sentence Administration Board.

**Hearing suspended from 1.07 to 2.30 pm.**



Appearances:

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

Justice and Community Safety Directorate  
Playford, Ms Alison, Director-General  
Pryce, Mr David, Deputy Director-General, Community Safety  
Lane, Mr Dominic, Commissioner, ACT Emergency Services Agency  
Wren, Mr Howard, Chief Officer, ACT Ambulance Service

ACT Policing

Johnson, Assistant Commissioner Ray, Chief Police Officer  
Walters, Commander Mark, Deputy Chief Police Officer

**THE CHAIR:** The committee will now continue its hearings on JACS Directorate matters. On behalf of the committee, I now welcome Minister Mick Gentleman MLA, in his capacity as Minister for Police and Emergency Services, and accompanying officials. With regard to matters shown on the program, we will invert the program and deal with ACT Policing ahead of emergency services as all our operational personnel are here.

Before we begin, I also remind witnesses of the protections and obligations entailed by parliamentary privilege. I draw your attention to the pink privilege statement on the table in front of you. These matters are important. Please have a look over it and confirm for the record that you understand the privileges and implications of the statement.

**Mr Gentleman:** Yes, we do.

**Asst Commissioner Johnson:** Yes.

**Cmdr Walters:** Yes.

**THE CHAIR:** All said yes. We can now proceed to questions from the committee. Because this is the first appearance of our new CPO, Assistant Commissioner Ray Johnson, I would like to ask him to make a brief statement.

**Asst Commissioner Johnson:** I appreciate the opportunity. I thank the committee for the opportunity to make a brief opening statement. Firstly, can I say how very pleased and excited I am on taking on the role of ACT Chief Police Officer. I feel very privileged to have this opportunity to return to ACT Policing and protecting the ACT community. I look forward to building on the work of Justine Saunders, my predecessor.

I am pleased to report ACT Policing performed strongly against the purchase agreement in the past financial year, with 17 of the 21 performance measures

achieved and 13 of 17 indicators of effectiveness achieved. That said, we continually strive to improve where we can whilst also preparing for the future.

In response to the increase in demand for policing services in an ever more complex operating environment, ACT Policing has continued to evolve and adapt. I want to ensure that ACT Policing continues to meet the challenges of today whilst preparing for the future.

To support this goal, ACT Policing's futures program has developed an enhanced service delivery model concept and long-term accommodation plan. This review of the service model will deliver a sustainable, efficient and effective police service to the community now and in the future. While this is a long-term project, a number of initiatives for the future program have already been delivered, including the new mobile communications platform for ACT police officers to improve the responsiveness and provide greater flexibility.

I believe that a crime prevented is much better than a crime solved. I also believe that policing in modern communities such as the ACT depends more than ever on the support and trust of our whole community. We cannot do the job we do without their support. To that end, working with our partners, be they other government agencies, not-for-profit organisations, community groups or individuals within the community, is essential to making the ACT as safe and secure a place as possible.

In doing this, I would like to continue to focus on vulnerable communities who are over-represented in the justice system, both as victims and offenders. I am committed to working with our stakeholders to support whole-of-government initiatives and strategies to protect and divert vulnerable members of our community.

Criminal conduct associated with serious and organised crime will remain a key focus of ACT Policing. Taskforce Nemesis, supported by a whole range of AFP capabilities, continues to prevent, disrupt and respond to violent crime. The events of last week in Melbourne highlight the need to stay focused on our preparedness for terrorist attacks against our community. ACT Policing continues to work closely with our partners to prevent acts of terrorism and to respond decisively when needed.

I also intend to focus on the support for and leadership of our police and professional staff who step up to the challenge of policing every day. The health and wellbeing of ACT Policing staff is of greatest interest to me, and I intend to work relentlessly with the AFP nationally to improve our response to the wellbeing and care of our staff so that they can continue to do their difficult job every day.

I look forward to working with the government, the Legislative Assembly and the community to ensure that Canberra remains one of the safest places in the world to live. I look forward to having the opportunity to consult the minister, the government and the community to identify future possibilities. I thank you very much for the opportunity to make the statement and I welcome questions.

**Mr Gentleman:** Can I just add to the commentary and congratulate Assistant Commissioner Johnson on his appointment as CPO. We look forward to following in the footsteps of Justine Saunders and the set that she has made for ACT Policing's

future. I again congratulate him and the ACT team.

**THE CHAIR:** We welcome you to the role. Please do not worry too much if these questions are a bit detailed but we are all seeking answers to things that could be done better. We do not mind if you have to seek advice or come back on notice.

I would really like to go to something which has been raised with me through the annual reports process but also by the community. I would like to point out three recent appeals for public assistance. On 13 November there was an appeal seeking assistance to identify a man allegedly involved with defrauding the owner of a lost wallet in excess of \$1,300, and that was about something which had occurred on 28 September 2018, 46 days after the event.

On 11 November CCTV footage was released following an aggravated robbery at a petrol station in Mawson on Friday, 23 February 2018, 261 days later. Very concerning to some members of our community was that on 8 November CCTV images were released of three people suspected of being involved in a vandalism attack on the childcare and community centre at Giralang on Tuesday, 12 May 2018, 180 days after the event.

Why does it take 46, 180 or even 261 days to get information out to the public seeking their advice? Is this ideal? And what do you hope to achieve in this area?

**Mr Gentleman:** I might kick off, if you like. I understand that police, of course, have a number of operational matters occurring at any one time during their remit across ACT Policing. As you have heard in the CPO's initial statement, there is of course a matter of principles and guidance that we have given police on where to look for their centre of operations.

Interestingly and most importantly of course, criminal gang activity is the major focus of their operations. Indeed all these matters are important matters for the Canberra community, and police have an operational requirement to look at them as well. They set those in a situation of the most need but also in regard to the detective work that is done to ensure that they can get the outcomes needed in those operations.

Having said that, I will ask the CPO to provide some more detail for you on those particular ones.

**Asst Commissioner Johnson:** It is only my first question. I may need to take it on notice. But can I say a couple of things in general rather than going to the specifics of those matters. There are a number of reasons why perhaps we would not seek public assistance immediately, they being that we think we have potentially got a brief or we know who the offender is or we are trying to protect some element of evidence that by not going public might help us. There might be a reason why the victim might prefer that not be a path that we choose.

There are a number of reasons why time might pass before we seek public assistance around a particular matter. It might be that all avenues of inquiry have been exhausted over a period, and the last one we are left with is public assistance. Certainly we want to engage with the public for their assistance as early as is reasonably possible, would

be my position on that.

Can I suggest we take the specifics around the three you have asked for on notice rather than talk in the general, if that is useful?

**THE CHAIR:** I accept, obviously, that there are sometimes reasons why you would not. I know that, certainly from my questioning of the New South Wales government on their systems, they try to get it out within 24 hours when they are going to be seeking public assistance. It would be nice to know that eventually there is such a policy or that we are attempting to do that in most cases, or that 90 per cent of requests are done within 24 hours or whatever the time frame is. It is coming up over and over again. I ask you to put some thought into that.

**Asst Commissioner Johnson:** Yes.

**THE CHAIR:** On the matter to do with the Giralang Community Centre on 12 May, can you take on notice why it took 180 days for images of the suspects to be released? And why were they pixelated, if you want the community's advice on who those people are?

**Asst Commissioner Johnson:** I will need to take that on notice, chair.

**THE CHAIR:** People want to know why pixelated images are meant to assist the public in identifying people. Can you appreciate why members of the Giralang community are disappointed with what seems like a very slow response to something which was really frightening for them?

**Asst Commissioner Johnson:** Yes, I understand community concerns. I would have to understand what the circumstances in that case were. My colleague has just reminded me that we are pretty quick, as much as we possibly can be, on the vast majority of matters, to try to get the information to the community and seek assistance. I will need to have a look at those particular matters to understand better.

**THE CHAIR:** Fantastic; no worries. Perhaps in answer to that question on notice you could also take this: there are 21 employees, according to table 7.6 on page 84, in the media and public engagement branch; I would like to better understand whether that is an increase in the number since the 2010-11 financial year or whether that is our standard number of people, and what the KPIs are for those people for what they are achieving or trying to achieve.

**Asst Commissioner Johnson:** Yes, I will take that one on notice. I understand the point you are making in terms of the team and their role.

**THE CHAIR:** I think the community wants to help.

**Asst Commissioner Johnson:** Yes.

**THE CHAIR:** But 200 days after an attack, it is hard.

**MS CODY:** I have a couple of questions. One is a little bit cheeky. In the annual

report, on page 29, there are some seriously cute puppies that have “in training” on them. I was wondering what their names were. You might have to take that one on notice!

**Asst Commissioner Johnson:** If somebody can help me with their names, we will try to get that for you.

**MS CODY:** Thank you. They are seriously cute puppies. In your role, mission, intent and values statements on page 21 of your report, under “Our values” there is nothing actually about justice. Is there a reason that there is nothing about justice?

**Mr Gentleman:** From my perspective, as minister for ACT police, justice is embedded in everything that we do. Whether it is justice in the legal sense or justice in the social sense, we find it imperative that it is in our DNA, if you like, to ensure that everything we do with the Canberra community is around justice. It may be just a given; therefore it may not be printed in that particular area, but I am sure that it is in the ethos of AFP and ACT Policing as well. The CPO might want to add to that.

**Asst Commissioner Johnson:** That values statement set has long been a set of values statements. I can remember, as a recruit myself, that you left college knowing them and understanding them quite strongly. There are a number of values you can add. In fact recently we added “respect” because at some point we considered respect to be part of trust, but we thought that it was valuable for us internally to understand how we respect ourselves and respect others. Justice could be one of them, but I would say that the whole purpose of policing is to provide justice to our community. In that respect it is picked up in the vision and the mission.

**MR PETTERSSON:** Could you give me an update on Taskforce Nemesis?

**Mr Gentleman:** Yes, indeed. Thanks very much for the question. ACT Policing continue to work, through Taskforce Nemesis, to address serious and organised crime in the ACT, and outlaw motorcycle gang crime as well. They have been very successful recently in operations on the ground in the ACT with both warrants and arrests, and criminal charges that are going to court. The ACT government has provided Taskforce Nemesis with increased funding over the years. With that resource they have been able to act on that and deal strongly with outlaw motorcycle gang activity. In regard to arrests and numbers, I will hand over to the CPO.

**Asst Commissioner Johnson:** I will call on my subject matter expert, Commander Walters.

**Cmdr Walters:** During the reporting period, 2017-18, there were 36 criminal gang members charged; there were 170 offences charged; and 93 search warrants were executed by Taskforce Nemesis, with support from other resources within ACT Policing. Since that period of time—I know we are talking about the annual report—there were some serious offences that were committed during the reporting period that have subsequently led to charges, including attempted murder, since that period of time.

We have been working very diligently in relation to investigating the criminal activity

of OMCGs. We are talking about drug trafficking and other criminal activities; also we have been investigating the activities of those gangs, such as drive-by shootings and serious assaults et cetera on gang members. There has been a very significant focus around disruption activities as well, which has been a focus pretty much of the past three months. The disruption activities are pretty integral to our strategy for OMCGs. That brings in all the resources of ACT Policing. Whether that involves traffic and doing traffic stops or compliance checks around bail conditions, we use all the resources that are available to us, and that is coordinated by Taskforce Nemesis.

**MR PETTERSSON:** Can you expand on disruption activities? You mentioned traffic stops; is there anything more substantive than that?

**Cmdr Walters:** As I say, based on intelligence that we get, we will be undertaking search warrants. As I mentioned during the reporting period there were 93 search warrants executed on OMCG members and associates. That is a substantial number of search warrants. That is based largely around intelligence that we have around criminal activity.

**Mr Gentleman:** ACT Policing cannot give you the detail on the amount of investigative work that occurs with the task force, particularly on the ground; surveillance work, as you have heard, too. There is also forensic accountant work, to understand where the assets of these criminals are held and how they are attained.

We know, from presentations to ACT government from ACT Policing, how these criminal gangs operate. They are multinational. They seek their sales units from overseas and bring them to Australia for marketing. It is that sort of work that Taskforce Nemesis do, with our other bodies as well, nationally, to understand how these criminal gangs operate and where to intersect with them to get the best result for combating criminal activity.

**MS CODY:** Did you have something to add, Commander Walters?

**Cmdr Walters:** It may be worthwhile highlighting that we have, in the reporting period, seized a total of 28 firearms from OMCG members. Obviously, they use firearms across a number of different crime types. That is a significant number of firearms that have been removed from the community.

**MR PETTERSSON:** What are the types of firearms?

**Cmdr Walters:** Pistols, rifles and shotguns.

**Mr Gentleman:** In relation to the reporting period and the discussion I had earlier about warrants and charges—I am not sure whether Mark mentioned this—there were 36 criminal gang members charged.

**THE CHAIR:** Yes, that was mentioned. It was read to us before.

**Cmdr Walters:** I may have said, chair, 170 offences charged; it was actually 107. My apologies, if I—

**THE CHAIR:** That is all right. We all get our numbers a bit mixed up sometimes.

**Mr Gentleman:** In regard to firearms, the figures are seven pistols, 12 rifles and nine shotguns.

**Asst Commissioner Johnson:** Talking about the disruption, and not necessarily directly related to Nemesis itself, there is the work that has been done on forfeiture of assets. I understand that the DPP have indicated that there has been \$7.4 million worth of seized assets in the last financial year, which takes the profit out of crime; that is the point of the exercise. Criminal gangs, however defined, are making money out of crime, and we are working hard to disrupt them by making it not profitable.

**MS CODY:** Were there search warrants that were never actually used?

**Cmdr Walters:** I would have to take that one on notice. I would think probably not, but just to give you an accurate response to that, I will take it on notice.

**MS CODY:** There were definitely some where it was reported that they were not used.

**THE CHAIR:** But was it to do with OMCGs?

**MS CODY:** I do not know.

**Cmdr Walters:** Search warrants?

**MS CODY:** Yes.

**Cmdr Walters:** You are talking about a controlled operation?

**THE CHAIR:** Feel free to fill us in in your response to the question.

**Cmdr Walters:** Okay. We do not report on search warrants formally.

**MS CODY:** With both search warrants and controlled operation warrants, what is the cost if they are not used?

**Asst Commissioner Johnson:** I cannot think of a cost. It would be unusual if a search warrant were not used, because usually they are obtained quite close to the need to use them, if that makes sense. It is not as though you would get it in January and execute it in February; the judicial system requires you to have a plan and not keep them forever. Usually they are gained quite contemporaneously; I would be surprised if we had too many search warrants that were not executed.

**MS CODY:** What about from a controlled warrant perspective?

**Cmdr Walters:** If we are talking about controlled operations, in the reporting period there were seven applications granted. I am just looking at my data here.

**Asst Commissioner Johnson:** While you are looking at that data, going back to your question relating to search warrants, there would be no cost other than the officer's

time to prepare the warrant, if you like, and submit it. There would be no other cost that I could think of.

In terms of controlled ops, as I understand it, and Mark is getting the details, I think we carried out seven controlled operations. I understand none of them resulted in a criminal prosecution, but they did result in firearms being removed from the streets. Normally, they are done for the purpose of a prosecution, but we have had a slight change in strategy. For previous years it was much more drug focused; last financial year it was more firearms focused, which brings it back into the scope of organised gangs.

**Cmdr Walters:** I can confirm that there were seven controlled operation authorities that were issued, three that were conducted in the ACT and three that were in the ACT and one or more other jurisdictions. There is one outstanding because it has not been finalised within the reporting period so it is not included in those numbers. So all the controlled operations have been executed and followed.

**THE CHAIR:** As a supplementary to the question on Nemesis and how we are going, I wonder, Assistant Commissioner Johnson, if you would like to reflect on a couple of things. First of all, we have seen some quite shocking images for the public in the past six months. We have seen an OMCG come into town, head up to the top of Mount Ainslie, take a big photo and put it out on social media saying, effectively—it could be interpreted in a few ways—“We are here.” The advice I have from people who have served in the police in other jurisdictions is that that kind of action would be met with a very strong response in order to say, “Well, we are here too,” from the police.

We also have had a number of incidents that have erupted into violence on the streets, many of them at night-time. Certainly in my electorate this has occurred. I would like to hear your reflections on that situation in the ACT. I know that there are parents in my electorate who are saying, “I do not want to sleep my kids in the bedrooms at the front of the house because what if we end up with one of these in our street?” I would love to also ask, even if you have to take it on notice, how many of those 15 or 16 street-based violent episodes have been resolved, and have we got any convictions.

**Asst Commissioner Johnson:** Perhaps dealing with the last part of your question first, yes, we will take that on notice unless there is some detail that Commander Walters can come up with in the papers before that. If we cannot, we will take that one on notice.

As to the question around patched criminal gang members in jurisdictions, they would be aware that the police are interested in them. The last time we had a group of OMCGs arrive in the ACT, the police were quite active in dealing with that group of people. Without going into the details of those interactions, they were left in no doubt that the police were interested in their behaviours. As a consequence, I understood that if there were any minor charges, they may have been traffic related, but there was no other criminal activity we were aware of.

**Cmdr Walters:** Going to the first one that you referred to, which was the Nomads outlaw motor cycle gang, there were approximately 30 patched members who were involved in that. Their activities were closely monitored by police throughout their



stay here in the ACT in terms of being able to monitor their activities as to whether or not any criminal activities may have been committed. Quite often that involves traffic stops; we will check for any compliance with their motorcycles and if there are any warrants that might be in existence for any of those members, but obviously we are working within the constraints that we have around our legislation.

**THE CHAIR:** The laws that you have.

**MS CODY:** Do you take photographs of the members when you stop them?

**Cmdr Walters:** Yes, we do.

**MS CODY:** And those riding with them?

**Cmdr Walters:** We do.

**THE CHAIR:** Most police officers are now wearing cameras, aren't they?

**Cmdr Walters:** Not here.

**MS CODY:** I think you take photographs, though, do you?

**Cmdr Walters:** As part of our operation, yes. The second one was the Black Uhlans OMCG. To the best of our intelligence, we do not have any Black Uhlan members here in the ACT; that was a run from other jurisdictions here into the ACT.

**THE CHAIR:** Into the little holiday island that we have created here.

**Mr Gentleman:** Mrs Jones, I think I should address the comment that you made.

**THE CHAIR:** Yes; please do.

**Mr Gentleman:** It is certainly not a holiday island. In fact, on the weekend that the Black Uhlans rolled into the ACT—30 members of the Black Uhlans—600 outlaw motorcycle gang members rode into Melbourne. There certainly is activity of outlaw motorcycle gangs across Australia. They are criminal outlaw motorcycle gangs; they do not abide by the law. Of course, Canberra is a very safe city but we are not immune from criminal gang activity. ACT police, I think, are doing a very good job in ensuring the safety of Canberrans when these occurrences happen.

**THE CHAIR:** Certainly, they are within the laws that they have and the numbers that they have.

**MS CODY:** Minister, I know New South Wales has anti-consorting laws. Is there a review of the New South Wales anti-consorting legislation happening at the moment?

**THE CHAIR:** We have been through that, haven't we, minister?

**MS CODY:** I thought there was a new one; that the Ombudsman is looking at some critical incidents.

**Mr Gentleman:** In New South Wales?

**Ms Playford:** There was a previous Ombudsman report. It is probably now a couple of years—

**Asst Commissioner Johnson:** I think it was 2016.

**MS CODY:** I thought I read only a week or two ago that there was some new information.

**THE CHAIR:** The last minute we have had presented to us, from my understanding, is that, despite the findings about the use of those particular laws in New South Wales, there has been no move to repeal them or change them. I think Mr Pettersson had a supplementary.

**Mr Gentleman:** Chair, the CPO wanted to follow up.

**THE CHAIR:** Sure.

**Asst Commissioner Johnson:** Sorry, I have one quick follow-up, and it might be useful in that conversation. I have just been reminded of it. In relation to the particular matter we were referring to, we work quite closely with New South Wales Police. Their Taskforce Raptor are very focused on matters of outlaw motorcycle criminal gang activities in New South Wales, and most of that was done with their support before they arrived in ACT.

**THE CHAIR:** So you knew.

**Asst Commissioner Johnson:** Yes. So where we can, we will work with our colleagues to stop them getting into the ACT.

**Mr Gentleman:** I think that shows, too, in relation to the comment about it being a holiday state, that, firstly, they have come through all of New South Wales to arrive in the ACT. If there was an opportunity to deal with them in New South Wales, they would have had that opportunity as well. But what police need to do is operate within the law. This is the challenge for us all. These criminal gangs operate outside the law. We trust police to operate within the law, so we need to give them the resources they need to do the activities they can as best as possible.

**THE CHAIR:** I do not think there is any dispute about giving the police the appropriate resources, minister.

**MR PETTERSSON:** On the topic of police raids, what are the most common drugs you are seizing in those raids?

**Asst Commissioner Johnson:** Common drugs? The drugs seized by police, you mean, as a result of police activity?

**MR PETTERSSON:** Yes, from Taskforce Nemesis.

**Cmdr Walters:** That would take some manual searching, so I will take that on notice. In terms of drugs seized from OMCG members, methamphetamine is probably the most common drug that we are seizing in the ACT. There is cannabis.

**MR PETTERSSON:** Are you mainly getting smaller personal use amounts or are you getting larger amounts that would be associated with dealing or supplying?

**Cmdr Walters:** It will vary. There was media reporting of a search warrant last week which resulted in the seizure of eight ounces of cocaine from an OMCG member. Again, the commodities that they are involved in are varied. We are talking about methamphetamine, cocaine—as evidenced by the more recent investigation and arrest—and, in some instances, cannabis.

**Asst Commissioner Johnson:** Our interest will be primarily in the providers, those selling and supplying drugs. Personal use would only come to our attention as the result of other matters. So I would expect quite a large number of those seizures to be enough to be dealable on the street. Somebody is trying to deal it to others.

**Cmdr Walters:** This is broader than OMCGs, but in the reporting period there were just over 1,500 illicit drug seizures made by ACT Policing. That was a total of 162 kilograms of illicit substances. Cannabis was the largest by seizure.

**THE CHAIR:** But that is from the broader community.

**Cmdr Walters:** Yes. Again, you would probably see some correlation there. One I did not mention that we will see OMCG members involved in is MDMA, or ecstasy. So it is methamphetamine, MDMA and cocaine.

**THE CHAIR:** I remember reading in the past year about a court case where a member of an OMCG was convicted, I think, in the ACT. The event had occurred in the car park of the Gungahlin shopping centre. Someone's knuckles had been smashed with a hammer because they had been selling drugs on their turf. How much of the activity that we are having police called out to is sort of turf wars over the business that they are involved in?

**Cmdr Walters:** As I alluded to earlier, from a Taskforce Nemesis perspective there are those two elements. We are investigating their criminal activity, which would be trafficking of illicit drugs and other criminal activities, but also, as you touched on, the inter-gang activity.

**THE CHAIR:** Yes, and the patching over from one to the other and the like.

**Cmdr Walters:** Yes. As to what percentage of our investigations relates to inter-gang activity, I would have to take that on notice and have a look at the work.

**THE CHAIR:** Thank you. With that, would you mind taking on notice a question on tattoo parlours? It has been presented to me on a number of occasions that tattoo guns in Canberra are all managed by OMCG owners, that we may have had one that was not but they have now left town. Could you check that fact for me?

**Cmdr Walters:** Yes. We can have a look at that but it may be difficult to confirm.

**THE CHAIR:** See what you can find out. That would be great.

**Asst Commissioner Johnson:** We may have our suspicions, but whether we can confirm them for you is—

**THE CHAIR:** Okay. There are plenty of people in the community who might like a tattoo but might not like to be putting money into these organisations.

**MR PETTERSSON:** Is that you, Giulia?

**THE CHAIR:** I will not tell you about my tattoo.

**Mr Walters:** The criminal environment, typically, in relation to OMGCs is very fluid. On how many OMGC members there are, we rely on intelligence. So we cannot always be accurate as to whether somebody is an OMGC member or an associate. I just caution that we cannot be completely accurate around, “Yes, that person is an OMGC member; therefore—

**THE CHAIR:** Yes. Mr Pettersson, have you finished your question?

**MR PETTERSSON:** I have others, but—

**THE CHAIR:** As my substantive question, I want to ask about front-line officers or FTEs for ACT Policing. In 2010-11 there were 719 FTE sworn police officers. That was back in 2010-11. In 2017-18—I think you are looking for page 83—the reported number is 643. Obviously over that period since 2010-11 we have seen a significant increase in the population and a decrease in the number of FTEs. I have pointed out before how our funding has kind of stalled for general police services. I wonder if you are concerned by this significant drop of 76 full-time equivalent front-line officers compared to the beginning of the decade.

**Mr Gentleman:** If I could just comment first, I can say that the most recent annual report for ACT Policing, the 2017-18 annual report, sets out that the average headcount for 2017-18 was 931.27 FTEs.

**THE CHAIR:** I believe that includes Taskforce Nemesis, whereas the previous numbers did not.

**Mr Gentleman:** We will have a look at that. The headcount was recorded on 30 June 2017, 946 FTEs.

**THE CHAIR:** I am not referring to headcount. I am referring to full-time equivalents.

**Mr Gentleman:** Yes, FTEs.

**THE CHAIR:** I am happy to have that conversation if we can compare the 2010-11 numbers. The numbers that we got that are consistent from that period are

about FTEs.

**Mr Gentleman:** 2010-11?

**THE CHAIR:** Since 2011-10 the numbers that we have available are FTEs. I am talking about the comparison between 2010-11 and 2017-18.

**MS CODY:** I think the minister was talking FTEs.

**Mr Gentleman:** Yes.

**THE CHAIR:** No, he was saying headcount. That is different. You can have part timers.

**Mr Gentleman:** The figure I have for 2017-18 is 931.27 FTEs.

**THE CHAIR:** But 643 FTEs?

**Mr Gentleman:** No, I just said it was 930—

**THE CHAIR:** In 2017-18?

**Mr Gentleman:** Unless my figures are incorrect. They are the figures I have.

**THE CHAIR:** Table 7.1 on page 83.

**MS CODY:** 931.27 FTEs, is that correct, minister?

**Mr Gentleman:** That is what I have, 931.27 FTEs.

**THE CHAIR:** Police versus professionals, uniformed versus non-uniformed, I believe that means.

**Mr Gentleman:** The change there is because we have a much larger investigative capability than prior. And this is because ACT police use an intelligence-led model of policing, which allows us to deal much more with intervention and stopping criminal activity before it occurs. Rather than the old, if you want, Peel-style of response policing, we look at criminal intelligence-led policing, the focus of that being that we can do early interventions and stop the criminality before it occurs.

**THE CHAIR:** Table 7.1, in the first column, talks about actual police numbers, not just the professionals. We have gone from 719 sworn police officers down to 643 over that—

**MS CODY:** 642.59 FTEs.

**THE CHAIR:** Yes, rounded to 643. That is right. That is what I am asking.

**Mr Gentleman:** I cannot see that 643.

**THE CHAIR:** In table 7.1, the column that is labelled “Police”.

**Mr Gentleman:** I see.

**MS CODY:** It is 642.59, to be 100 per cent accurate.

**Mr Gentleman:** I see. Yes.

**THE CHAIR:** While I understand the explanations about using other professionals to assist police, nonetheless the front-line sworn numbers are down by some 76 over a 10-year period while the ACT’s population has increased by many thousands. Does this cause you concern?

**Asst Commissioner Johnson:** I need to get a better understanding of the numbers themselves. The one thing I would say—and I have just been reminded of this and I was aware and I understand your point—is that there were some numbers that were counted that would have been counted in 2010-11 financial year as sworn police officers.

**THE CHAIR:** Why?

**Asst Commissioner Johnson:** The example that has been given to me is police communications. In that time all our police communications officers—

**THE CHAIR:** Were with the feds? No?

**Asst Commissioner Johnson:** No, ACT Policing.

**THE CHAIR:** Now they are—

**Asst Commissioner Johnson:** All the communications staff were sworn police officers. They were deployable but their role was in communications. Over time what has happened is that many of those positions, if not all, have been civilianised. It has shifted those roles but has not—

**THE CHAIR:** Nonetheless, despite that, the question still remains that, with that population increase, we have not seen any commensurate increase in on-the-beat police officers. I think the reason that this is a question that keeps coming up is that members of the community have come to me and said that they have gone to Woden police station, they wanted something looked at and the answer that they got, which was from earnest, good people who are trying to do their job, was, “We just do not have the numbers to look into things like that.”

We are not talking about crimes perhaps. We are talking about people who have thumb drives with video evidence on them of what has been going on in their block. There is this constant response: “We wish we could,” on a good day or, “Far out, this is annoying,” on a bad day. Basically the capability is there to do the stuff that people expect from police. I know it is getting harder and harder but that, I guess, is what I—

**Mr Gentleman:** We have some further clarity for you too on those matters.

**Ms Playford:** From the 2015-16 financial year, I am advised that the special response group which previously used to be counted as part of both FTEs and headcount was included as part of the notional enabling FTEs.

**THE CHAIR:** As in professionals?

**Ms Playford:** Yes, and therefore was excluded from that headcount number because that is an AFP capability. That was a different way of—

**THE CHAIR:** Even if you can argue that the numbers have not gone drastically backwards, nobody is saying that the numbers have gone drastically forwards as the population has increased.

**Mr Gentleman:** No, but our investment in ACT police and, indeed, overall police numbers HAS gone up. We continue to invest in ACT police. Of course, the important work that we are doing at the moment that the previous CPO kicked off and our current CPO now—

**THE CHAIR:** About future—

**Mr Gentleman:** is moving on with is the futures program. That will inform our need for policing in the future years. It is a very important task and the first time for major change, I think, since the beginning of ACT Policing and how we look at policing numbers for the ACT community. It will be a really big investment.

**THE CHAIR:** But let us not see a situation where we change how we report the numbers and let us actually ask the question: do we need more numbers?

**Mr Gentleman:** No. This will be an investigation into how—

**THE CHAIR:** The future.

**Mr Gentleman:** Yes, how we need more numbers of police on the ground in the future, and that will come to cabinet and we will make those decisions.

**MR PETTERSSON:** Does ACT Policing ever draw from the resources of the AFP?

**Asst Commissioner Johnson:** Yes, relatively often.

**MR PETTERSSON:** Would those numbers get counted in the numbers we are talking about here?

**Asst Commissioner Johnson:** Only where, with the specialist response group for example, it is quite clear that those numbers are managed as a capability by the broader AFP but are contributing to the ACT through mobile patrols and other activities. There are other things that we would get from national from time to time that are not.

**THE CHAIR:** Like when you have got to be at the front of a group of people

escorting someone around.

**Cmdr Walters:** It could be that in guest-to-government visits, like a visit by the United States President, we need to surge people in from AFP nationally.

**Mr Pryce:** On Mr Pettersson's question, we have a purchase agreement arrangement with the AFP. We purchase services. The AFP, through the business unit of ACT Policing, delivers against that but is part of the broader AFP. So they can call on that, but the reality is what we purchase. We buy a product. That is a set-price purchase. Again, there are some ebbs and flows but generally the AFP delivers against that as a contract service provider. Then if they do other work for the AFP or for the commonwealth it is on a cost recovery basis.

**THE CHAIR:** Are you able to provide the committee with the latest agreement?

**Mr Pryce:** Yes, I can, but it is available publicly on the ACT Policing website.

**Asst Commissioner Johnson:** Having started this role and knowing the work Justine Saunders had started in talking about the policing services model, I understand that the community is concerned about police numbers, absolutely. But I am aware of a couple of things. One I will make note of is the increase in response calls. Over the past five years the figure is, I recall, about 30 per cent in both priority one and priority two. We are meeting most of our benchmarks, but that concerns me to the extent that I think you can just keep throwing police resources at the problem and I am not sure that that is the solution. I do not want to suggest that we do not want to be responding, but at some point we have to say, "What part of the system of support for the community are we, and how do we best work with others to prevent—

**THE CHAIR:** Or, indeed, is the contract that has been formed by the ACT government actually what the community needs, or are you busy providing priority one and two while someone who needs a bit more investigation never gets seen to, or whatever the problem is? I understand that there could be many ways of looking at it. Nonetheless, given that we have some statistics, it is important that we talk about the fact that, as the government constantly says, the population is increasing by about 6,000 or 5,500 a year. This has been going on for some time. Frontline services, as I am sure you would say as well, must not be neglected, to the extent that we can avoid that.

**Mr Gentleman:** To follow up on the CPO's comments, I can say that the results speak very well for the operations of the police. The crime trends over the 10-year period are trending down, and investigations and arrests are trending up. So I think they are doing a very good job. We will continue, of course, to resource them. With the futures model coming through in the not too distant future we will see a change, I think, that will support both the community and police.

**THE CHAIR:** A change from what is happening now?

**Mr Gentleman:** In the way we work with the police.

**THE CHAIR:** A significant new way—is that what you are saying, potentially?



**Asst Commissioner Johnson:** To be fair to the minister, we have all been quite keen not just to try to do the same: more, harder, faster, more people.

**THE CHAIR:** Yes, because police officers are getting exhausted. What we constantly hear on the ground is that they just keep working harder and harder because, as you well know, the type of person who enlists in the police force is the type of person who will never say, “No, this is too hard.” They are then becoming absolutely trashed and exhausted by how much they are expected to do. I think everyone here who has been out on the ground hears that.

**Asst Commissioner Johnson:** Indeed. I know that our officers work hard and that they work above and beyond all the time for their community. The place I was going is the fact that trying to shape the way we do policing in the future is a conversation that we are having internally. We have started conversations with government. We are planning to have something more substantive that tries to work out not only how we work with some extra police, if that is what happens, but also how they interact with other parts of government to solve what are quite complex social issues that the police can contribute to.

**THE CHAIR:** Now you are being called out to DV all the time and things like that as well.

**Asst Commissioner Johnson:** Indeed. I would expect us to have a much more substantive conversation with government in the very near future around budget cycles.

**Mr Gentleman:** Chair, you went to the welfare of police officers. ACT Policing does recognise, of course, the stress factors of community policing. They have established an early intervention and support strategy for police members. There are three dedicated police officers performing welfare officer functions who provide support to members affected by stress of work or personal pressures and, where appropriate, refer members to further assistance as well. There is an ACT Policing welfare officer available 24/7 where welfare assistance is needed. In August 2018, AFP organisational health commenced a pilot wellbeing program with a number of ACT Policing teams as well as broader AFP teams that encourages members to seek early assistance. So we are trying to support them in that operational role.

**THE CHAIR:** There probably has to be cultural change, but I think—

**Asst Commissioner Johnson:** Further to my opening statement, the welfare of and care for our members is a real concern for me. We are keen, as the AFP is broadly but ACT Policing particularly, for me, that we look after our people. A lot of good work has been done. The minister has reflected on some of that. We have more to do. I do not think we resile from that either.

**THE CHAIR:** There is a level of frustration.

**Asst Commissioner Johnson:** We have got to keep working on it.

**THE CHAIR:** I am glad to hear you are aware of it.

**MS CODY:** You have probably basically covered off this question: how is morale? As Mrs Jones has commented, people on the force do talk about the fact that they are not enjoying their jobs as much they once were. I think Minister Gentleman has covered off some of that and you, Assistant Commissioner, have—

**THE CHAIR:** And you have only been in the job for a few days, I believe.

**Asst Commissioner Johnson:** Yes.

**Mr Gentleman:** I think he knows most of the staff though.

**Asst Commissioner Johnson:** I still have the odd contact. From that perspective, what I am trying to do is comfort the committee, the ACT community and AFP staff that it matters to the commissioner and to me that our people are looked after. Do we always get it right? No, sadly; but we are working very hard to do as well as we possibly can. There are a lot of really good initiatives in place now that we think will get us into the future—

**THE CHAIR:** One of the other things that we have discussed here about frontline officers across various services is that often there are not strong indicators until someone falls over that they are reaching their limit. Because of the nature of those people, who just want to do the right thing all the time, the levels of exhaustion and frustration go up, but there may not be any particular episode which makes them reach out for help until it gets to crisis point. That is where workforce management comes in. As Ms Cody says, we are definitely hearing it all the time. That is good information for you to have at the start of this role.

**Asst Commissioner Johnson:** I think that the point is correct and one of the biggest challenges for us. But we have come a long way in the past couple of years in trying to remove the stigma from people talking about mental health, for example, but any other—

**THE CHAIR:** Or standing up for themselves.

**Asst Commissioner Johnson:** Indeed. We think that we have seen people being more willing to put their hand up and talk about their circumstances and get help and support. Of course they become the unsung cases where we have managed to provide some support to people. That is a positive trend in the right direction. The issue around the mental health of first responders is one that all policing and all emergency services deal with. We look to others, the private sector, to work with us to understand how what is best practice.

**Cmdr Walters:** As I said, we have a very strong welfare officer network across the AFP and in ACT Policing, which sits with Commander Chew. He and I meet with the welfare officers on a monthly basis, as has been instigated, for briefings and discussion in relation to some of those issues that are coming through. I get around to the members who work within my portfolio, the crime portfolio, as often as I can, and

Commander Chew gets out to the stations very regularly in relation to the response members. So there is a lot of engagement out there at the stations where the members are working: engaging with them and hearing what their concerns are. There is certainly acknowledgement that the members are working very hard. But from my own experience of talking to the members I would say that morale is quite good. They are working hard but they feel supported.

**THE CHAIR:** There are various opinions out in the community, I can tell you.

**MS CODY:** I note that we have had a significant increase in the use of—what do you call them?—tasers, for want of a better term.

**Asst Commissioner Johnson:** Conducted energy weapons.

**MS CODY:** Thank you very much. That is much better terminology, I am sure.

**THE CHAIR:** No-one else would know what you were talking about.

**MS CODY:** It has risen quite significantly from 45 in the last reporting period to 199. Have any of those 199 incidents resulted in ongoing or permanent injury or issues?

**Mr Gentleman:** Can I address that. First off, each use of CEWs must be reported. It may not be a deployment in an urgent situation; it may simply be that they have been drawn from the holster, and each has to be registered.

**THE CHAIR:** Logged. Has that changed since the last reporting period? That has not changed, has it?

**Mr Gentleman:** Sorry, the need to report?

**THE CHAIR:** The need to report even the drawing of such a weapon. That has been the same for several years.

**Mr Gentleman:** That is correct. A couple of things—

**MS CODY:** But was there not a budget initiative that provided more—whatever you just called them—CEWs?

**Mr Gentleman:** Conducted energy weapons.

**Asst Commissioner Johnson:** There are a couple of things to talk about in regard to conducted energy weapons. Yes, there is a program unfolding now around the deployment of further CEWs. There has already been an increase in the number of CEWs issued. The 45 was against a small number of issued CEWs with police officers. Firstly there has been an increase in the number of CEWs issued.

Secondly, there was a change in practice, without going into the details, that required what we call a spark test at the beginning of your shift in the safety and security of the space for this purpose and what we found was that that was going wrong; people were

not practising that correctly. There has been training to correct that, but every time that is done it is reportable. We are trying to understand how things are going wrong and how might we work better to train people to help them.

One of the reasons why that number has increased also is that it is not deploy in terms of aim, draw in the community; it is actually use in terms of testing it in the police station.

**MS CODY:** My question is: of the incidents where they have been drawn and used on a member of the public, have any resulted in ongoing or permanent injury or issues?

**Asst Commissioner Johnson:** The only thing is that there is one matter that is before the coroner.

**THE CHAIR:** That is well known.

**Asst Commissioner Johnson:** I am unaware of any more. If there are we can come back to you on notice, but I do not think there is. I am not aware of any other.

**THE CHAIR:** No other injury at all?

**Asst Commissioner Johnson:** No, not to our members or others. The spark tests, properly executed, do not pose a risk.

**MS CHEYNE:** I have two lines of questioning, with the chair's indulgence, both relating to public safety. The first one relates to safety of women and their perceptions of public safety. We talked about this with the Minister for Women last week and in the last estimates with the previous CPO, particularly around the ANZPAA national surveys of community satisfaction; whether the methodology they are currently using is right, and particularly whether we could be getting better samples of women in the ACT, such as women who might not necessarily have a landline, just to make sure we are getting all the information that we need.

I very much appreciate that you are new, but I would like to get some assurances that you are either looking to or will be working with the Minister for Women more broadly on making sure that women are safe and feel safer in the public realm and whether we can get better data into this survey, either by working with ANZPAA or by giving feedback in some other way.

**Mr Gentleman:** That is a matter within the Attorney-General's portfolio; that is my understanding. We will try to get some—

**MS CHEYNE:** It was not in estimates; it was here. There was certainly a commitment from the previous CPO to work with the Minister for Women on this.

**Asst Commissioner Johnson:** Sure. I have a personal commitment to work as hard as I can on the safety of women in our community and on combating family and domestic violence. ACT Policing, much more broadly, have the same commitment. I am sure somebody will have the detail, but I am aware that we have seen, in terms of the survey, some improvement in the sense of safety for women within the

ACT, which I take as a really positive thing.

We have seen a drop in the number of sexual assault matters reported, which is positive progress. In terms of the survey, I have been told that the survey includes mobiles as well as landlines now. In terms of continuing to work with everyone in terms of safety of women in the community, my commitment is yes.

**Cmdr Walters:** We work quite closely with Ms Jo Wood, the Coordinator-General for Family Safety, particularly in our family violence coordination unit.

**THE CHAIR:** If I understood correctly, the minister said to one of the committees in annual reports on this topic that there is a federal policing statistic about women feeling safe after dark, which is collected nationally and then broken down by state.

**Ms Playford:** Yes.

**MS CHEYNE:** Yes, by ANZPAA.

**THE CHAIR:** There is no minister in the ACT who has responsibility for it, but it still appears in annual reports and then we ask questions about it, so the Minister for Women feels like she is left answerable for a number that she does not collect. Nonetheless it reflects, obviously, how some women are feeling in the ACT.

**MS CHEYNE:** Yes, and just for everyone's reference, it is recommendation 104 from the estimates committee, which the government did agree to.

**THE CHAIR:** Yes.

**Ms Playford:** The JACS annual report, rather than the Policing one, at page 165, under our accountability indicators, provides information. One of our strategic indicators is around perceptions of safety. It very much reports from that survey that you refer to. It does show that the perception of safety of women in the ACT is actually higher than the national level.

**THE CHAIR:** The national average, yes.

**Ms Playford:** The national average, yes. I will not go through the details here, but it is on page 165.

**THE CHAIR:** I believe that there is a target number and we are well below that; is that correct?

**MS CHEYNE:** The numbers are still low.

**THE CHAIR:** Yes. It is still kind of disappointing when we read it.

**MS CHEYNE:** I am just looking for that assurance, so thank you; you have answered that. Also, on perceptions of safety, there are continuing reports of male strangers approaching kids at schools. I am on a number of school newsletter email lists, which is great. My understanding is that where these strangers have been approaching

children, the children have been acting very wisely, which is a credit to the community and to their parents and carers. I am also aware that a special task force has been established. Is there any update that you can give us about the work of that task force, noting that I completely appreciate that it is within Policing operations as well. Are you able to speak on it broadly?

**Mr Gentleman:** Yes, I can say ACT police were quick to begin the task force, Operation Titus, or Taskforce Titus. It looks at intelligence specialists and detectives to access information that is reported and ascertain any links between reported incidents as well. Police also work closely with ACT Education on that operation right across Canberra on the issue. They are encouraging parents, guardians and teachers to talk to their children about stranger safety. In that respect I will let operational members talk to you about the detail.

**Cmdr Walters:** On 14 September, Taskforce Titus was established to investigate those reports of a series of approaches to children across the ACT, particularly around school areas. As of 2 November, there had been 20 reports of suspicious approaches to children. With investigations to date, the veracity of some of those reports is still being looked at, but to date three men have been charged and are currently going through proceedings in relation to Taskforce Titus.

**THE CHAIR:** That is some comfort, I guess.

**MS CHEYNE:** Is it a concern for you from a policing perspective that it is three different men? I am not making any assumptions about whether these people know each other or not, but three different men in a short time period makes me feel nervous.

**THE CHAIR:** A bit stressed out.

**MS CHEYNE:** Yes.

**Cmdr Walters:** Obviously, that is a concern. Any of that activity is of concern to Policing; hence why we established Taskforce Titus. It highlighted the significance of this type of activity. You are talking about vulnerable members of the community in children, so we were very quick to look at those reports that were coming in and act on them. Also, as the minister mentioned, we are working very closely with the Education Directorate in terms of getting messaging out around preventing and what children should do. As you mentioned, there have been very good responses from the schools and from the children in relation to that.

**THE CHAIR:** Can I suggest as well that, if it is possible, you consider whether the Assembly or MLAs can be involved in any of that messaging? We obviously have quite a lot of presence in the community, and if there are things that we can be helpful with through our newsletters, our Facebook pages and so on, I am sure we are all very willing to help out.

**Mr Gentleman:** That is a very good point, chair. It goes to some of the actions I took during the Pierces Creek bushfire, where we looked at the opportunity to provide information to MLAs as soon as possible so that they could go out and talk to the

community about what was occurring at the time.

**THE CHAIR:** Speaking of which, we will shortly move on to ESA but, before we do, I want to put on the record that I know there is some work being done on upgrades for Tuggeranong and Winchester police stations. I want to also mention the concerns that have been raised with me regarding leaky windows in the city police station, especially around the conference room when it rains, and the lack of a lunch room, and a decent bathroom facility in the Gungahlin police station, which are constantly raised with me as building issues. I do not expect you to have an answer on that right now. Thank you very much; we thank Assistant Commissioner Johnson.

**Asst Commissioner Johnson:** Chair, perhaps I can update you on one of the questions asked by the committee.

**THE CHAIR:** Yes.

**Asst Commissioner Johnson:** The dogs' names are Maddie and Rosie.

**THE CHAIR:** Good luck to Maddie and Rosie. We will take a one-minute break.

### **Short suspension.**

**THE CHAIR:** We will resume the justice and community safety committee's hearings on this year's annual and financial reports and we will go now to Minister Mick Gentleman in his capacity as minister for emergency services. Thank you again, minister. I will start today's discussion and talk about hazard reduction burns. In fact, as we alluded to before officials changed over, the Pierces Creek fire obviously is on everybody's mind. Congratulations for all the work done there. Obviously it was a good outcome ultimately.

The 2017-18 bushfire operational plan, or BOP, identified 45 burns totalling 8,259 hectares for burns. Over eight burns totalling 6,255 hectares or 75.7 per cent of the area were not completed. This follows the year before, the 2016-17 year, when 93 per cent of the area identified for burns was not completed. It is an increase but it is still significantly below the hoped for outcome. Why is it that there is a repeated failure to get to the majority of these burns?

**Mr Gentleman:** This is actually an item that sits within EPSDD. What I might do is take that question on notice, in my role as minister in that sense, and come back to you with a detailed answer.

**THE CHAIR:** When does EPSDD appear and before which committee?

**Mr Gentleman:** Yesterday and the day before.

**THE CHAIR:** While we have got the chief emergency services officer here, with regard to the Pierces Creek fire itself there was a burn that was earmarked to be done just to the west of that fire. Would it have been useful in the fighting of that fire if you had already had that area to the west burnt out through a pre-emptive burn?

**Mr Lane:** All hazard reduction helps in relation to the overall reduction of bushfire risk. It is always very hard to say, “If this scenario happens, would that have affected this fire?” because everything is just so weather and location dependent. Obviously a hazard reduction prescribed burn to the west of the Pierces Creek fire, as it was, may have helped in terms of reducing the spread of the fire to the west. There is no doubt about that. Immediately to the west of that fire, right where the fire started of course was in the middle of a pine forest. That is obviously subject to commercial harvesting, a slightly different scenario there and certainly the area beyond.

One of the things that we try to do of course—and we do work with our EPSDD colleagues on the formulation of their overall bushfire operations plan and support them where we can—is have a constant focus on those areas of greatest priority. The greatest priority is where the assets are greater: farms, community, urban infrastructure and significant assets such as radio towers and other major infrastructure like that. We always work with EPSDD on those as priorities, but those broader landscape burns are very important in the reduction of the overall risk. I am certainly convinced—and the science shows—that they assist. It is just, as you know, very weather dependent.

**THE CHAIR:** I believe there was another area just to the south of the fire which was more in the direction the fire was headed, which also had been earmarked for a burn. Although obviously you do not control the decision-making around those burns, if they are done by EPSDD you must have some input into the planning for what it is that needs to be burnt?

**Mr Lane:** In this particular case with the Pierces Creek fire, to the immediate south it was actually back into private farmland, grazing properties. The Tidbinbilla tracking station and the like were at most immediate threat adjacent to it.

**THE CHAIR:** I understand that, but I do believe that just a little further south than that there was another area which was meant to have been burned as part of the burning off program.

**Mr Lane:** I am not aware. We can take that on notice and work with the minister in relation to that specific—

**THE CHAIR:** I am looking at the maps that are available online about the burning off program. I think also there is obviously a lot of community interest in how you believe the operations around that fire were conducted. I know that the codes for all the terms for the level of fire that we were dealing with were perhaps not well understood in the community.

There were certainly a lot of questions coming to me about the meaning of prepare and act, the word “act” feeling like it has a connotation that if you are going to leave perhaps you should. And that is not the definition of that term. How were those terms arrived at and is there any thought that perhaps there are clearer terms? I know that it is the intention to make it very clear.

**Mr Lane:** There are probably two parts to that question. One is how we thought the operations went, and we certainly saw feedback, and then I could talk about it if the



committee wishes.

**THE CHAIR:** Yes.

**Mr Lane:** In terms of the question around the terminology we use, it is based on a national project that was put together following the 2009 Black Saturday bushfires where 173 people were killed. Before that, nationally we had a key message around prepare and stay and defend your house or leave early, which got turned into stay or go, in the community's mind. As you are saying, it is very hard sometimes for the community to understand our messaging.

We did try to break that down a little to two key components. One is understanding the fire danger ratings. People obviously still get confused. They think that is some sort of an indicator of how many fires might break out on a certain day when actually it is more about how rapidly a fire can spread and whether we can control a fire on a day like that, particularly as it gets into severe and catastrophic.

**THE CHAIR:** I think an interesting bit of information the community got was that the fire was in fact out of control and that that was to be expected on such a windy day.

**Mr Lane:** Again, that is a very key part of our messaging. For us to use that term "out of control" is not something we take lightly because we like to very much—

**THE CHAIR:** In fact, it instils a fair bit of panic, I can say.

**Mr Lane:** The reality is, of course, that Mother Nature means we cannot control fires on certain days. That is why we very deliberately use that language. In terms of the three alert levels, we have kept it as simple as we possibly can. At one stage we were looking at five alert levels. We realised it was hard enough for the community to comprehend. One of the benefits of the three-alert level system, interestingly, is that in a national space we are looking to go to an all hazards approach—whether it is a storm, whether it is a cyclone or whether it is a flood.

**THE CHAIR:** You have the same terminology across.

**Mr Lane:** It will be similar terminology. We are hoping across the nation that eventually the three terms will be adopted. The first is advice. There is a fire that is alight. There is no immediate action required but monitor your website and all those sorts of things. An advice message usually comes around when the fire danger rating is low because the two work hand in hand. It would be very rare that if you had a catastrophic fire danger, if a fire started, we would be calling it advice. It would automatically go to a much higher level.

**THE CHAIR:** Straight into 2; you actually have got a fire.

**Mr Lane:** That is right. The interesting decision—and this came up at the debrief—that the incident controller made was the very challenging call to ring me in the early hours of the morning and say, "This fire is uncontrolled. We have had extremely high temperatures overnight." It did not drop below 24 degrees out there on the fire ground. As many people in the community could see, even at midnight you could see flames

from that particular fire.

**THE CHAIR:** From the top of Hindmarsh Drive and from parts of Tuggeranong you could watch this fire. That is right.

**Mr Lane:** And many other places too. That is right. We knew there was a risk in terms of how challenging it was to develop. We made the call that, yes, we did need to go to the next level of watch and act, which we issued at 0600 on the Friday morning. It is quite unusual for us to issue a watch and act at any time in Canberra.

My recollection is that in my time here over the last six summers it is only the third time we have actually issued a watch and act. It very much is demonstrating very high fire danger balanced with an out of control fire and balanced with the fact of where it was in location to the city. If the fire was, for example, way down in Namadgi National Park then we might have taken a different approach because we have got a matrix around how many hours until the potential for it to impact on a private property. And with those farms nearby we made the decision to issue the watch and act and, of course, call those local farmers and work very closely with the Tidbinbilla research station.

**THE CHAIR:** Not to mention the suburbs being within six or seven kilometres.

**Mr Lane:** That is right. Watch and act means very much that it is time to start considering your bushfire survival plan and it is time to make sure you have all your plans in place. The challenge, of course, is how people react within the community. That is why we continue to be very keen to work with our community in relation to that. It does not mean evacuate. It does not mean panic. It certainly does not mean get on your roof and start hosing it. This is one of the challenges we face.

**THE CHAIR:** That is right, especially with people who are traumatised by what has gone on previously. My area is Duffy.

**Mr Lane:** We are very aware of that. We did see a lot of that emotion coming through on Friday. There is no doubt about that.

**THE CHAIR:** People were basically walking around with some sort of PTSD from their previous experiences.

**Mr Lane:** That is right. It is very entrenched in Canberra society. There is no doubt about that. And in many ways we were very fortunate, I suppose. We would like to think it was a good opportunity to remind the community of the risk that we face. I got a few questions about, “Why didn’t I get a phone-based alert or something like that?” We only issue those at level three, the emergency warning, which means it is time to take action. And, of course, it is very dependent on the situation we find ourselves in. Given the nature of the city, with places like Mount Taylor, Aranda Spine and Black Mountain where a fire could start very rapidly, before—

**THE CHAIR:** Especially if there are flying embers or something.

**Mr Lane:** That is right. Before we even have time to go through the various processes,

we might be going straight to emergency warning on the worst of the worst days. In that situation we definitely will issue a phone-based text alert, something we test quite regularly. The phone-based messaging system comes through as a text or to landlines as a voice message. It is just trying to remind people. It is very clear—

**THE CHAIR:** So watch and act is almost: “Watch and prepare in case you need to act”?

**Mr Lane:** That is right. The bushfire survival plan, which you have a copy of, very much helps with that as well. Trying to make those messages as simple as we can is a challenge, but it is something we are working on.

**THE CHAIR:** It makes it nice and clear for us when we are out doorknocking.

**Mr Gentleman:** I take this opportunity to thank the commissioner and all of the teams that worked so hard over that period. It was quite intense. I visited the guys on the Friday, and you could see the hard work they had done all through Thursday night to prepare. Some of them were quite exhausted, but there was support for them at the fire front, which was really good. I got to visit the ESA emergency centre in the afternoon as well and saw the hard work that they were doing at the same time.

**THE CHAIR:** And the staging areas.

**Mr Gentleman:** Yes. There was very good work by all of the groups working together, not just the ACT Rural Fire Service.

**THE CHAIR:** Hopefully there were portaloos there.

**Mr Gentleman:** Indeed there were. RFS, ACT Fire and Rescue and the paramedics were there as well. All of our services—and parks and conservation—were working together as a team. It was great.

**THE CHAIR:** It was a few days of hard, hard work.

**Mr Lane:** And there was the work of the State Emergency Service not only in supporting logistics and helping out so much with the doorknock but also in dealing with their own storm recovery work on that afternoon.

**THE CHAIR:** That is right, because we had trees going over at the same time.

**MS CODY:** Are the three levels nationally recognised, not just ACT based? If you are in the ACT from New South Wales, do you understand what those three levels mean?

**Mr Lane:** That is right. We have worked very hard to make sure that we remain consistent with our messaging and remain consistent with not only the three levels of messaging but also how we will actually apply them in the scenarios where we use them.

**MS CODY:** How is overtime paid to workers in comcen? I note that there are staff

I have heard from who have been waiting for their overtime payment since May of this year. And when staff in comcen work overtime, how does that impact on their mandatory training?

**Mr Lane:** I am not aware of the issues in relation to people not being paid their overtime. That would be a highly unusual circumstance.

**THE CHAIR:** Here is a good opportunity for you to go and find out.

**Mr Lane:** We will have to take that one on notice, and on the training as well.

**MS CODY:** Thank you.

**Mr Lane:** I am not sure of the impact in relation to training. We work very hard to make sure all personnel have access to their appropriate levels of training. We will also take that on notice.

**MS CODY:** With regard to training, what is the Ambulance Service doing to help them? I know we have a very high number of musculoskeletal issues, particularly with ambulance officers. Have we got some retraining options in place? I know we have got electric—

**Mr Gentleman:** Stretchers.

**MS CODY:** Thank you. I was with the minister when they were launched. But what other things are we doing?

**Mr Lane:** The main thing is that we recognise the injuries that ambulance paramedics and patient transport officers suffer due to their manual work. Not only have they been supported very effectively by the implementation of the powered stretchers program but also there is support from other manual implements that help lift people off the ground in stair situations as well. There are a range of mechanical tools that help with that.

It also relates to training and making sure that our people can approach the situations they are in as best they can. It is the strong reminder to everyone that if you are stuck in a situation where there are only two people and it requires three, then call for extra help. It is a range of things we do in relation to preparing our paramedics for the roles they undertake.

It does remain one of our most significant injury patterns, and it is something that we are continuing to work with. But I have a strong view, which is reflected in my discussions with paramedics, that the implementation of powered stretchers will have overall a really beneficial result. There is no doubt about that.

**THE CHAIR:** That is one improvement.

**MR PETTERSSON:** With regard to the bushfires the other week, what aerial resources did we have on the ground and in the air?

**Mr Lane:** During the most significant part of the operations, we had five helicopters operating, of various sizes. They arrived on the Friday morning to support the incident. We operated them from our Hume helibase down near the Alexander Maconochie Centre. During the operation itself we also set up a sub-depot on Kambah Pool Road, which is why Kambah Pool Road—

**THE CHAIR:** Was closed.

**Mr Lane:** That became the refuelling spot, because they have long-line buckets and we are not allowed, because of CASA rules, to take them across urban areas, for obvious reasons. So we used Kambah Pool Road. That was supplemented with the operation of two large air tankers from New South Wales. Again, they were very effective operations. We only used those for a couple of drops but—

**THE CHAIR:** We watched them from my front door.

**Mr Lane:** Very good. They are quite impressive. They operated from Richmond Air Force Base but one landed and refuelled at Canberra Airport as well as part of that operation.

**MR PETTERSSON:** Where did the helicopters come from?

**Mr Lane:** They came from various places. One, I think, came from Tumut, a couple from Sydney and one locally in Canberra, from memory. I would have to take on notice the specifics, but basically they came from various areas.

One of the challenges we face, as I am observing in relation to a changing climate, is that our fire season is certainly getting longer. We would not normally see a fire like this until after Christmas. It is very interesting that right in the middle of spring we have this fire. Where I am going here is that we have contracted aircraft we bring in every year, basically in partnership with the commonwealth government, who help offset the costs of the hiring rates. We have two contracted aircraft which will be coming in in early December and then will stay for the season.

We are nowhere near the height of our season yet, and that is the most important thing we need to get through. We will have those contracted aircraft on board. The government has also supported the additional camera technology we will have this year. So we will have our own resources based here locally, but in the meantime we work very closely with New South Wales to access other aircraft in the local region.

**MR PETTERSSON:** I note that the New South Wales government has recently got its hand on some Black Hawk helicopters. Is there any chance of seeing them in the skies of Canberra?

**THE CHAIR:** Except on Canberra Day?

**Mr Lane:** As the Americans call them, once they are converted they become Fire Hawks. Again, we are working very closely with New South Wales. There is no doubt that those particular aircraft will eventually make their way to this part of the region. Interestingly, New South Wales very much like using Canberra because we have a

very good base, with the appropriate facilities for the pilots and for refuelling, at Hume. That is one of the significant assets we have. Opportunities in relation to working with ex-defence materiel is something we always like to explore. I think it is a great initiative that it has come forward this way.

**THE CHAIR:** With the use of water-dropping technology, where was the water sourced that they filled up on?

**Mr Lane:** For the helicopters it was basically local farm dams. We are working with farmers out there at the moment in relation to a rehabilitation program where water needs to be put back. It was also from the Cotter itself.

**Mr Gentleman:** And the fixed-wing aircraft had retardant.

**THE CHAIR:** So they had to land to refill?

**Mr Gentleman:** Yes.

**THE CHAIR:** When was the decision taken to establish an incident unit out at the ESA headquarters, which I assume was stood up at a certain point in time?

**Mr Lane:** It was one of the real strengths of this particular incident. The fire started at about 5.30, a bit after business hours when things were all changing and people started to—

**THE CHAIR:** On the Thursday?

**Mr Lane:** On the Thursday evening. The chief officer of the Rural Fire Service made the immediate call to stand up an incident management team, which was starting to function by about 6 pm, with the night incident controller coming in at about 8 pm. It is always one of the challenges when things are ramping up and there is a bit of confusion and—

**THE CHAIR:** Shift changes.

**Mr Lane:** All those things. But very good early decisions were made about understanding the risk. Given the dryness that we have out there and the early reports from the community and firefighters about what we were dealing with, we had the incident management team up and running early.

**Mr Gentleman:** Chair, I have an answer for you with regard to your earlier question on prescribed burns. I can advise that—

**THE CHAIR:** I have some more on that question but I will put it on notice for you.

**Mr Gentleman:** Sure. I can advise that we find more challenges now as we get into more incidents as we see global warming occurring. Conducting burns is one tool to reduce the risk of bushfires. Those burns form part of the bushfire operational plan, as you have indicated. That is prepared each year by experts who know and understand how to keep the community safe. While they are planned in advance, they can only be

carried out depending on circumstances at the time, and that is a complex area that has many variables. It depends on weather conditions at the time as well. It may be too dry or it may be too wet at the time. Other factors include the right combination of fuel load, temperature, relative humidity and wind speed. This is why we rely on expert firefighters. The plan is to determine what is required and when it can be done.

Autumn last year provides an example of those factors. I am advised that the conditions across the ACT were too dry to do an extended fire season, so implementation of the burn program would have been dangerous and counterproductive. That is why those burns did not go ahead. Then the ACT received some large falls of rain towards the end of March, which then limited opportunities for prescribed burns, as the fuel was never sufficiently dry. I am also advised that most of the planned burns in and around the ACT were undertaken in autumn. Little burning is usually planned for or undertaken in winter, as those weather conditions affect that too. That meant that the burning windows were short and sometimes non-existent. It is important to note that several other activities are conducted with regard to the BOP. They include slashing, grazing, physical removal of fuels, and fire trail maintenance.

**THE CHAIR:** I asked this question last year as well, I think, with regard to those burns. Obviously there is a high expectation in the community that once you have set a target you will do your best to achieve it. Say we have 10 days in the year when those burns can take place; could any planning go into allowing for more burning to take place on those days? Obviously you have air quality issues that you have to deal with, but we do have a lot of capability across various fire services—and, as you know, there are many of them—to bolster Parks in the work that their firefighters do. The question I have had for some time now is: how can we make those days achieve more? Is it possible to make those days achieve more, even though there are only a few of them? With seven per cent of our 25 or 26 per cent of burns we have done better this year than last, but the community would probably hope that you would get through at least the bulk of it.

**Mr Gentleman:** The fuel conditions are assessed throughout the year and checked at least weekly. Where an appropriate operational window presents itself, we are prepared to move quickly to implement those prescribed burns. So overall—

**THE CHAIR:** They are done by Parks, are they not?

**Mr Gentleman:** Yes. Overall 95.9 per cent of the total bushfire operations plan was carried out. That included, as I mentioned before—

**THE CHAIR:** Grazing and slashing.

**Mr Gentleman:** 5,700 hectares of slashing across 246 sites and 6,041 hectares of grazing across 73 sites. So both targets were completed at 100 per cent.

**THE CHAIR:** The question still remains, and I do not mind if you take it on notice or come back to the committee: is there any way that we can increase what is able to be achieved on a given day which has the right weather conditions and the right fuel load conditions for burns to be achieved so that we can get closer to 50 or 60 or 70 per cent

of those burns?

**Mr Gentleman:** Yes.

**THE CHAIR:** Is it possible?

**Mr Gentleman:** As I said, if the operational window presents itself we are able to move quickly and do that work.

**THE CHAIR:** My question is: can we increase what we already can do so that more can be done on a given day than has been done until now on those given days? That is the question.

**Mr Gentleman:** I will check with experts, yes.

**THE CHAIR:** That is fine. That is in fact what you obviously need to do.

**MS CODY:** I want to move to the ACT Ambulance Service and the alternative care pathways. What are other ambulance services doing with regard to referring patients to alternative care pathways? I will wait for Mr Wren.

**Mr Gentleman:** We have our chief officer, Mr Wren, to deliver these details.

**MS CODY:** Did you want me to repeat the question, Mr Wren?

**Mr Wren:** You wanted to know what everybody else is doing?

**THE CHAIR:** What people can do in other areas.

**MS CODY:** What are other ambulance services doing with regard to referring patients to alternative care pathways? Have we looked at some of those to implement here?

**Mr Wren:** Yes. To answer the second part of your question, we do look at this all the time. We are currently going through a process of evaluating what our options are there. Essentially, interstate they fall into two groups. It is what is called a hear and refer model or a see and refer model. A hear and refer model is—

**THE CHAIR:** On the phone.

**Mr Wren:** that there will be a process over the phone to attempt to put people through quite a robust assessment process without laying hands or eyes on them to find out the best pathway for them or the best care that might be available. Then the alternative is that you actually do a much quicker and less robust triage over the phone and you decide that they do not need an emergency ambulance straight away, but you may have another resource that you can send to them. Pretty much all the interstate strategies fall into either of those groups.

**MS CODY:** And are we doing some of that here in the ACT?



**Mr Wren:** Currently we do not do any of those things.

**MS CODY:** Is that something that we are looking at?

**Mr Wren:** Yes, it is.

**MS CODY:** With us looking at what has been happening in other jurisdictions, has there been a decrease in demand as a result of implementing alternative pathways?

**Mr Wren:** Interstate?

**MS CODY:** Yes.

**Mr Wren:** Yes. I think everyone would agree that there is a beneficial effect from alternative pathways. The other thing is, too, that it is not just about reducing demand. It is also about providing more appropriate care for people. If you look at patients in aged-care facilities, for example, if you can provide a range of alternative services that may allow them to stay in the aged-care facility as opposed to just going for a short visit to the hospital, that is a win for everybody.

**MS CODY:** Again, are we looking at ways in the ACT that maybe we can start to implement some of these alternative care pathways?

**Mr Wren:** Yes, we are.

**MS CODY:** And what are our time frames around that?

**Mr Wren:** It would be a mistake for me to put a time frame on it, but we are very interested in these pathways. We are engaged with Health to try to maximise our opportunities there. It is really just a case of continuing to work with all stakeholders.

**THE CHAIR:** Do any of those pathways include the use of private ambulance services in the ACT, as in interstate?

**Mr Wren:** No, they do not.

**THE CHAIR:** It is more like referring people to go physically to another location themselves?

**Mr Wren:** Or to provide something which is not a conventional emergency ambulance.

**THE CHAIR:** Something that is less equipped?

**Mr Wren:** Yes. The closest you might have to a private model is in Melbourne, for example. They have arrangements with after-hours locum services for a general practitioner to visit a patient.

**THE CHAIR:** A bit like our after-hours GP service or something like that?

PROOF

**Mr Wren:** Yes, but it is a much more structured contractual arrangement.

**THE CHAIR:** And obviously only when issues are not as serious as would normally warrant an ambulance?

**Mr Wren:** No, and they have been carefully screened over a lengthy process.

**MR PETTERSSON:** I note that there are eight ambulance stations across the ACT. Do they all have the same number of ambulances operating out of them?

**Mr Wren:** No. There are two that would traditionally have two crews and the remainder have one.

**MR PETTERSSON:** What are the ones that have two?

**Mr Wren:** Woden and Dickson, although Belconnen and Greenway stations during the afternoon and evening have two as well. The numbers rise and fall according to demand.

**THE CHAIR:** The need.

**MR PETTERSSON:** Belconnen and Greenway have two in the evening?

**Mr Wren:** Yes, they have two across the day and into the evening, although not both at the same time.

**THE CHAIR:** And Woden and Dickson all the time?

**Mr Wren:** Yes. Woden and Dickson have two across 24 hours. Belconnen has two across the daylight hours and Greenway has two into the evening.

**MR PETTERSSON:** It seems to me, based on that description, that there is one area lacking extra resources, and that is Gungahlin. Gungahlin is similar in size to both Belconnen and Tuggeranong but they have got an extra service. Is there a particular reason that Gungahlin does not have that extra service?

**Mr Wren:** No, other than that when we did a lot of work on scoping where our demand is—and particularly across time of day as well as area—they were the areas where the demand was predominantly seen. The other issue is that, although the fact is that the vehicle is based at that station and starts and finishes shift at that station, it will spend very little time at that station. It is not so much relevant that the vehicle would start and finish at Greenway, for example; it is that it would go wherever the work was.

**MR PETTERSSON:** One of the issues that have been put to me is that there is one ambulance in Gungahlin but Gungahlin has some traffic issues, to put it mildly.

**THE CHAIR:** To put it mildly, yes.

**MR PETTERSSON:** And if people are relying on ambulances to come into that

region—

**THE CHAIR:** It is not easy.

**MR PETTERSSON:** it is causing big delays.

**Mr Wren:** I would accept that that is clearly going to have an impact on a response time if you are trying to get a car either in or out of Gungahlin. It may not necessarily be solved by putting another vehicle at Gungahlin because as soon as there is a job in Belconnen, if that is the closest vehicle, it will still respond to Belconnen. The idea of placing a vehicle in a particular area—it is not fixed to that area. We do not ring-fence vehicles.

**Mr Gentleman:** The closest vehicle to the incident would be dispatched, when available.

**Mr Wren:** The closest available vehicle.

**MR PETTERSSON:** I understand that. If there is no rationale behind where they are located—what you are saying is that it does not matter what station they are located at—what is to stop you moving one of those ambulance crews to Gungahlin?

**Mr Wren:** We would. For example, if—

**THE CHAIR:** You mean permanently?

**MR PETTERSSON:** Yes.

**Mr Wren:** Yes. If the Gungahlin vehicle goes out—it is actually seeing a patient in Gungahlin and there is no availability, and we still have two crews at Belconnen who are not busy, which would not be common—then the deployment plan would say, “We have a gap here,” and we would move a vehicle back there. Resources move around constantly like pieces on a chessboard, but at times when we are busy then they are all moving.

**THE CHAIR:** But it may, in fact, in the future be a place to put an additional crew.

**Mr Wren:** I would hope so, yes.

**MS CODY:** I have a supplementary relating to response times. I note that on the day of the bushfires we had ACT Fire & Rescue out doorknocking, but in relation to response times to a fire in Denman Prospect it took an awfully long time for a fire truck to get there, and the house burnt to the ground. Is there a view to maybe moving some fire services around so that we have more coverage?

**Mr Gentleman:** If you look at operational responses, you will see that, as we have just discussed, with ambulances they send the closest vehicle to the situation. It is my thought that if ACT Fire & Rescue are doing a particular community task that is appropriate we would send another vehicle to attend the fire. I did some doorknocking with ACT Fire & Rescue to prepare for the season and bring awareness to the

community. It is a really visual, important message. We had some great responses from those that were doorknocked on the day by Fire & Rescue operations people. It is important, of course, that we can deliver the response as soon as practicable, and therefore, the closest vehicle will be dispatched. That is my understanding.

**Mr Lane:** I would just clarify two main points. One is that, whilst crews are doorknocking and very busy, and this has been very much welcomed by the community, they are also still available for responding. That does not stop them, if we have an incident, from attending a fire.

**THE CHAIR:** Hopefully as quickly as possible.

**Mr Lane:** Absolutely. It is very much how it is recognised in relation to ambulance. You never know where the ambulance is going to be, and it is the same for our firefighters. It is a great community initiative that the firefighters are pleased to be a part of, and whilst there is no station out that way at the moment, that is for the future.

**THE CHAIR:** Can the community fire units be used for these doorknocking projects, as they are not required for work all the time?

**Mr Gentleman:** Yes, and indeed the SES.

**THE CHAIR:** Have they been used in the process?

**Mr Lane:** Yes, they have. I am not sure whether they have kicked off their part of it this year, but many of the community fire units have willingly accepted to do so as well, and will be doing so this year.

**THE CHAIR:** Do you have any information on that Denman Prospect house that you can provide, on notice, to the committee, the concern being that a house burnt to the ground before a fire crew was able to arrive?

**Mr Lane:** Firstly, it is not unusual for a house to burn to the ground before fire crews can arrive. In fact, that is very common in Australia. As commissioner, I cannot guarantee that we can stop that.

**THE CHAIR:** That is not what is being requested. Can you please take on notice that there is a report that a fire in a house in Denman Prospect burnt until the house was razed before the fire crew arrived. When was it? In the last six months?

**MS CODY:** Yes, easily; in the last couple of months I think it was.

**THE CHAIR:** Thank you. We look forward to your response. I want to ask about the minimum crewing levels for ambulance. There has been quite a bit of coverage of the shortfall in crewing levels for ACTAS. In 2016-17, 41.5 per cent of the time, shifts fell below minimum crewing levels. I wonder if you are able to tell me how many shifts fell below minimum crewing levels in 2017-18.

**Mr Gentleman:** Can I say first that I really support the work that ACTAS does in providing us with some of the fastest response times in the country. It is very

important that we look at what we can do to support the community in their time of need. In regard to crewing levels, it is not necessarily a position that I hold that we should have a structured level of crewing levels. I have allowed the operations team to work effectively to manage their resources and to ensure that crews can be on the job when they are needed but also can take leave when they need to be with family when they are needed as well.

**THE CHAIR:** I do not think there is any dispute about that.

**Mr Gentleman:** The number of paramedics on the job every day moves up and down. It is a flexible opportunity, which I support. We will be providing more resources to ACTAS in the future.

**THE CHAIR:** Minister, the question is: how many shifts fell below the minimum crewing level in 2017-18? It is a simple question.

**Mr Wren:** I can tell you how many, but because we did not have a process for capturing that information reliably prior to your original question on notice, subsequent to that we put a practice in place. For the last four months, the four months from July to October, which covered 246 shifts, 30 of those shifts fell below our current minimum crewing.

**THE CHAIR:** Has the minimum crewing level changed from the two years before data?

**Mr Wren:** No; the number is the same. That represents 12 per cent.

**Mr Gentleman:** Mrs Jones, in response to earlier concerns about this, I advised that we would do a review on those numbers. That work is being done, and I will be able to make a statement in the next sittings in regard to that review.

**THE CHAIR:** That is great. But how many shifts fell below minimum crewing levels in the 2017-18 financial year?

**Mr Wren:** I have not got that information. I would have to take that on notice.

**THE CHAIR:** Please.

**Mr Wren:** That was the process that was a manual trawl through the data.

**THE CHAIR:** No doubt you would expect that the question would be asked here. Could you please provide that, with the dates on which they occurred.

**Mr Wren:** Yes.

**THE CHAIR:** Thank you very much for all the work you do and for coming here and answering our questions. We will now take a short break and return to see the Electoral Commission.

**Short suspension.**

Appearances:

ACT Electoral Commission

Cantwell, Mr Damian AM, Electoral Commissioner

Spence, Mr Rohan, Deputy Electoral Commissioner

**THE CHAIR:** I welcome the Electoral Commissioner and officials from the ACT Electoral Commission. Firstly, I ask whether you understand the privilege implications of the pink privilege statement before you.

**Mr Cantwell:** Yes.

**Mr Spence:** Yes.

**THE CHAIR:** I throw my first question over to Mr Hanson.

**MR HANSON:** I draw the committee's attention to the exquisitely timed press release—

**MS CODY:** I was about to ask that question. Thank you, Mr Hanson.

**MR HANSON:** from the Electoral Commission. I am sure it is a complete coincidence. In your press release you talk about the redistribution process. Can you talk us through that? Specifically, my interest was piqued by the call for suggestions about potential new name changes for electorates. Is that part of your statutory process or is that just your idea? Can you broadly talk us through it, because I have not seen that before?

**Mr Cantwell:** Yes. Thank you for your question. To answer that question on the naming, that is included in the process and the legislation behind it. Not wanting to get ahead of the process—I will go through that shortly—it is one of those options available to electors in their suggestions and comments if they wish to offer such changes to electorates. It does include name changes.

Again, I am not trying to pre-empt where that might go or what might happen in the public consultation which will ensue, but we need to be prepared if that is the case. If name changes are proposed, the committee would take that under consideration, as they would any other suggestion. It would be perhaps unusual that that would proceed, given the name changes and the changes to the number of electorates at the last election. But, again, we will take those under consideration as part of the committee process.

Thank you for drawing attention to the media release. It is important, as part of the information campaign, that the public are aware of what is going on and, of course, members. The process, as contained in the legislation, requires that the redistribution process is initiated as soon as practicable at a point in time two years prior to the next election—therefore, 20 October this year. We formed the four-person committee, chaired by me. That committee has already met, on 5 November. In our initial meeting we explained the process and ensured that the members were aware of what

is required of them.

Importantly, we considered, having looked at the time line as contained in the legislation for suggestions and then a comments period, that the committee would be best served, and the process would be best enabled, by initiating the public suggestion period to commence on Tuesday, 5 February. That would get it away from the strong possibility or likelihood that a number of ACT community members would be absent over the period that this process would otherwise be continuing, through until late December. The committee would wish to give the community every chance to have a look at what the process was, to understand it and then to take part in it from 5 February onwards.

Again, it is subject to the committee's further considerations. Once the suggestions period has commenced, and then the comments period immediately thereafter, a period of 28 days and then 14 days respectively, we will take into consideration what public commentary has been received. Then we will publish a notifiable instrument and a proposed redistribution plan. That itself is open to a period of suggestions or objections and the process rolls on from there.

**MR HANSON:** Part of the process, as I recall, involves writing to the ABS. Is that right? This is to get their lie of the land in 2020 and beyond?

**Mr Cantwell:** That is correct, yes.

**MR HANSON:** Have you done that?

**Mr Cantwell:** Yes. Indeed, as we meet, we will ensure that we have the most up to date and accurate data to ensure that the requirement is met across electorates. Ultimately, the requirement is to ensure, as best we are able, that the number of electors in each electorate is even, plus and minus five per cent of the quota.

**MR HANSON:** Yes. Have you got anything back from the ABS yet?

**Mr Spence:** Yes. The first step in preparation for the redistribution process is to get enrolment figures as at a particular date. Leading up to the redistribution process, we use 31 August. We then pass that enrolment data on to the ABS, who work with the ACT demographer and that area of ACT government to forward project to 17 October 2020. Yes, we need that data before you can even start the redistribution process.

**MR HANSON:** I want to confirm this. You have written but you are waiting to get that data back?

**Mr Spence:** We have that.

**MR HANSON:** You have the data back?

**Mr Spence:** We have got the data.

**MR HANSON:** Is that data publicly available?

**Mr Spence:** It will be once the public suggestion period commences.

**THE CHAIR:** When is that, February?

**MR HANSON:** Because if you are going to make public suggestions—

**Mr Spence:** February.

**MR HANSON:** you want to have the same information so that you can then draw on it.

**Mr Spence:** The period of public consultation has to begin before that data can be made available so that we are not receiving public suggestions out of the legislated time frames that are permitted. There are 28 days in order to do that.

**THE CHAIR:** Can that data be made available to the committee?

**MS CODY:** Once it is available publicly, I guess.

**MR HANSON:** It will be on your website, I assume, will it?

**THE CHAIR:** No, I am wondering when—

**Mr Spence:** It will be once the redistribution and public consultation period commences.

**THE CHAIR:** Right; and that is when we could see it?

**Mr Spence:** Yes.

**MS CODY:** You said there was a committee you are chairing; is that correct?

**Mr Cantwell:** A redistribution committee, yes.

**MS CODY:** And who else sits on that committee?

**Mr Cantwell:** The legislation requires that it includes the planning and land authority, represented by Mr Ben Ponton, and Mr Jeffrey Brown, the ACT Surveyor-General. In addition to me, we are able to appoint someone I believe to be appropriately experienced and qualified for the role. In this case we have appointed the director of demography at the ABS, Ms Beidar Cho, as the fourth member. We also wanted to ensure an appropriate gender balance in the committee, so I took into consideration initial nominations from the ABS. I got the support of the head of the ABS that I would like to have a woman on the committee, so they were able to arrange that and I am grateful for that.

**MS CODY:** So we have one woman on that committee?

**Mr Cantwell:** Yes, and she is also the director of demography, so she is appropriately qualified.



**MS CODY:** I understand that, but it is nice that it is a woman as well.

**Mr Spence:** The make-up of the redistribution committee is legislated.

**MS CODY:** I completely understand that. The point I was making is that it was a good thought process to think about a woman representative as well as getting the skill set we need.

**Mr Spence:** I am glad she was able to join us. She is very keen and motivated to contribute, and we are looking forward to her contributions.

**MS CODY:** Apart from the redistribution and name change conversations, what has the Electoral Commission been doing to prepare for the increased rate of early voting that has been observed across not only the ACT but other jurisdictions?

**Mr Cantwell:** As part of our planning for October 2020 and in anticipation of an increased appetite in the ACT community to vote early and vote electronically, we have incorporated that into our planning. The first thing is to ensure our ICT systems are as reliable, useful and trustworthy as they need to be. Clearly that is all part of our key mission—to ensure that the systems have full integrity and are reliable and responsive.

We won moneys through the 2018-19 budget for eVACS upgrades. We have also improved our internal electoral management system. Indeed, I sat with the budget committee yesterday with regard to the proposal for an in-year budget bid to further increase the capacities of TIGER, the electronic management system, by a full modernisation to bring it from its current Access database fundamentals to a more modern and reliable system.

In a nutshell, we have looked to win additional resources and we have won those resources at this point. We are on the path to be election-ready by October 2019. The plan is to ensure we have everything in place to do a number of rehearsals and ensure that the capacities are there to meet an anticipated increased voter demand to vote electronically.

**MS CODY:** You mentioned the upgrades to the eVACS. There were some questions after the 2016 election about people not feeling that their vote was as private as it could be. Are we looking at ways we can improve those sorts of concerns?

**THE CHAIR:** Is this people being able to see over each other's shoulders?

**MS CODY:** It was more about visually impaired people having to ask for assistance to get to the machines and they felt that they could not tell if other people were watching them voting. A whole raft of concerns were raised during the committee that was looking at the aftermath of the 2016 elections and a report was done by that committee. Is work being done to help address that?

**Mr Cantwell:** There is. We like to benchmark our practices against the other jurisdictions, both federally and across the states and territories. On two occasions

now I have seconded staff to South Australia, and shortly to Victoria, to observe and take part in their election planning and conduct. In particular, last week I sent one of our experienced staff members to South Australia to attend a workshop focused on how to better include the homeless in the electoral process.

In the context of trying to ensure all our voters are enfranchised in the system and the process, it is important to understand what initiative they are looking at. We look to share with them what we have done in the past and look to see what they have done and try to learn from their experiences and make the system better and ultimately improve.

I will let Rohan talk about any specifics arising from the 2016 election and from the discussions of the committee at the time, because Rohan appeared before the committee. But I say up-front that we do everything we can to ensure the privacy and secrecy of every person's vote. There are circumstances where assistance needs to be provided for individuals if so requested, but even then we ensure that the privacy of the vote is maintained throughout.

**Mr Spence:** You are correct that in the select committee process a number of submissions raised concerns about the privacy of the blind and vision impaired in lodging votes on our electronic voting system and the placement of those screens. We take great care—and did in 2016—in relation to the placement of voting terminals for the blind and vision impaired and disagreed with the suggestion that the 2016 placement of those voting screens put privacy at risk.

However, we have taken on board those comments and the perceptions of those electors and have put in place a process. We raised these matters at our disability advisory committee and we will put in place a system where a member of that committee will attend with us before pre-polling opens to review the placement of those terminals and essentially approve of their placement in terms of privacy. So that is how we are addressing that particular concern.

One of the other comments raised was that one of the staff in that polling place may have been too vocal in their assistance being provided, which may have had the potential to indicate the voting preference of the voter, or that was their perception. So we are implementing a much more structured training process for those staff who will be assisting those particular voters and ensuring that that is a very well-known stepped process.

**MR PETTERSSON:** I have some questions about the register of political parties. Is there a proactive approach to the cancelling of registration of political parties? Do you go out and talk to political parties or do you wait to hear intelligence to make you look into it?

**Mr Cantwell:** My intent, throughout any of these engagements, is to ensure that we consult and communicate early. I am not in a business of pulling snap decisions within my area of responsibilities or authorities. It is about community engagement.

**Mr Spence:** It is a combination of both. There is a process of self-reporting to us about whether they believe they have the appropriate members to maintain their

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registration. Every electoral cycle we do an audit of every registered political party and their membership. Going back before the 2016 election, based on that review I think at least two parties deregistered, based on their belief that they did not have the correct numbers—the required numbers. The other ones were confirmed to have the required numbers and maintained their registration.

**MR PETTERSSON:** Are there criteria on what counts as a member?

**Mr Spence:** They have to be ACT electors, on the ACT electoral roll, but membership is quite dependent upon how their constitution defines a member. It does not necessarily have to be a financial member. But the person has to identify as a member of that registered political party and be on the ACT electoral roll.

**MR PETTERSSON:** Bringing that all together, when you talk to these political parties do you then have to go out and talk to their members to ascertain whether or not they are actually members or can these political parties sign someone up with a form that says, “I am a member for 10 years”?

**Mr Spence:** No.

**THE CHAIR:** You phone members, don’t you?

**Mr Spence:** I will call it an audit, but that is directly writing to members to ensure that they identify as a member of that political party.

**THE CHAIR:** Random.

**Mr Spence:** And based on the responses, we either form the view that they do not have over 100 members or they do, and we base our decisions on that process.

**MR PETTERSSON:** When did that last happen?

**Mr Spence:** Before each election. It is about—

**MR PETTERSSON:** You write to—

**THE CHAIR:** A randomly selected group of members, is it not?

**Mr Spence:** It is a process of ensuring. We write to every member.

**THE CHAIR:** Not every member of every party?

**Mr Spence:** That has been the process.

**MR PETTERSSON:** Of the ones under audit?

**Mr Spence:** All registered political parties.

**THE CHAIR:** Every member of every political party receives a letter from the Electoral Commission—

**Mr Spence:** Or an email.

**THE CHAIR:** I do not believe I have.

**MR PETTERSSON:** I have never got one.

**Mr Spence:** I may have to review the actual process, but that is my understanding.

**MR HANSON:** I got one.

**THE CHAIR:** I thought it was a random selection, but I could be wrong.

**MS CODY:** I have never received one.

**Mr Spence:** Historically, we have taken different approaches, but I am fairly confident that in—

**THE CHAIR:** Why not take that on notice and come back to us with your process when you have had some time, so that we can be 100 per cent sure?

**Mr Spence:** We can certainly do that. Yes, it is a direct question to the members themselves.

**MR HANSON:** When you took over just over a year ago, you said you were looking forward to the challenges ahead for the commission. I wonder if you can outline, in the year that has gone by, what you have identified as those challenges, what you have been able to do to address them and what body of work remains outstanding. You have already covered it a bit with IT, but are there other areas?

**Mr Cantwell:** One of the key areas that will remain a challenge for this jurisdiction, and indeed all jurisdictions in the electoral space, will be the potential for a future national internet voting platform and, concurrent with that issue, cybersecurity issues or security issues around electronic and internet-based voting. I came to the office with that as a backdrop, principally because of my experiences in Defence, but also through some cybersecurity studies I have done in that space. Anyone who has a grasp of contemporary affairs in the government or business enterprises will see that as a growing issue across Australia, and indeed internationally.

In the electoral space, I came to the job looking at the American presidential elections and their experiences with electoral integrity, the integrity of their processes. Since I have taken up the role—I may have referred to this in earlier committee hearings—some of the academic studies on the experience Americans went through reaffirmed that there were foreign parties at play seeking to interfere with their processes.

Given that backdrop and the growing threat of cyber actions in a business and government sense across Australia, it is an important area that we need to continue to focus on. Paramount, and fundamental to our business, is to ensure the integrity of our processes and our systems: that when someone casts a vote, they know it is private and secure and it counts towards where they want it to go. I make sure that our

processes and our systems are as good as they can be in that space.

**MR HANSON:** In that sense, then, you are not pushing with any degree of urgency, I imagine, towards electronic voting?

**THE CHAIR:** Do you mean online voting?

**MR HANSON:** I do mean online voting, yes.

**THE CHAIR:** We have electronic voting.

**MR HANSON:** Whether you are in a booth and that is a contained system or whether there is a piece of paper is a bit nuanced in a sense if you have to turn up to the booth.

**Mr Cantwell:** Just to draw the distinction, it is important to distinguish between these two. We have electronic voting, and we have led the field in that. That is great; we should be quite proud of what we have done and where we are at now. That is there in the ACT, as well as the opportunity to do conventional paper voting.

The concerns were really around a potential internet or web-based platform yet to be determined. That is a subject which I discuss often in a formal quarterly meeting with my fellow commissioners. It is something which we have had some assistance with recently from the Australian Cyber Security Centre, under the Department of Home Affairs, and their initiative to provide to each jurisdiction, including ours, a cybersecurity review to help us understand our governance and technical readiness or preparedness in the cyber electoral space.

The answer to your question, though, Mr Hanson, is that really I do not want to rush forward into this space, particularly for the ACT. We already have a well-established electronic voting system. And it has to be viewed in the context of what potential advantages might be gained by having a full online or partial online system in the ACT. I would be very reluctant to go forward to an internet-based system if it was not completely clear that the risks around cyber and other issues were not properly addressed and mitigated. Nor would I wish to do that individually—that is, not as a jurisdiction alone. The position of me and my fellow commissioners across Australia is that we will approach this from a national perspective whereby we can pool our resources, experiences and engagements across other state and federal agencies to ensure that we are addressing the issue more collectively.

**THE CHAIR:** I think the enthusiasm or the keenness for it took a bit of a hit with the last major ABS census and the problems they had with data.

**Mr Cantwell:** True.

**THE CHAIR:** It is as though we are growing so much in confidence about this stuff and then realising that it is actually a little more complex than it seems from the outside.

**Mr Cantwell:** It is complex, and we need to understand fully what would be proposed.

**THE CHAIR:** You could not possibly fail, because it would do so much damage.

**Mr Cantwell:** Correct, and that is the point. If we were to cause damage to the integrity or reputation of the process—

**THE CHAIR:** Which has a good reputation.

**Mr Cantwell:** it would be very hard to pull that back over time.

**THE CHAIR:** That is right.

**Mr Cantwell:** It is something we have to protect, and rightly so, because we carry the trust and the confidence of the voters.

**THE CHAIR:** It is the basis of our democracy.

**Mr Cantwell:** Exactly right. There are a number of issues there. There are technical aspects that will need to be addressed, notwithstanding any cyber or malicious intent from any other party.

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

**Mr Cantwell:** We need to address the technical aspects, and we are a long way from that yet.

**THE CHAIR:** Have you been watching the voter boxes arriving in taxis and Uber cars in the US and feeling worried about electoral systems and integrity?

**MR HANSON:** In terms of other challenges, have you got the budget that you need moving forward to address any challenges that you have with IT systems and so on?

**Mr Cantwell:** Thank you. We have gone through the process, to this point, notwithstanding treasury's decisions or announcements, where we seem to have secured the moneys, for this and subsequent financial years, to further improve TIGER, our electoral management system; eVACS, the electronic voting and counting system; and our other internal electoral systems.

Yet to be determined and properly processed through what now I think will be next year's budget process is the money to better provide for the staffing and the accommodation requirements attached to the additional staff to properly address the potential legislative changes around political donations by property developers. That is under consideration. We are in conversation with JACS to help frame and assist them with the wording of what that legislation might look like or what the proposed amendments might look like. I am on record as saying that that will present problems for us as the electoral authority if we do not have the additional people we would need to properly conduct the forensics around property developers making donations in ACT.

**MR HANSON:** Just on the property development stuff, has anyone looked at potential High Court challenges on that? I remember that in New South Wales, when

unions were restricted, they brought forward a case that went to the High Court. If you are in a position where you just determine that a category of person is not allowed to participate in some way in the electoral process, is that potentially an issue that engages the constitution?

**Mr Cantwell:** We flagged this matter in engagements with the committee following the 2016 elections and also with committees around this legislation. I think we have had a hearing in that space.

**MR HANSON:** I believe there was; I did not participate. If it is addressed in that report, I will go and read that report again. But New South Wales has done something similar; I am just wondering how they got away with it.

**Mr Cantwell:** We have gone to New South Wales and spoken to the commissioner as to how he has dealt with the legislation inside New South Wales and tried to benchmark what additional people, staffing and resources and so on are required to be able to do that properly, to do it justice. In that regard, we have engaged with them. But ultimately, the point now is that the government takes this open-ended or potential legislation into consideration. We will continue to advise in that regard, as you would expect us to, and highlight the challenges that would exist for the commission to be able to enforce that legislation properly if it is enacted.

**THE CHAIR:** I believe one of the recommendations of the report from the Assembly around the 100-metre rule was that it be applied in the same way at every booth: from the building rather than from the fence. We ended up with quite different outcomes on the ground for distance from the actual car park, booth and so on. Has that recommendation been accepted?

**Mr Cantwell:** I have not resolved considerations on this yet; nor have I decided which way I am going to go. Rather, I will continue to take advice, as I plan for October 2020, based upon both the submissions that the commission has made to the committee and also the committee's responses and the government's responses around that. I still have that under consideration. Again, what I am looking for here is to ensure that it is a fair and equitable arrangement for everyone, for every location, and that we do not encounter any issues that we could have foreseen with a bit of careful planning.

**THE CHAIR:** From the experience of the last election—I am sure you have heard it many times—at one booth people were able to walk easily to the 100-metre point and collect the how-to-vote card if they wanted and at other locations it was literally a block and a half down the road and they would have to drive there if they wanted to get a how-to-vote card. It seems very inequitable to me.

**Mr Cantwell:** I could not comment on specifics just yet. Again, we have to look at this in detail. I will continue to do that as we plan for 2020. I take the point, though, that it must be seen and must be practised as an equitable process, and I will do my very best to make sure that that is the case.

**THE CHAIR:** Thank you for your attendance today. Answers to questions taken on notice should be provided to the committee within five business days after receipt of

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the proof Hansard, day one being the first business day after the proof Hansard is sent to the minister by the committee office. All non-executive members may lodge questions on notice, which should be received by the committee office within five business days after the Hansard is circulated, day one being the first business day after the Hansard is sent to the ministers by the committee office. Responses to questions on notice should be provided to the committee office within five business days of receipt of the question, day one being the first business day after the questions are sent to the minister and equivalents by the committee office. I thank witnesses for appearing today. When available, the proof transcript will be forwarded to witnesses to provide an opportunity to check the transcript and suggest any corrections.

**The committee adjourned at 4.54 pm.**