



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON LEGAL AFFAIRS**

(Reference: [Inquiry into Annual and Financial Reports 2023-24](#))

**Members:**

**MR P CAIN (Chair)**  
**MR T WERNER-GIBBINGS (Deputy Chair)**  
**MR S RATTENBURY**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 12 FEBRUARY 2025**

**Secretary to the committee:**  
**Ms K de Kleuver (Ph: 6207 0524)**

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

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

## APPEARANCES

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## **Privilege statement**

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

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While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

*Amended 20 May 2013*

## **The committee met at 9.00 am.**

### Appearances:

Paterson, Dr Marisa, Minister for Police, Fire and Emergency Services, Minister for Women, Minister for the Prevention of Family and Domestic Violence, Minister for Corrections and Minister for Gaming Reform

### Justice and Community Safety Directorate

Blount, Ms Wilhelmina, Acting Deputy Director-General, Community Safety

Close, Mrs Leanne, Commissioner, ACT Corrective Services

Johnson, Mr Ray, Acting Director-General

Taylor-Dayus, Mr James, Acting Assistant Commissioner, Custodial Operations, ACT Corrective Services

Spulak, Ms Lizzie, Acting Assistant Commissioner, Offender Reintegration, ACT Corrective Services

**THE CHAIR:** It being 9 o'clock, we will commence. Good morning, and welcome to the public hearings of the Standing Committee on Legal Affairs for its inquiry into annual and financial reports 2023-24. The committee will today examine the Minister for Corrections and the Legal Aid Commission.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people, and we wish to acknowledge and respect their continuing culture and the contribution they make to the life of the city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.

The proceedings today are being recorded and transcribed by Hansard and will be published. Proceedings are also being broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses use these words: "I will take that question on notice." This will help the committee and witnesses to confirm answers to questions taken on notice on the transcript. We welcome Dr Paterson, MLA, Minister for Corrections and her officials.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would you each please confirm that you understand the implications of the statement and that you agree to comply with it?

**Ms Blount:** Yes, I do.

**Mrs Close:** Yes.

**Mr Johnson:** Understood.

**THE CHAIR:** We are not inviting opening statements, so we will proceed to questions, and I will commence. Minister, the 2022 Healthy Prison Review found 81 per cent, up from 60 per cent in HPR 19, of staff believe that there were not enough staff at the

AMC to ensure their safety. Minister, what is the number of detainee assaults on staff in the 2023-24 financial year?

**Dr Paterson:** I will refer this to Ms Close, Commissioner Close, for the exact answer to that question, but I guess to say that our correctional officers and staff who work out at AMC work in a very challenging work environment. They do receive a lot of training and supports in the job that they do, and it is very unfortunate that these incidents occur occasionally. Ms Close, do you have some data?

**THE CHAIR:** Do you actually have the number, though?

**Mrs Close:** Yes, I do. Sorry, Chair, I am just finding the right data.

**THE CHAIR:** Is it more expedient to take that on notice, then?

**Mrs Close:** No, that is fine.

**THE CHAIR:** Or get back to us later?

**Mrs Close:** I have that now. In 2023-24 in the ACT the rate of prisoner-on-prisoner assaults in custody increased by 7.2 per cent per 100 prisoners in the Report on Government Services data that we have. The rate of prisoner-on-officer assaults in custody increased by 3.86 assaults per 100 prisoners. Chair, we have introduced a new reporting system and a new offender management system into the AMC in recent years, in the last 12-18 months. So we understand that the reports are—

**THE CHAIR:** Sorry. I might just pause you. Do you actually have the number?

**Dr Paterson:** She just gave it to you, Chair.

**THE CHAIR:** No, that is percentage change. Look, I might just get you to take that on notice. We want the actual number, and also, could I have the number of assaults since 2022? I will get you to take that on notice.

**Mrs Close:** Yes. I can take the actual number on notice.

**THE CHAIR:** So my next question: what is the ratio of staff to detainees at the moment?

**Mrs Close:** In the Alexander Maconochie Centre we have just over 400 detainees, and we will just get the staffing figure for you.

**THE CHAIR:** Again, we are happy to take it on notice and get back to us later, just to keep moving along.

**Dr Paterson:** It is all right. We have it here for you.

**Mrs Close:** I do have that report. The number of staff working in the Alexander Maconochie Centre is 562. Sorry. That was the whole of corrective services, beg your pardon. So in the custodial operations it is 331.

**Dr Paterson:** We have one of the highest ratios of detainees to officers in the country.

**THE CHAIR:** Yes, thank you, Minister. So is the AMC compliant? On average, how many staff are rostered per shift?

**Mrs Close:** Chair, I would have to ask the Assistant Commissioner of Custodial Operations, who is here with us today.

**THE CHAIR:** Look, bear in mind, given the short amount of time we have, I am happy to take on notice or get back to us toward the end.

**Mrs Close:** No. We have the official here to answer the question. If I could invite Mr Taylor-Dayus to come forward, he will be able to provide that for you.

**THE CHAIR:** Do you agree to abide by the privilege statement?

**Mr Taylor-Dayus:** I do, yes. So there are rostered custodial staff on a daily basis, and it depends on the day. On Mondays and Tuesdays, we will run with 55 staff, and that can increase to 60 staff for the rest of the week, which is due to visitations taking place from Tuesday to Sunday.

**THE CHAIR:** What measures are in place to ensure the safety of staff and to monitor detainees?

**Mrs Close:** So we have several measures in place for staff safety. The initial training that the officers receive, which encompasses 13 weeks—in fact, we have a new recruit force commencing on 18 February, so they will receive that in recruit training. We then have on-the-job support and mentoring in the AMC for those officers. We have ongoing training that is provided to them and we have a lot of other support mechanisms for those officers who work at the AMC.

**Dr Paterson:** Mr Cain, just in relation to the 2023-24 budget, the ACT government funded \$16 million for various initiatives for wellbeing, culture, training and safety prevention and management. So it has been a priority to see officers trained to be able to improve their safety in the prison.

**MS MORRIS:** Of the 331 staff, how many of those are active? As in, not on leave or anything like that?

**Mrs Close:** So we have two groups of custodial officers. We have 35 who work in the court transport unit, and so they are supporting, obviously, the operations of our court system, and movement and transfer of detainees between different locations, if they are being transferred interstate or they are going to hospital, et cetera. In the AMC itself, we have 156 staff who provide that rostered support.

**Mr Johnson:** And perhaps to answer the question in terms of those unavailable, that would be very dependent on the time. So people could be on leave for short periods of time. People could be on leave for maternity leave reasons. People could be on leave for mental health reasons. There is a range of things, so it depends on the day and the

time. So it would be a snapshot only of a particular point in time.

**MS MORRIS:** Is there a standardised national accepted ratio of staff per detainee, or is that just up to you to determine?

**Mrs Close:** It depends on the level of classification of the detainees and their movements and their specific needs, whether they are a high-need person in a critical support unit versus someone who is in the lower categories. So it really is dependent on the individuals.

**MR RATTENBURY:** Two quick questions: firstly, can you—I suspect best on notice—provide the committee with the number of staff or corrective services officers in the AMC each year for the last five years, at the end of the financial year I think would be a fair comparison. My understanding is over recent years, the government has continued to fund an increasing number of corrections officers despite a, at times, falling number of detainees in the facility, so it would be useful to understand that.

**Dr Paterson:** Thank you, Mr Rattenbury. We will take that on notice.

**MR RATTENBURY:** And secondly, Minister, you in the exchange there said, “The ACT has the highest number of detainees to officers in the country.” Does that mean we have more detainees per officer or less detainees per officer? Which ratio were you describing?

**Dr Paterson:** Less detainees per officer.

**Mrs Close:** I also have an answer to the initial question you asked in terms of the actual number of those assaults. So, in 2022 to 2023, there was one staff assault by a detainee, and in 2023 to 2024, there were 17 recorded.

**MR RATTENBURY:** Do you have any explanation for why that increase occurred? They are small numbers, so it is always hard to tell, but that is—one year is really good there with only one—then seventeen. Are there any indicators of why it increased during that period?

**Mrs Close:** I would ask Mr Taylor-Dayus if he has any information, but as you say, it really is dependent on who the detainee population is at that particular point in time, what is happening in terms of their movements, their associations and other things that cause that sort of statistic to increase. It is really dependent. Is there anything else you would want to add in relation to that?

**Mr Taylor-Dayus:** We have introduced a new prison management system that captures reporting more accurately. So our staff are getting used to that, the CORA system. We know the staff took a little bit of time to get used to that system and the changeover, and we believe now that they are much more proficient and actively reporting this. It is also worth noting out of those statistics that 41 per cent of those offences were committed by just three perpetrators, which we are managing and we are aware of. So to try and put that into some sort of context, it is seven individuals committing multiple offenses.

**Mrs Close:** I also understand, in some of my early discussions about this issue, that with the new CORA system we have, which is monitoring this information, if there is one incident but five staff are assaulted, it has been reported as five. So we are working through data analysis because some of it is quite manual in terms of those reporting outcomes.

**MS MORRIS:** What impact would the prison population have on staff safety because the reviews that the chair mentioned in the substantive question indicated that they felt they were not safe because of the level of staffing—not enough staff?

**Mrs Close:** So it is a broad question, but we have various mechanisms for our staff to feel that they are being supported, they are trained, et cetera. At the moment, we have the Healthy Prisons Review survey that is being undertaken by the Inspector of Custodial Services. So that also gives us some information and data. There was another point I was going to make, but sorry, it has just escaped me.

**MS MORRIS:** What is the maximum capacity of the facility?

**Mrs Close:** Sorry. So the other point is that the AMC is quite a unique environment in that we have prisoner classifications from the high, very vulnerable, complex cases through to low classifications. We have populations where they are on remand or people who are sentenced. We have women in the same facility, albeit separated from the male detainees. So it is a complex environment and facility to manage.

**THE CHAIR:** Officials, I just might say, we have just had 15 minutes almost on one substantive, so could you keep your answers succinct, please? If it is a direct question, we do not need a lot of preamble and background.

**MS MORRIS:** If you wanted to take that on notice, the maximum capacity of the prison.

**Dr Paterson:** We can take that on notice.

**MR WERNER-GIBBINGS:** In the review conducted on isolation practices in Bimberi, I understand there were 13 recommendations.

**Dr Paterson:** In Bimberi? That does not fall—

**MR WERNER-GIBBINGS:** Beg your pardon. Right.

**Mr Johnson:** That is with youth justice.

**MR RATTENBURY:** I wanted to follow up on the Operation Falcon report, obviously recently presented by the Integrity Commission, and understand what actions have been taken by ACT Corrective Services since the delivery of that report.

**Mr Johnson:** I can hand to Leanne for a couple of parts of that, perhaps initially, and then I can follow up on anything further you need to know.

**Mrs Close:** Certainly. Thank you. Operation Falcon Report was handed to us



17 January and obviously tabled in the Assembly. So the things that have occurred since that point: the matters have been referred to the Professional Standards Unit—there were no recommendations arising, however, there was a finding of misconduct against one officer who is still employed with ACT Corrective Services. The other officer in relation to that investigation via the Integrity Commission is no longer employed by ACT Corrective Services.

**MR RATTENBURY:** The one who is no longer employed, was that the person who declined to participate in the Operation Falcon investigation?

**Mrs Close:** Yes. She was unwell.

**MS MORRIS:** I just wanted to acknowledge and commend the vision of JACS and the ACTCS, which is to have a human rights focus, and I can appreciate that can be difficult to implement at times, given the nature of the environment one must operate in. We have obviously seen some pretty concerning reports come out about the human rights compliance within the jail. Yes or no: is the prison a human rights compliant facility?

**Mrs Close:** Yes, it is.

**MS MORRIS:** Okay. That evidence seems to contradict evidence that we have heard from the healthy prison reviews reports, and I acknowledge there is one coming out soon. So is it your evidence that the four pillars of the human rights compliance are being met?

**Mrs Close:** We are absolutely committed to meeting all of those. Sometimes there will be issues where people, our detainees, do not agree that they are being met, and there are absolute avenues for them to take those complaints forward. If it is found that we are not compliant, then we will make those changes to make sure we become compliant.

**Mr Johnson:** I think the point to be made is corrections has a number of oversight bodies and arrangements in place to ensure that compliance is met, and if it is not for one reason or another, there is a way to fix it. It is an important part of ensuring human rights compliance that we have oversight bodies. We have: the official visitors program, which provides independent advice; the Inspector of Correctional Services; the ombudsman's office; and the Human Rights Commission regularly engage with all of those bodies.

**MS MORRIS:** So from the 2019 Healthy Prisons Review to 2022, the evidence was that there was a deterioration. Has there been a further deterioration in human rights compliance within the prison since that review? Are you able to—

**Mrs Close:** I do not have the specific data from the Human Rights Commission in relation to that, but the 2025 Healthy Prisons Review has commenced, and so we will be able to compare the trends from the 2022 report to now, at the completion of that this year.

**MS MORRIS:** We heard earlier in the week from official visitors. They highlighted some pretty alarming cases within the prison, one of them being wound dressings that had not been attended to for more than a week; another being birds nesting and

defecating on cooktop areas. What has been done to address these sort of issues? The report mentioned that they are ongoing. They have been going on for years. Nothing has been done about it. So I would really like to hear from your perspective what is actually being done.

**Mrs Close:** So in the health environment, we have a collaboration with Justice Health, who have nursing staff, doctors and others, available at the AMC, and they are there all day until 9 pm at night. There are a lot of appointments that are made for detainees to get that health care, so I am not sure of the specific instances that the Official Visitor is referring to. In relation to the issue around birds, that has been a concern in relation to the open doorways in some of the cell block areas. Actions have taken place, and I will ask Mr Taylor-Dayus to talk about what he has done in recent weeks, but there are some plastic shields over the doors to try to keep the birds out. However, sometimes the detainees open them up to have that airflow. Works are in train right now. I will ask Mr Taylor-Dayus to just outline that.

**Mr Taylor-Dayus:** Thank you, Commissioner. So I can confirm that a request to clean those areas was made to me on 7 January, which was approved on 7 January. A purchase order to the supplier was done on 10 January, and they are coming in next week to actually clean that. We are just working out the logistics of how we manage to get cleaning, at height, into the accommodation blocks, but it is scheduled to take place next week.

**MR EMERSON:** On health care, the Official Visitor mentioned that the level of health care provided within the AMC is not equivalent to what is available in our community. You have mentioned what is on offer in there at the moment. Is there a plan to address that gap, including with respect to the provision of medication for conditions like ADHD, which you also mentioned as hard to come by?

**Dr Paterson:** I think that question is better referred to the Health Minister, who has the responsibility for Justice Health.

**MR EMERSON:** In that case, have you seen a correlation between, say, the provision of medication and whether or not that is sufficient and the level of drug use in the AMC?

**Mrs Close:** I do not think I have seen a correlation between those things. The question you asked in relation to ADHD is something for Justice Health and the Minister for Health. However, I can say that I know the AMC is one of the few jurisdictions who allow the prescribing of certain ADHD medications. They are non-stimulant, and there is a psychiatrist that actually has to agree and prescribe that. The other parts of the question would be best served through Justice Health.

**MR RATTENBURY:** Minister, you spoke about the importance of the Official Visitor. In their annual report, they made interesting observations:

We have witnessed examples of individual staff members who are respectful and empathetic, as well as empowering and proactive in their responses. However, there are far too many reports of staff acting in ways that are disrespectful, dehumanizing and appear to be about wielding power.

Given the conversation we have had this morning about the ACT having the highest rate of corrections officers per detainees—compared to other parts of the country, we are quite well resourced—why do we have such a culture issue in our system from our corrections officers, and what are you doing to address that?

**Mrs Close:** I think, Mr Rattenbury, that the corrections environment is a difficult environment. I make no excuses, though. It should be a zero-tolerance approach for any person to be disrespectful in the environment to any of our detainees. We are constantly reminding our staff of their obligations. They are reminded of their training. We have a disciplinary process that can be put in place if we find that our officers are not behaving in the way that we would expect them to, and there are counselling processes, et cetera, to make sure, and reinforcement of those messages that that is our expectation.

**MR RATTENBURY:** I mean, we have a bit of a history right back to the hangman episode. Staff seem to have a cultural issue in the AMC. When we moved from the Belconnen Remand Centre to the AMC, the sense was we started a new culture. We seem to have struggled. How are we going to address that going forward?

**Mrs Close:** Constant focus and attention on the issues. We are making sure that we are identifying if people are disrespectful, reminding them of their training again, and yes, highlighting my expectation that does not occur. I think it is also important to note that it is a difficult environment that they work in. I was there for a visit a week or so ago, and through the intercom, the detainee was swearing and yelling at the officers. So they need to work back, be aware of their training, think about how they step back from that, and I saw the officer handling that extremely well. So, they have to continually reinforce their training. We have to have good leadership there, and we have been focused on that through the Blueprint for Change, on what the leadership requirements are to ensure that behaviours, language, et cetera, are appropriate.

**MR EMERSON:** I had a look at some of the recent Productivity Commission's Report on Government Services data, which indicate that we have, I believe, the highest rate of people returning to Corrective Services within two years of having been released from prison, but actually a relatively low rate when people have community corrections orders of coming back into contact with the system. What work is being done within the prisons to change that alarming rate?

**Mrs Close:** So there has been a significant program of work, titled the integrated offender management system, which has been looking at all of the various programs and criminogenic support needs that a detainee has right from the moment they enter the AMC. It is case management for individuals, identifying what they may need, whether it is drug-related programs, aggression programs, domestic and family violence. There are pathways for our prisoners to undertake those programs in the AMC. Then as they transition out, if they are on parole for example, there will be parole or order obligations that allow them to enter different programs into the community to try to assist them to not re-offend or not have breaches while they are on parole, for example.

**Mr Johnson:** I was just going to add to that. I guess the counterpoint to that is, in that same RoGS data, for detainees returning to prison, our recidivism rate is actually one of the lowest in the country—we are third, sort of in the lower part of the pack—so that

is a positive.

**MS MORRIS:** Do you have that figure?

**Mr Johnson:** Yes, 34.2 per cent.

**MS MORRIS:** And do you have a figure for corrective services?

**Mr Johnson:** The return to corrective services to the general population, which implies that they have gone from prison back into corrective services, which invariably means community corrections, is 62.4. Now, I think the positive that potentially could be taken from that is the second offence is less serious because they are going back into the community corrections environment, not back into a prison environment. So there is a positive part of that story.

**MR EMERSON:** Unless there is a change in sentencing behaviour, which is not your remit, obviously.

**Mr Johnson:** Yes.

**MR EMERSON:** That could be another explanation.

**Mr Johnson:** But part of the journey of recidivism potentially is progressively lesser impactful offences, which is positive.

**MR EMERSON:** Yes.

**Mr Johnson:** Not a great positive—better no offences—but a positive in terms of the journey.

**MR EMERSON:** My question is about people who are on remand. My understanding is rehabilitation programs are not made available to those people, which is understandable, because you might be innocent, and what are we rehabilitating you for? Do you keep track of—and I am looking at this number of people from prison returning to corrective services—the number of people who are waiting to be sentenced, by the time they are sentenced, they have served—that is all time is served, and so they are released without having gone through any sort of rehabilitation. Do you track that figure?

**Mrs Close:** I would have to ask Ms Lizzie Spulak, who is in charge of offender reintegration. We do not track that specific figure, but we do have opportunities for people on remand to participate in activities or programs, first of all, if they want to do that. There are some where there is self-paced learning. There are opportunities for them to participate in educational programs like CIT or university courses, and that is facilitated at the AMC for people, if that is what they would like to do as well.

**Mr Johnson:** Part of the challenge, I think, for remandees—we rightly have no control over the point at which they stop being a remandee, so they could be halfway through a program and then released, which is great, but the program might not get finished.

**MR EMERSON:** Sure. Do you have the figures of how many people who, when sentenced, have served all their time and are then released back into the community? That might give us an indication of how many people might not have gone through a full rehabilitation.

**Mr Johnson:** We may have to take that on notice because I am not sure even whether the courts—we could be sure we know the answer to that, because we have looked, and I am not sure it is quite that clear. We will have to take that on notice.

**MR EMERSON:** It could be something that is worth—it was raised with me as one of the real issues. It is not your fault. The court's clearing rates might not be what we would like for them to be, but obviously it has an impact on what is available to inmates.

**Dr Paterson:** I would like to provide the committee with an answer to Ms Morris's question. The AMC has a total capacity of 444 beds, and that excludes management unit, crisis support unit, and admissions.

**THE CHAIR:** Okay. If you have answers to earlier questions, maybe just leave that toward the end, but thank you.

**MS MORRIS:** We heard evidence from official visitors earlier in the week that there was a direct link between recidivism and the systemic issues within the AMC, such as boredom and lack of productivity. Does the ACT government acknowledge that link?

**Mr Johnson:** Perhaps to address that, I am aware of the OV's commentary. I guess I go back in part to the fact that our recidivism rate is actually relatively low, back into the AMC. The issues around boredom is something that has come up multiple times. I think you have seen Healthy Prison Reviews reflect on it over a period of time, but there has been significant work done to try and build both programs and education opportunities for detainees within the system to give them opportunities, which they get a choice to take up or not to take up.

**MS MORRIS:** How many times a day are prisoners confined to their cells in lockdowns?

**Mr Johnson:** I think the figure is—I can give you an official figure this year from the RoGS data—we increased “time-out-of-cells” from 9.5 hours to 10.2, from memory.

**Dr Paterson:** Two hours. That is correct.

**Mr Johnson:** So it is an increase in recent times.

**Dr Paterson:** Ms Morris, to add further to your last question, 31 per cent of ACT prisoners were engaged in vocational education and training, which is well above the national average of 17 per cent and leads nationally. I said in my ministerial statement last week that ensuring the education vocational training offerings and programs that are offered to detainees is a real priority for me this term.

**MS MORRIS:** On the lockdown hours per day, what is the explanation for that increase?

**Mrs Close:** Is there an explanation for the increase in the lockdown hours per day? Lockout—

**Mr Taylor-Dayus:** It is probably better staffing levels. We are obviously increasing staffing with more recruitment. So more staff are on shift during the day, so less time to lockdown, and less opportunities of locking down due to staff shortages.

**MS MORRIS:** I wanted to ask about illicit contraband entering the jail. How is that detected? What measures are used to detect it?

**Dr Paterson:** There has been a lot of work done on this in the last few years.

**Mrs Close:** So there are a lot of opportunities for us to detect contraband coming into the AMC. We have barrier controls at the entry points and we have metal detectors. All visitors or staff going in are checked through that process. We have an X-ray machine for detainees in terms of any potential internal concealments that they may have been able to access through visitors coming in to visit them.

We have our canine facility where they can undertake drug searching of cells and other environments in the AMC to identify if illicit substances have come in. We have security searches and the camera system. For example, recently it was identified that a visitor may have passed illicit substances to a detainee. That was captured on camera and certain actions were then taken in relation to both people. Referrals are made to ACT Policing as well when those sorts of illicit substances are identified.

We also do regular drug testing, random and targeted testing. There is clear signage throughout the AMC for visitors, especially in terms of what they can and cannot bring into the prison environment.

**MS MORRIS:** You touched on what was going to be a follow-up question, which is, what is the process when it is found? Presumably, it is confiscated and then referred to police for investigation.

**Mrs Close:** Depending on what the contraband is, yes.

**MS MORRIS:** Depending on what it is. Okay.

**Mrs Close:** Yes.

**MS MORRIS:** Are you able to provide what contraband items have been detected in the previous and current financial year?

**Mrs Close:** I will take that on notice.

**MR RATTENBURY:** Just a quick question: is the X-ray machine at the AMC currently working?

**Mrs Close:** Yes.

**Mr Johnson:** Both of them are working. There is two there actually. One is in the visits area—not for visitors—and is also working.

**Mrs Close:** Yes.

**MR RATTENBURY:** Okay. That is good news. Thank you.

**MR EMERSON:** Have you seen a change in the amount of contraband, especially drug-related contraband, and drug use, since tobacco was banned in the prison?

**Mrs Close:** I will ask Mr Taylor-Dayus if he is seen that. I have only been there four weeks, so I have not had any reporting about that specific issue.

**Mr Taylor-Dayus:** Sorry. Could you just rephrase the question?

**MR EMERSON:** Has there been an increase in the presence of other drugs being brought into the AMC and used since the tobacco ban?

**Mr Taylor-Dayus:** Short answer would be no; I have not seen any. No increase in that.

**MS MORRIS:** Have you had any incidents of contraband entering the prison from outside that is dropped by drones or anything like that?

**Mrs Close:** I know the officers are always very much aware of the perimeter fence. We have had a suspected drone in the environment—the AMC environment—about a week or two ago. We keep an eye on the fence areas, and the land on which the AMC is situated as well, through our officers, but yes, it is a big complex. They do keep a close eye to make sure that no contraband is able to come in through things being thrown over the fence, for example.

**MR WERNER-GIBBINGS:** I read an article late last year, about the Detention Exit Community Outreach Program. What is the extent of that program? How many people are in that program at any one time? Or, for instance, this quarter?

**Mrs Close:** I would have to take the number on notice of how many. However, it is open to all detainees who are leaving the AMC to be given that level of support depending on what their needs are as they reintegrate back into the community.

**MR WERNER-GIBBINGS:** Okay. Well, then on notice, what would be the percentage of detainees who leave the AMC taking up an opportunity with the DECO?

**Mrs Close:** I will take them on notice.

**MR RATTENBURY:** I wanted to ask about the current utilisation of the Transitional Release Centre; how much it is being utilised, and what its plans are—historically, it has been underutilised—what the plans are to improve that rate of utilisation.

**Mrs Close:** I will ask Mr Taylor-Dayus to give some specific information in relation to that, but there has been an increase in the use of the Transitional Release Centre in recent times. There has been a lot of negotiation with different employers to identify

pathways for people. It is not only for employment pathways though. It is also for detainees who meet certain criteria such that they can move into the Transitional Release Centre, and then they can go into the community for family reunions and other events, preparing them for their final release out of the AMC. I will hand over to Mr Taylor-Dayus while I find the number for you.

**Mr Taylor-Dayus:** Currently, the Transitional Release Centre is running at maximum capacity. It has over 15 detainees out there. It can hold a capacity of 20, but unfortunately some of the accommodation there has been used as staff offices at the moment. We are in the process of working through getting staff out of those offices to free up that prisoner space. There is a healthy application process and a waiting list actually to go into TRC, and there is regular transition release meetings held to evaluate applications and requests to go into TRC for those who meet the criteria. So TRC is actually functioning quite well.

**MR RATTENBURY:** Well, that is positive news because historically it has probably been a little low. I guess it begs the question on the other end of the spectrum: do you therefore have any plans to increase the capacity of the TRC given the demand seems to be there, and certainly the last but one corrections minister actually hindered the development of further outside-the-fence capacity?

**Mr Johnson:** Perhaps—and because I have some history to this, it might be useful to the committee. There was a considerable amount of work done to remodel the policies and programs that work towards TRC, and part of that history was the reason why there was a shortage of flow into the Transitional Release Centre. So there have been changes historically in the last sort of three years that has got us to the point where we are now. For example, one of them is that now you can be within two years of the end of your sentence instead of one year, and there are some other things that allow it to work more smoothly, and some better systems and processes that have been put around the Transitional Release Centre.

But the modelling that was done at the last point—just in terms of that flow of people coming to meet those requirements—still only got us within that envelope of numbers with the Transitional Release Centre. So at this point, we think it is pretty close to—not capacity physically, but capacity in terms of the throughput of detainees that are going to be suitable under the current framework as well. So a greater capacity in the TRC does not necessarily mean we have more people to put in there, I guess is the point to be made, in the current policy framework.

**MS MORRIS:** Minister, you recently advised the Assembly that you were not confident that operational information on the jail was secure following the leaking of internal footage. That raises several security implications of concern. Are you able to update the committee on what measures are currently in place or being investigated, to improve the integrity of our systems and to ensure that they are secure?

**Dr Paterson:** I would say the footage that was leaked is 10 years old, so I am assuming that whoever took that footage took it 10 years ago.

**MS MORRIS:** But it was leaked very recently, so that is—



**Dr Paterson:** But the breach occurred potentially 10 years ago and I think there has been a lot of work done on the integrity of the CCTV and information systems.

**Mrs Close:** Ms Morris, I have instigated a review to understand how much data is retained on which systems, including all of our secure and unsecured systems. We have our digital technology area working with my security team to make sure we are locking down any videos that are inappropriately held on individual systems. We are doing a review in relation to USB and other hard drives or disc access to our computers to ensure no one has that access inappropriately and that we have the right systems and processes in place for audit of those systems as well. So we are doing a significant amount of work in looking at all of those systems issues.

**MR EMERSON:** I have a question on people with disability, particularly intellectual disability. We know that people with disability are over-represented in the criminal justice system. The need to strengthen screening processes was identified in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, and our public hearings with that royal commission officials from the ACT government indicated a specialised screening tool was being developed. In the 2019-2023 Disability Justice First Action Plan, there was a commitment to trialling such tools. Is a screening tool for intellectual or cognitive disability in use in the AMC?

**Mrs Close:** Yes, it is, and I have some data in relation to the screening tool. On induction into the AMC, every detainee goes through a detainee footprint survey, which asks questions around their health, disability and other issues that they may have; physical, mental health issues, et cetera. So from the period June to December 2024, we had 52 people enter the AMC and say that they had a disability, 172 people said they did not, and 30 people did not answer that question. Then we break that down by different disability-type categories so we can understand what needs they may have from a medical perspective and support from processes and programs we have in the AMC.

**MR EMERSON:** When was that screening tool introduced? Was it June 2024?

**Mrs Close:** I would have to take that on notice. I do not have that with me.

**Ms Spulak:** May.

**Mrs Close:** Sorry, May. Advised May 2022.

**THE CHAIR:** I beg your pardon. We have just had an official answer from the floor. You need to identify yourself and address the privilege.

**Ms Spulak:** Yes. I agree with the privilege. We introduced what we call the footprint survey over May 2022, and that is where we did a re-jig of our reception, admission and induction process. In the reception space, we use a model based on the Washington Group Questions, which looks at immediate disability needs. We are currently looking at introducing the HASI or the Hayes Assessment Screening Instrument into our footprint tool. We are meeting with the author of that tool, and also with Queensland Corrections because they have introduced it in that space, and that will give us even more information around disability.

**MR EMERSON:** I am curious about the level of consultation with organisations representing people with disability in the development of the footprint tool you have just mentioned.

**Ms Spulak:** Yes. We had a number of external consults held by an external consultant agency called PunkPD, and in that, we had people with lived experience and we had people from all the advocacy agencies for disability. We also took it to the disability reference group, which is an ACT Corrections committee that has people from across different areas of disability, advocacy groups, as well as lived experience detainees.

**THE CHAIR:** We will have to stop it there. I am sorry. On behalf of the committee, I would like to thank you all for your attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof of *Hansard*. The committee will now suspend proceedings and will reconvene at 3.45. Thank you, everyone.

**The committee suspended from 9.45 am to 3.45 pm**

Appearances:

Legal Aid ACT

Boersig, Dr John, Chief Executive Officer

Monger, Mr Brett, Chief Financial Officer

**THE CHAIR:** I welcome the witnesses from the Legal Aid Commission ACT. I remind witnesses of the obligations and protections afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Please confirm that you each understand the implications of the statement and that you agree to comply with it?

**Dr Boersig:** I do.

**Mr Monger:** I do.

**THE CHAIR:** Thank you very much. We are not taking opening statements, so I will commence with my first question. As you are probably aware, yesterday, the Law Society issued a media release. I will read the opening line:

The ACT Law Society advises that President Rob Reis has tendered his resignation from the President and Immediate Past President roles, effective immediately.

As you are also aware, Mr Reis is an employee of Legal Aid.

**Dr Boersig:** He is.

**THE CHAIR:** Have you inquired as to the reason for his resignation and, in particular, for stepping down from the honorary role of immediate past president on the council?

**Dr Boersig:** Yes, I have spoken with him. I spoke with him when he came to Legal Aid, and we were very pleased to have him join us. He has a great depth of experience, and he is doing a great job.

**THE CHAIR:** For the sake of the record, I wish to advise that I was on the council myself for four years, up to September 2020, and for three of those years as vice-president, so I have a pretty good understanding of the role of the Law Society in both supporting members and upholding the integrity of the profession. You said you have spoken to him. Did he advise you of the circumstances of his departure from the Law Society last year, as part of his application to Legal Aid as an employee?

**Dr Boersig:** Yes. I think we are treading on thin ice here, in terms of employment conditions and privacy. He certainly told me what had happened at the Law Society and why he wanted to come to Legal Aid.

**THE CHAIR:** What did you ask him to disclose about his departure, as part of your probative checks, in taking him on as an employee?

**Dr Boersig:** I asked him why he wanted to come here and what had happened, so he explained what had happened. It was an employment issue between him and them, and I understood some of the details of that. I do not know that I am at liberty to disclose private conversations.

**MR RATTENBURY:** Can I clarify something, Chair?

**THE CHAIR:** Yes.

**MR RATTENBURY:** Dr Boersig, is Mr Reis already an employee of Legal Aid? Is he an ongoing employee?

**Dr Boersig:** He is, yes.

**THE CHAIR:** When did that actually start? It was last year?

**Dr Boersig:** In about June last year. When he left the Law Society, he came to work for us.

**MR RATTENBURY:** Chair, the reason for my question is that he has an ongoing employment relationship with Legal Aid. Nothing has changed at Legal Aid.

**THE CHAIR:** No. Obviously, in September last year, he was appointed president of the Law Society.

**Dr Boersig:** Yes.

**THE CHAIR:** I have read what happened yesterday. Effectively, he is no longer the president.

**Dr Boersig:** Yes.

**THE CHAIR:** Nor is he going to be sitting on council in the role in which the immediate past president would ordinarily sit.

**Dr Boersig:** Yes.

**THE CHAIR:** When he became president in September last year, you were aware of that role and what it required? Did it change his employment circumstances with you?

**Dr Boersig:** He reduced the hours of work with us.

**THE CHAIR:** Did you then re-explore with him any potential conflicts, given he was then adopting a very senior role in the profession?

**Dr Boersig:** Yes.

**THE CHAIR:** What were the—

**Dr Boersig:** We had a very sensible discussion. Anything to do with Legal Aid would

be referred to the deputies, and we would not discuss financing of Legal Aid, for example, from the statutory interest account, with him. For example, in relation to criminal law policy, that is done by Michael Kukulies-Smith, who is head of their criminal law committee.

This is not unusual. There has previously been a Canberra Community Law person, Farzana, who was president, and she would also step aside when matters concerning Legal Aid or CLCs were done. It was all very up-front and clear. I never lobbied him about Legal Aid or Legal Aid policy; we avoided that.

**THE CHAIR:** You were satisfied with his explanation for his departure from a longstanding position as the complaints director. You were satisfied to take him on as an employee, back in June?

**Dr Boersig:** Indeed. He was an admitted solicitor.

**THE CHAIR:** And to retain him once he became president—that was of no concern to you?

**Dr Boersig:** No. We need to manage any potential conflicts, and that is true, and we should keep awareness of that. But there were no nefarious dealings done.

**THE CHAIR:** Will the news of yesterday cause you to review his employment status in any way at all?

**Dr Boersig:** No.

**THE CHAIR:** Are you aware of whether Mr Reis used his Legal Aid resources—for example, email account—for presidential work or even lobbying work in a personal capacity?

**Dr Boersig:** No, I am not aware of whether he did. I have never checked his email. It never occurred to me to do that.

**THE CHAIR:** Is it something that you regularly check with your employees about—whether they are using the resources appropriately or not?

**Dr Boersig:** We have all sorts of systems in place in relation to quality assurance, but checking people's emails is done by their supervisor, generally, in terms of settling issues that are related to clients. Whether people use it for a private purpose, if you are saying you think I should do that then—

**THE CHAIR:** I am just asking what your practice is. Who is his supervisor?

**Dr Boersig:** Paul Smith.

**THE CHAIR:** Finally on this line, did you have any reason to discuss with the department either the taking on of Mr Reis as an employee in June or, once his status changed, he became president in September?

**Dr Boersig:** No, I did not.

**THE CHAIR:** Will the news of yesterday cause you to have a discussion with the department at all?

**Dr Boersig:** No. He resigned. He decided to resign.

**MR RATTENBURY:** I want to ask about the National Legal Assistance Partnership. Of course, you will be familiar with it; members will know that Dr Warren Mundy did a significant review last year. The commonwealth has been progressing a response to that. Are you able to give us an update from your perspective on the progress of the implementation of that review?

**Dr Boersig:** In relation to the total amount of dollars, that has been agreed between state and territory, and that has been signed. As I understand it, apart from Legal Aid, there are still negotiations between the local CLCs, women's legal centres and consumer law around their proportion of the dollars that will come to them. Legal Aid is clear that that is in the outyears, because it is an appropriation, so we know what the dollars are, and we know what we are getting from 1 July this year.

**MR RATTENBURY:** In terms of the additional dollars that will flow?

**Dr Boersig:** Yes.

**MR RATTENBURY:** Are you able to tell me what those are? I am sure they are in a document. I just thought you might know.

**Dr Boersig:** With the actual dollars, I do not know what they are.

**Mr Monger:** It is a slight increase on what we previously got under the agreement.

**MR RATTENBURY:** What is a slight increase? Are we talking about one or two per cent, 10 per cent or—

**Dr Boersig:** \$80,000. From my point of view, it is concerning because it does not really take into account sufficiently issues around inflation, issues around the means test and general population growth. We are somewhat concerned about that.

**MR RATTENBURY:** What would \$80,000 be, as a percentage of your overall annual budget?

**Mr Monger:** Our income is about \$24 million.

**MR RATTENBURY:** So it is a third of one per cent?

**Dr Boersig:** Yes.

**MR RATTENBURY:** If I am doing my maths right.

**Dr Boersig:** It is very small. Some legal aid commissions have gone backwards.

**MR RATTENBURY:** Which were clearly not the recommendations that Dr Mundy made in his review. He was highlighting how much the sector was under pressure, if I recall correctly.

**Dr Boersig:** He was. If I can say fairly, I was pleased to see the injection of funds to community legal centres, women's legal centres, ALSs and family violence prevention legal services. That is all welcome. The difficulty is that the Legal Aid Commission still does 60-plus per cent of all the work, so the proportion of the increase to us does not allow us to address problems in relation to private practitioner fees or, indeed, means tests.

As you know, we are talking about people getting legal aid when they are somewhere between 100 and 120 per cent of the poverty line. That means, in your hand, between \$411 and \$496 a week, after you have taken deductions. It is not much, particularly with this cost-of-living crisis. We are concerned that we will have to address some staffing issues and the levels of grants in certain matters.

**MR RATTENBURY:** With that quantum of money, you will not see any service increase. It is really just—

**Dr Boersig:** It makes it very tight. For example, the cost of a family law report in the Family Court has gone from something like \$9,000 to \$15,000 in the last few years.

**MS TOUGH:** My question is about the outreach programs that Legal Aid does. I am interested in what outreach Legal Aid is currently undertaking across Canberra.

**Dr Boersig:** Legal Aid has a very large outreach program. We form partnerships with a range of organisations, like Communities@Work, Salvation Army, MARSS and a range of other organisations. Outreaches work best when you are in partnership with someone, because it is about collecting people at the right time and the right place. We are currently focusing on Sisters in Spirit, which is an Aboriginal organisation in Tuggeranong, and we also focus on Winnunga Nimmityjah. We are looking at Gugan Gulwan as well. Of course, we are trying to attract people who are in that situation.

You will see in our report that we assisted something like 8,000 people in some of this outreach. That does not include some of the additional legal work that arises from that. We use our outreaches as conduits to services. Particularly when lawyers are delivering outreach, you might give a CLE; then you will stay around and harvest off people who have particular questions.

**MS TOUGH:** How often are you at the Centenary Hospital for Women and Children and North Canberra Hospital?

**Dr Boersig:** We are there three to four days a week, at North Canberra. The HJPs are one of my favourite programs. We provide those services at Canberra Hospital and at North Canberra Hospital now. That was in part an arrangement with Women's Legal Centre. We then moved out into the health centres and we took over that place. That is a fundamentally important place, particularly for women. We place our people in the obstetrics-gynaecological wards. We do a lot of family violence, a lot of care and

protection, with that work.

**Mr Monger:** We also go out to the colleges and do a program where we visit every Canberra public college between once a week and once a fortnight.

**MS TOUGH:** That gets a good response from students?

**Mr Monger:** Yes.

**Dr Boersig:** Trying to get kids to talk to you about what their legal problems are, let alone any of their problems, is really difficult. Sometimes you just have to try and be where they are. With kids at school, again, we pick up family violence, care and protection matters there, and a range of other matters as well. It is a great program.

**MS MORRIS:** I have a couple of questions about the employment of a convicted child sex offender, Bradley Burch, otherwise known as Brad Sexton. Could you please confirm whether all of Legal Aid's recruitment processes were followed when he was hired by Legal Aid?

**Dr Boersig:** I might read something out, if I may. You will see that at various stages I have spoken with the Government Solicitor's Office. Will you allow me to read that out?

**MS MORRIS:** Sure, go ahead.

**THE CHAIR:** How long is it?

**Dr Boersig:** A paragraph.

**THE CHAIR:** Go ahead.

**Dr Boersig:** As is usually the case, a referee report was obtained as part of the recruitment processes. As is usually the practice, the relevant individual was asked to complete a police check form, and the completed form was sent to the AFP on 21 June 2023, prior to the individual starting at Legal Aid ACT. A response from the AFP in respect of the police check form was received by Legal Aid ACT on 2 August 2023. As is the usual practice when results of police checks are received in respect of employed individuals, a risk assessment was conducted on 2 August 2023 and appropriate decisions were made about work roles and access to information on 3 August 2023. Legal Aid ACT is satisfied that the relevant individual was appropriately supervised by lawyers and senior paralegal staff.

Legal Aid ACT has taken steps to make clearer in its pre-employment documents what standards prospective employees are likely to have to meet in respect of police checks and working with vulnerable people registration. Legal Aid ACT has also taken steps to strengthen requirements on prospective employees to provide full disclosure at interview and onboarding of information likely to be of relevance to the person being employed by Legal Aid ACT.

**MS MORRIS:** Thank you for that. That was very helpful. When, in that case, was Mr



Burch hired? When did he officially onboard with you?

**Dr Boersig:** He started around 2 July.

**MS MORRIS:** Legal Aid commenced his employment before a response from the police had been received?

**Dr Boersig:** It did. Can I just confirm that that is not our usual practice.

**MS MORRIS:** That is not your usual practice?

**Dr Boersig:** No. All staff now, just to be clear, have to either have a police check and/or a working with vulnerable people, if they are not a lawyer. The lawyers do not need the working with vulnerable people—

**MS MORRIS:** But it was not your usual practice at the time?

**Dr Boersig:** It was our standard practice to ensure that people had that clearance. I cannot say categorically that, on every occasion, that happened. Clearly, on this occasion, it did not happen. It is unusual for there to be such a delay in getting the police check back. You may have seen comments by the police in newspapers around why that might have been the case. I do not know; I have not spoken with them, but that is what they have been reported as saying.

**MS MORRIS:** It is not usual practice to commence employment before a police check is returned?

**Dr Boersig:** It is generally not necessary, because the time lag is usually days or a week. For most people, we have the check before. There are times, for example, when we employ students, where a working with vulnerable persons check has not come back but a police check has, and we would still continue with them, even though they actually need it, and we are just careful about where we place them. Those issues relate to whether someone has front-of-house responsibilities with clients.

**MS MORRIS:** Is the risk assessment standard practice for all employees, or was that as a result of the police response?

**Dr Boersig:** In relation to whenever we get a record of a police check, that is looked at. Legal Aid has been going since 1977. A matter of this nature has only arisen once. What mostly happens is that, when people fill out the form, they will say, “A drink-driving charge,” or something when they were a child.

**MS MORRIS:** The form when doing the risk assessment?

**Dr Boersig:** We have a form that they have to fill out; it includes your name and address, whether you have other names, and whether you have any criminal convictions. It is all in the form, and that is all done. That information is consented to, and that is what is sent to the police—the information they use.

When we see those, if we see anything, it is usually very minor things. There are

occasions when you look at that and you make an assessment. You meet the person and you make an assessment about giving them a start, particularly when they are a student and, say, working on the helpline, or coming in as a paralegal. Anyone with anything significant should be drawn to my attention. That is what should happen.

**MS MORRIS:** And in this instance?

**Dr Boersig:** No, it was not.

**MS MORRIS:** Would you put this down to human error or a systemic issue?

**Dr Boersig:** Human error. As you heard, once we knew, on the 2nd, we took immediate action.

**MS MORRIS:** His employment was ceased on the 2nd?

**Dr Boersig:** No. There are a whole range of issues that you have to deal with in relation to employment that requires fair dealings with someone and the right to someone to have a responsibility. I changed where the person was and ensured there was no access to information that could conceivably be consequential. During that period of time you must engage with people in a fair way, listen to their side and an explanation about their views, and give them an opportunity for legal advice. We went through a process like that.

**THE CHAIR:** With the discovery of the prior criminal record, what was the actual reason for the termination of his employment?

**Dr Boersig:** He resigned.

**THE CHAIR:** He resigned? Okay. Would you have terminated the employment if he had not resigned?

**Dr Boersig:** That was a clear issue that was on the table. At that point we were still in a process of negotiation. There are issues, and you will see that the government has taken action, essentially at my request, to clarify that Legal Aid ACT is a place where people with that kind of record cannot work.

There are always lessons to be learned from every experience, and we learned lessons from this, too. We have been able to put things beyond doubt, and make it clear what the situation is for people with that kind of criminal record. You must remember that there is no prohibition against employment of people simply with a criminal record.

**THE CHAIR:** Was the issue—this perhaps would have led to his termination—that he failed to disclose a prior criminal record? Would that have been sufficient to terminate his employment?

**Dr Boersig:** If that had been the case, it certainly would, but I cannot comment—

**THE CHAIR:** But it was the case. Had he disclosed his prior criminal record?

**Dr Boersig:** He had disclosed what was appropriate to disclose on that form.

**THE CHAIR:** Are you suggesting that the form did not ask if he had a prior criminal record?

**Dr Boersig:** No, it does.

**THE CHAIR:** And he had disclosed his criminal—

**Dr Boersig:** I have to be very careful—

**THE CHAIR:** Did you really learn anything new as a result of the police check? That is my question.

**Dr Boersig:** Yes, we did. There are different ways of describing whether you have a criminal record. For example, you can say, “Drink-driving charge.” You can say—

**THE CHAIR:** What did he disclose to you?

**Dr Boersig:** You can then characterise it as whether a conviction is spent or unspent. Instead of putting “drink-driving charge” or whatever it is, if you put “unspent conviction”, that is something that someone could do on that form.

**THE CHAIR:** Just to clarify, if he had not resigned, would you have had cause to terminate his employment?

**Dr Boersig:** I believe so.

**THE CHAIR:** Because?

**Dr Boersig:** I believe that, just in the way that the government has legislated now, someone with that background is best not working in an environment with young people.

**THE CHAIR:** But you knew enough about a criminal record to hire him, nonetheless. That is what you seem to be saying.

**Dr Boersig:** No, I did not say that. I said that there was disclosure about whether a conviction is unspent. On the form—and I can send you all a form—you can write in what the conviction actually is or you can choose, apparently, to say “unspent conviction”.

**THE CHAIR:** Did he correctly answer the form?

**Dr Boersig:** I think that is a moot question.

**THE CHAIR:** That may touch on the quality of your form. Ms Morris?

**MS MORRIS:** I want to confirm whether any other employees—or anyone, for that matter—had raised Mr Burch’s background with you and with Legal Aid prior to his

employment coming to an end.

**Dr Boersig:** No.

**MS MORRIS:** No-one had raised any concerns? As soon as I saw his name, I remembered the previous media articles that had been reported on him. It was a well-publicised case.

**Dr Boersig:** Okay; the time line—

**MS MORRIS:** Had anyone raised any concerns?

**Dr Boersig:** The time line here is important because we are talking about 2023, but the articles about him came out a year later, in 2024. He had been away from us for—

**MS MORRIS:** His previous convictions had been reported, though, earlier than that.

**Dr Boersig:** Not that I am aware of; not publicly. In terms of 2023?

**MS MORRIS:** I can check. I believe it goes back to 2020.

**Dr Boersig:** Okay. It depends on what you are talking about—under which name. His matter was dealt with by the courts earlier than that under a different name than the one with which we recruited him.

**MS MORRIS:** Going back to the original question, no-one had raised any concerns—

**Dr Boersig:** No.

**MS MORRIS:** about his employment? It was solely by virtue of the police response?

**Dr Boersig:** That is right, yes.

**THE CHAIR:** Dr Boersig, just to clarify, what extra information did the police check reveal to you?

**Dr Boersig:** They revealed the actual offences.

**THE CHAIR:** That is not something you actually asked about at the commencement, in his application—

**Dr Boersig:** We ask: does someone have a criminal conviction? There is a space to say what they are.

**THE CHAIR:** Has this led you to review and revise your application process, as well as your internal processes?

**Dr Boersig:** We immediately reviewed our processes. I can assure you that they are as watertight as they can be. We get reference checks; we make sure that those are clear. We got reference checks in this case as well. Subject to some kind of fraud about a

person, I can assure you that no-one gets in the door unless they have a positive police clearance.

**THE CHAIR:** I understand that, but in terms of your application, when they fill in the form, are you confident that if Mr Burch had the revised approach, he either would have had to mislead you or actually disclose the nature—

**Dr Boersig:** Correct. That is right. I am very confident about that, partly because it is also now so much clearer. When we invite people to come to Legal Aid, it is so much clearer about what our expectations are, in terms of disclosure.

**Mr Monger:** Actually, at the interview our human resources representative on the interview panel asks questions like, “Have you got full working rights,” “You will need a police check; is there any reason why you won’t be successful in the police check?”

**THE CHAIR:** We will draw the hearing to a close. On behalf of the committee, I would like to thank our witnesses who have assisted the committee through their experience and knowledge. I also thank broadcasting and Hansard for their support. If a member wishes to ask questions on notice, please upload them to the parliamentary portal as soon as possible, and no later than five business days from today. This meeting is now adjourned.

**The committee adjourned at 4.15 pm.**